

Official Journal of the European Union

C 347



English edition

Information and Notices

Volume 65

9 September 2022

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2021-2022 SESSION

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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.

EUROPEAN PARLIAMENT

2021-2022 SESSION

Sittings of 8 to 11 March 2022

TEXTS ADOPTED

Tuesday 8 March 2022

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P9_TA(2022)0056

Shrinking space for civil society in Europe

European Parliament resolution of 8 March 2022 on the shrinking space for civil society in Europe (2021/2103(INI))

(2022/C 347/01)

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 ('the Charter'),
- having regard to the European Convention on Human Rights (ECHR),
- having regard to Regulation (EU) 2021/692 of the European Parliament and of the Council of 28 April 2021 establishing the Citizens, Equality, Rights and Values Programme and repealing Regulation (EU) No 1381/2013 of the European Parliament and of the Council and Council Regulation (EU) No 390/2014 ⁽¹⁾,
- having regard to Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget (the Conditionality Regulation) ⁽²⁾,
- having regard to the Commission communication of 20 July 2021 entitled '2021 Rule of Law Report — The rule of law situation in the European Union' (COM(2021)0700),
- having regard to the Commission guidance of 23 September 2020 on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence ⁽³⁾,
- having regard to the report of the European Economic and Social Committee Group on Fundamental Rights and the Rule of Law of June 2020 entitled 'National developments from a civil society perspective, 2018-2019',
- having regard to the report of the EU Agency for Fundamental Rights (FRA) of 17 January 2018 entitled 'Challenges facing civil society organisations working on human rights in the EU', its bulletins published in 2020 on the fundamental rights implications of the COVID-19 pandemic in the EU, and its other reports, data and tools, in particular the European Union Fundamental Rights Information System (EFRIS),

⁽¹⁾ OJ L 156, 5.5.2021, p. 1.

⁽²⁾ OJ L 433 I, 22.12.2020, p. 1.

⁽³⁾ OJ C 323, 1.10.2020, p. 1.

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- having regard to the FRA report of 22 September 2021 entitled ‘Protecting civic space in the EU’,
- having regard to the joint Guidelines of the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) and the Venice Commission of 1 January 2015 on Freedom of Association,
- having regard to the Council of Europe report of 11 February 2019 entitled ‘Shrinking space for civil society: the impact on young people and their organisations’,
- having regard to the OSCE/ODIHR and Venice Commission Guidelines of 8 July 2019 on Freedom of Peaceful Assembly,
- having regard to the United Nations guidance note of 23 September 2020 on the protection and promotion of civic space,
- having regard to the UN declaration of 9 December 1998 on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,
- having regard to the General Comment No. 34 of the UN Human Rights Committee of 12 September 2011 on Article 19: freedoms of opinion and expression,
- having regard to the General Comment No. 37 of the UN Human Rights Committee of 17 September 2020 on Article 21: the right to peaceful assembly,
- having regard to the UN Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters of 25 June 1998 (Aarhus Convention) and Decision VII/9 of 21 October 2021 on a rapid response mechanism to deal with cases related to Article 3(8) of the Aarhus Convention,
- having regard to UN resolutions 2250 (2015), 2419 (2018) and 2535 (2020) on youth, peace and security,
- having regard to the UN Declaration on Human Rights Defenders of 1998,
- having regard to the recommendation of 10 October 2007 of the Council of Europe Committee of Ministers to Member States on the legal status of non-governmental organisations in Europe,
- having regard to the statement of 16 May 2019 of the Commissioner for Human Rights of the Council of Europe entitled ‘Let’s defend LGBTI defenders’,
- having regard to the opinion of the European Economic and Social Committee (EESC) of 20 March 2019 entitled ‘Resilient democracy through a strong and diverse civil society’,
- having regard to the EESC opinion of 19 October 2017 entitled ‘Financing of civil society organisations by the EU’,
- having regard to the 2020 Annual Report by the partner organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists,
- having regard to the Commission communication of 2 December 2020 on a strategy to strengthen the application of the Charter of Fundamental Rights in the EU (COM(2020)0711),
- having regard to the Commission communication of 3 December 2020 on the European democracy action plan (COM(2020)0790),

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- having regard to its resolution of 3 October 2017 on addressing shrinking civil society space in developing countries ⁽⁴⁾,
 - having regard to its resolution of 19 April 2018 on the need to establish a European Values Instrument to support civil society organisations which promote fundamental values within the European Union at local and national level ⁽⁵⁾,
 - having regard to its 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 ⁽⁶⁾,
 - having regard to its resolution of 7 October 2020 on the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights ⁽⁷⁾,
 - having regard to its resolution of 13 November 2020 on the impact of COVID-19 measures on democracy, the rule of law and fundamental rights ⁽⁸⁾,
 - having regard to its resolution of 25 November 2020 on strengthening media freedom: the protection of journalists in Europe, hate speech, disinformation and the role of platforms ⁽⁹⁾,
 - having regard to its resolution of 26 November 2020 on the situation of Fundamental Rights in the European Union — Annual Report for the years 2018-2019 ⁽¹⁰⁾,
 - having regard to its resolution of 24 June 2021 on the Commission's 2020 Rule of Law Report ⁽¹¹⁾,
 - having regard to its resolution of 17 February 2022 with recommendations to the Commission on a statute for European cross-border associations and non-profit organisations ⁽¹²⁾,
 - having regard to its resolution of 11 November 2021 on strengthening democracy and media freedom and pluralism in the EU: the undue use of actions under civil and criminal law to silence journalists, NGOs and civil society ⁽¹³⁾,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Legal Affairs,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0032/2022),
- A. whereas the Union is founded on the values enshrined in Article 2 TEU and these values are common to the Member States; whereas Articles 11(2) TEU and 15(1) TFEU stress the importance of civil dialogue for the realisation of the Union's objectives;
- B. whereas civil society organisations (CSOs) are non-profit making organisations independent of public institutions and commercial interests, whose activities contribute to the realisation of the EU values set out in Article 2 TEU and fundamental rights; whereas CSOs can take various forms such as associations and foundations; whereas human rights defenders, activists and informal groups are also key actors in civil society;
- C. whereas an intersectional approach is key both to understand and to successfully address the vulnerabilities citizens are facing when they engage in civil society;

⁽⁴⁾ OJ C 346, 27.9.2018, p. 20.

⁽⁵⁾ OJ C 390, 18.11.2019, p. 117.

⁽⁶⁾ OJ C 363, 28.10.2020, p. 45.

⁽⁷⁾ OJ C 395, 29.9.2021, p. 2.

⁽⁸⁾ OJ C 415, 13.10.2021, p. 36.

⁽⁹⁾ OJ C 425, 20.10.2021, p. 28.

⁽¹⁰⁾ OJ C 425, 20.10.2021, p. 107.

⁽¹¹⁾ OJ C 81, 18.2.2022, p. 27.

⁽¹²⁾ Texts adopted, P9_TA(2022)0044.

⁽¹³⁾ Texts adopted, P9_TA(2021)0451.

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- D. whereas many CSOs struggle to survive and have problems with funding, which can seriously hinder their effectiveness and their ability to fulfil their mandate;
- E. whereas civic space refers to the legal and political framework in which people and groups can meaningfully participate in the political, economic, social and cultural life of their societies, exercising the right to express views, the right to information, and the right to assemble, associate and engage in dialogue with one another and with authorities;
- F. whereas freedom of thought and freedom of expression, including in the online space, are the cornerstone of every free and democratic society; whereas civic activism is the fabric of a truly functioning democracy where the rights of minorities are safeguarded and respected; whereas CSOs should have the right to participate in matters of political and public debate, regardless of whether the position taken is in accordance with government policy or advocates a change in the law;
- G. whereas freedom of association is one of the essential bases of a democratic and pluralist society, as it allows citizens to act collectively in fields of mutual interest and to contribute to the proper functioning of public life; whereas freedom of association does not only include the ability to create or dissolve an association but also the ability for that association to operate without unjustified interference by the state; whereas the ability to seek, secure and use resources is essential to the operation of any association; whereas the prohibition or dissolution of an association should always be a last-resort measure and such decisions should be subject to legal redress;
- H. whereas the right to peaceful assembly is a cornerstone of democracy and is crucial to creating a tolerant and pluralist society in which groups with different beliefs, practices, or policies can coexist peacefully; whereas restrictions to and the policing of peaceful assemblies must respect legality, necessity, proportionality and non-discrimination;
- I. whereas the right to information is a precondition for an informed public debate and for holding authorities and public institutions accountable;
- J. whereas freedom of expression and access to information has been restricted in some Member States, often under the pretext of fighting disinformation related to COVID-19; whereas measures preventing terrorism or hate speech should not result in undue restrictions on freedom of expression; whereas strategic lawsuits against public participation (SLAPPs) have also been used to target CSOs, human rights defenders and activists working in the fields of the environment, rule of law, LGBTIQ+ rights and women's rights in several Member States; whereas these exert a severe chilling effect on freedom of expression and public activism;
- K. whereas freedom of association is being eroded in some Member States by reforms that put CSOs at risk of deregistration or that introduce unduly burdensome administrative processes, including but not limited to the improper application of anti-money-laundering measures or policies restricting the right to engage in advocacy;
- L. whereas in some Member States, restrictions have been imposed with the deliberate aim of limiting civic space and are accompanied by legal, administrative and fiscal harassment, criminalisation and negative rhetoric aimed at stigmatising and delegitimising CSOs and draining their capacity to carry out their legitimate work; whereas hate speech — both online and offline — and verbal and physical harassment and attacks also emanate from non-state actors; whereas CSOs and human rights defenders working on the rule of law, transparency and corruption, women's rights, including sexual and reproductive health and rights, environmental issues and the protection of minorities and LGBTIQ+ rights, and freedom of media and expression as well as those providing assistance to migrants and asylum seekers and those involved in search and rescue operations are particularly exposed;
- M. whereas civic space restrictions in neighbouring countries also have implications on and impact the state of civil society in the EU;

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- N. whereas some national CSOs that act as watchdogs, in particular by engaging in the monitoring and reporting of violations of rights and liberties, and advocacy and litigation, are particularly targeted by restrictions, retaliatory measures and surveillance;
- O. whereas the situation of LGBTIQ+ rights defenders in Europe was described as worrying by the Council of Europe Commissioner for Human Rights, who reported several instances of online and offline harassment, violent assaults, hate campaigns and death threats in Member States and neighbourhood countries; whereas this trend is interlinked with the scapegoating of other minority groups and it contravenes the principle that every person is born equal in dignity and rights;
- P. whereas a good relationship between the state and its citizens implies that all citizens, including children and young people, should be able to participate in debating and influencing public policies; whereas democracies will only prosper if everyone believes in the democratic systems and if institutions are credible to citizens;
- Q. whereas certain Member States have placed restrictions on CSOs' ability to engage in political activities; whereas in others, accusations that CSOs are political have become tools to stigmatise and delegitimise them; whereas the delegitimation of CSOs in certain Member States could appear to be linked to state or media-run smear campaigns; whereas CSOs report discriminatory and restrictive funding practices in certain Member States;
- R. whereas policies and practices instilling a chilling effect on civic space have been adopted in certain Member States with the aim of achieving self-censorship and deterring civic actors from exercising their rights; whereas such policies often combine vague provisions leaving large discretion to public authorities and disproportionately high sanctions; whereas the mere prospect of their application can be enough to instil self-censorship without an actual need to apply them;
- S. whereas the right to peaceful assembly has been restricted due to necessary social distancing rules in a majority of Member States; whereas some Member States have passed laws restricting the right to peaceful assembly in recent years, and have created requirements for permission and notification; whereas in some Member States, the powers of law enforcement authorities are increasing, generating concerns over their necessity and proportionality;
- T. whereas in some Member States, emergency legislation in response to the health crisis has been used as a pretext to arbitrarily restrict fundamental rights and freedoms and to crack down on civil society and other dissenting voices; whereas these measures have been found in some cases not to have met the necessity, proportionality, time limitations and non-discrimination requirements, meaning that any restrictions to fundamental rights and freedoms stemming from these measures cannot be considered legitimate and lawful; whereas despite their role on the ground, CSOs have not been consulted in the development of emergency measures;
- U. whereas the spread of the COVID-19 pandemic has seen an unprecedented engagement of CSOs in providing solutions to the pandemic and providing support to people in vulnerable situations; whereas youth organisations have had a positive impact during the pandemic in countering misinformation and strengthening trust in public institutions; whereas long-term adequate funding and institutional support for civil society have an added value in times of crisis;
- V. whereas the emergence of government-organised non-governmental organisations (GONGOs) designed to always support the political legitimacy of those in power and to support the government in public debates and in its political goals while presenting themselves as independent voices constitutes one of the gravest forms of attack against CSOs, jeopardising their existence by undermining active citizenship and depriving them of public funding;
- W. whereas while CSOs increasingly perform economic activities and contribute to the social economy, no legislative steps have been taken to unlock their operations at EU level; whereas despite concrete Court of Justice of the European Union (CJEU) case-law, the principle of non-discrimination and the free movement of capital in relation to cross-border donations is still not universally applied in Member States;

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- X. whereas participation by CSOs in the development of law and policy should be facilitated by policy frameworks enabling them to engage in dialogue with public authorities; whereas while progress has been made both at national and EU level, civil dialogue still often remains an ad hoc process;
- Y. whereas foreign funding has been the target of legal and political attacks in some Member States; whereas restrictions imposed on CSOs receiving foreign funding is contrary to Union law, namely Article 63 TFEU on the free movement of capital and the Charter; whereas in case C-78/18 ⁽¹⁴⁾, the CJEU ruled that the law referred to it violated free movement of capital and freedom of association;
- Z. whereas the Union has embarked on a process through the European Green Deal and digital transformation; whereas this process will require a healthy civic space to allow citizens and affected communities to articulate their interests, debate policy solutions and reach new social contracts;
1. Asserts the crucial role played by CSOs in the realisation and protection of the Union values set out in Article 2 TEU, and the formulation and implementation of EU law, policies and strategies, including combating climate change, digital transformation and recovery from the COVID-19 pandemic; stresses their key contribution to informed public debate, articulating aspirations present in society, giving a voice to vulnerable and marginalised people, ensuring access to crucial services, providing expertise in policy-making, promoting active citizenship, acting as schools of democracy and being indispensable watchdogs exercising democratic control over state institutions and ensuring accountability for public action and use of public funds; acknowledges, therefore, that civic space is an integral element of democracy, the rule of law and fundamental rights; stresses that the Union should therefore commit to the preservation and cultivation of civic space at local, regional, national and European level;
2. Emphasises that for CSOs to thrive, civic space must be an enabling and safe environment free from undue interference, intimidation, harassment and chilling effects by both state and non-state actors; reminds Member States of their positive obligation to ensure an enabling environment for CSOs including access to transparent funding mechanisms and civil dialogue mechanisms, in line with international human rights standards on freedom of association, expression and assembly, and as also reaffirmed by the Charter; stresses the importance of media pluralism in ensuring that CSOs can reach public opinion and therefore contribute to public debate;
3. Warns about the degradation of civic space throughout the EU with policies hampering CSOs' operations, their access to sustainable funding and their ability to participate in decision-making; condemns any form of harassment, smearing, stigmatisation, criminalisation and scapegoating of CSOs; stresses how these actions jeopardise active citizenship and the expression of critical voices, thereby undermining public debate and hence the very foundations of democracy;
4. Notes that the COVID-19 pandemic has further accentuated many of the existing challenges faced by CSOs, as illustrated by the 2021 report by FRA which found that 57 % of national and local organisations said the situation had 'deteriorated' or 'greatly deteriorated' compared to previous years; notes with concern that certain governments took advantage of the pandemic to roll back civic space and pass controversial laws and discriminatory measures not always related to the pandemic while society's ability to mobilise was limited, including the ability to participate in public debate and the freedoms of speech, assembly and association;
5. Agrees with the Commission that when civil society's space to operate shrinks, it is a sign that the rule of law is at risk; welcomes the fact that the Commission has put the environment for civil society under scrutiny as part of its annual rule of law report, which rightly indicates that the rule of law cannot function without a vibrant civil society operating in a secure and enabling environment; urges the Commission, therefore, to step up and structure its monitoring of the

⁽¹⁴⁾ Judgment of the Court of Justice of the European Union of 18 June 2020, *European Commission v Hungary*, ECLI:EU:C:2020:476.

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situation of civic space in the Member States by creating a 'European civic space index' based on existing frameworks for measuring civic space, and by dedicating to civic space a fully-fledged chapter including country recommendations in its annual rule of law report, which should also cover fully fundamental rights; urges the Commission to make systematic use of the reports by FRA and to call on it for methodological advice;

6. Welcomes the Commission's acknowledgement of the importance of civil society in a number of EU policies and strategies and funding programmes; stresses, however, that the fragmented nature of this approach results in little effective improvement of the situation of CSOs on the ground;

7. Urges the Commission, therefore, to adopt a comprehensive civil society strategy for the protection and development of civic space within the Union that integrates all existing tools, fills monitoring, support and protection gaps, and gives genuine political recognition to the crucial role played by CSOs in the realisation of democratic values and policies, while clearly linking monitoring and reporting tools to EU enforcement mechanisms to ensure timely and effective follow-up action; calls for the Commission to explore initiatives to strengthen the support networks available to CSOs;

8. Considers that this civil society strategy should outline a set of concrete measures that will protect and strengthen civic space, including by:

- (a) introducing minimum standards for the legal and administrative environment of civil society;
- (b) introducing a statute of European cross-border associations and non-profit organisations;
- (c) setting up focal points between European institutions and civil society;
- (d) ensuring consistent access to policy debates and agenda setting on Union level in line with the EU Treaties and the rules of procedures of EU institutions;
- (e) strengthening access to monitor Union policies and the implementation of the Union budget;
- (f) expanding flexible access to Union funding;

9. Calls on the Council and the Commission to ensure consistency of the Union's internal and external policies as regards protecting and enabling civic space, including by adopting internal guidelines on human rights defenders that would correspond to the ones applying to EU external action;

An enabling regulatory and political environment free from chilling effects, threats and attacks

10. Stresses that the ability of CSOs to act depends on the existence of an enabling legal and political environment, in particular on the exercise of freedom of association, peaceful assembly and expression and the right to public participation; urges Member States to guarantee the exercise of these rights in conformity with European and international law and standards, including the European Convention on Human Rights, the recommendation of 28 November 2018 of the Council of Europe Committee of Ministers to Member States on the need to strengthen the protection and promotion of civil society space in Europe, the International Covenant on Civil and Political Rights, the UN Declaration on Human Rights Defenders and the UN guidance note on the protection and promotion of civic space, and to avail of the possibility to request opinions on planned legislation from the Venice Commission;

11. Recalls the importance of independent, impartial, professional and responsible journalism in reporting on the activities of CSOs both in the private and public media as well the importance of access to public information as key pillars of democratic states, which are based on the rule of law;

12. Deplores the growing concentration of media ownership at the expense of plurality, independence and fair public representation of the ideas and actions of CSOs; recalls that independent and responsible journalism and access to pluralistic information are key pillars of democracy and that the actions and input of civil society are vital for any democracy to thrive; calls on the Member States to ensure and maintain the independence of the media from political and economic pressure, to guarantee media pluralism and to ensure transparency; calls on the Commission to propose EU-wide media ownership rules in addition to the rules of transparency of media ownership as a minimum requirements within the upcoming Media Freedom Act in order to strengthen media pluralism;

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13. Considers that the contribution of CSOs to the single market and the social economy, as well as their role in the realisation of EU policies and the values set out in Article 2 TEU, is a strong argument for removing the barriers to their operations at EU level; calls on the Commission, therefore, to adequately respond with measures, including legislative proposals, to reach this objective; stresses that such legislation would not only provide basic protection for CSOs but also could create a level playing field allowing them to harness their full potential;

14. Calls on the Commission to include a systematic civic space check in its impact assessments, providing clear criteria for what constitutes an enabling space for civil society, based on international human rights standards on freedom of association, expression and assembly, and as reaffirmed by the Charter, in order to prevent planned legislation from having negative effects on civic space; calls on the Commission to introduce the necessary safeguards and draft guidelines for Member States' implementation when risks are identified, in cooperation with civil society;

15. Calls on the Commission to equally review and monitor the implementation of EU law to ensure that it does not negatively affect civic space and provide the necessary remedies if it does; calls on Member States to adopt similar remedies at national level;

16. Calls on the Commission to use its powers under the Treaties to propose EU legislation to fill gaps and address challenges facing civil society actors across the Union, including minimum standards on the registration, operations and financing of CSOs and procedural safeguards against SLAPPs, and to provide guidance on how to use EU law to better protect civil society;

17. Believes that a statute for EU cross-border associations and not-for-profit organisations could provide an extra layer of protection to CSOs facing undue hurdles to their establishment and operations;

18. Calls on the Member States to respect and facilitate the exercise of the right to peaceful assembly, which can only be limited by respecting the principles of necessity and proportionality, in accordance with applicable laws; warns against the broadening of the powers of law enforcement authorities in policing assemblies in some Member States; condemns any disproportionate use of force against protesters, as well as their criminalisation, prosecution and surveillance; calls on the Member States to immediately repeal laws and regulations that heighten the use of violence against demonstrators and restrict the freedom to demonstrate; calls on the Commission to issue guidelines for the protection of freedom of peaceful assembly both in times of health emergency and in normal times;

19. Points out that since the outset of the pandemic, a significant proportion of civil society activities have moved online; calls on the Commission and the Member States to ensure freedom of expression, to fight against any form of hate speech and to raise awareness of hate speech and the risks it poses for democracy and individuals, including on online social networks in particular;

20. Warns against the detrimental impact of policies and rhetoric instilling a chilling effect on civic space; urges the Commission to make the analysis of chilling effects a key aspect of its annual rule of law report, to build on case C-78/18 to challenge measures having a chilling effect on the exercise of Charter rights when similar approaches are possible and to apply for interim measures to avoid irreparable damage while judicial review is ongoing;

21. Condemns that CSO representatives in some Member States face physical and verbal attacks, harassment and intimidation both in online and offline forms as a direct result of their work; further regrets that the mental health effects faced by these representatives can include burnout, depression, helping-induced trauma and compassion fatigue and that the psychological impacts that their work can have on CSO representatives are under-researched; underlines that children and young people are particularly vulnerable as they may not report acts of hate and harassment due to lack of knowledge of the definition of harassment and how and with whom to address the issue;

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22. Condemns any threats and attacks perpetrated on CSOs and human rights defenders by state-owned and state-linked actors, including negative and stigmatising rhetoric, scapegoating and legal, judicial, administrative and fiscal harassment, and condemns the failure of state actors to protect CSOs and human rights defenders against such attacks and threats; equally condemns all instances of attacks and threats perpetrated by non-state actors, including but not limited to SLAPPs;

23. Is concerned by the low levels of reporting of attacks and threats on CSOs at national level; urges Member States to unequivocally condemn such acts, adopt preventive and effective measures and systematically, promptly, thoroughly, independently and impartially investigate any related allegations, and invest in training programmes for authorities to be better equipped to handle such cases; calls on the Commission to accompany such processes by providing recommendations and facilitating the exchange of best practices;

24. Emphasises that good cooperation between civil society, police and relevant institutions is key to address the vulnerabilities and find best practices in the protection of activists, civil society and democracy itself;

25. Expresses deep concern about the increased violence and hatred targeting organisations and activists working with religious minorities or on anti-racism, feminism and LGBTIQ+ rights;

26. Recalls that the scapegoating of CSOs working on women's rights and with minorities and vulnerable groups such as LGBTIQ+ persons is not an isolated event, but functions as a premeditated and gradual dismantling of fundamental rights, which are protected in Article 2 TEU, and constitutes part of a larger political agenda of 'anti-gender' campaigns; calls on Member States to be particularly cautious of initiatives that attempt to roll back on acquired rights which were designed to prevent and protect persons from discrimination and to promote equality;

27. Calls on the Commission to include references to attacks against human rights defenders in its reporting under the framework decision on combating certain forms and expressions of racism and xenophobia, when monitoring and assessing EU rules and tools to protect the rights of victims of crime, and when revising EU provisions on combating hate speech and hate crime;

28. Notes that the Union currently lacks efficient procedures to provide an adequate response when CSOs report that democratic standards and civic space in Member States are under threat; calls for the setting up of an EU alert mechanism allowing CSOs and human rights defenders to report attacks, register alerts, map trends and provide timely and targeted support to victims; considers that such a mechanism would also improve reporting at Union level, provide input for the Commission's annual rule of law assessment and contribute to improved sharing of information with the European public in general;

29. Strongly regrets the refusal both by the Commission and the Council of Parliament's initiative on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights to be governed by an interinstitutional agreement between Parliament, the Commission and the Council; recalls that the monitoring of civic space is deeply linked with democracy and fundamental rights, and that a mechanism to monitor Article 2 TEU values is the best tool for a holistic approach in such respect;

30. Urges the Commission to use its enforcement powers against Member States which unduly restrict civic space in violation of EU laws, including through infringement proceedings, the rule of law framework, the new Conditionality Regulation and the procedure laid down in Article 7 TEU; calls on the Commission to ensure civil society's active participation and meaningful contribution to these processes, and to ensure that the legitimate interests of final recipients and beneficiaries are properly safeguarded;

31. Maintains that Member States should not criminalise or otherwise adversely impact the registration, operations, financing and cross-border movements of CSOs; is concerned in that respect by the interpretation in some Member States of EU provisions, which could lead to the criminalisation of CSO activities and human rights defenders, in particular in the field of migration, often in contradiction with the Commission's guidance; asks the Member States to put an end to the

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wrongful criminalisation and prosecution of search and rescue activities, and urges the Commission to actively monitor and take action against respective Member States in this regard; equally, reiterates that all actors dealing with migrants for humanitarian reasons and involved in search and rescue activities have to comply with general principles of international and human rights law and the applicable European and national laws respecting those principles;

Sustainable and non-discriminatory access to resources

32. Notes that challenges faced by CSOs in relation to funding include a lack of sufficient sources of funding, burdensome administrative procedures to access funding, a lack of transparency and fairness in funding allocation, and restrictive eligibility criteria;

33. Points out the conclusions in UN Resolution 2535 (2020), namely that an accelerated youth participation is key to creating and preserving peaceful societies;

34. Highlights the important and positive contribution which youth can and do make to the efforts towards democratic and peaceful societies; consequently calls on the Member States to increase investments in youth and youth organisations; further calls for the adequate funding of the Erasmus+ programme, underlining its role in creating a democratic Europe;

35. Urges the Commission to identify existing obstacles and propose a comprehensive set of measures and recommendations to ensure long-term predictable, adequate and enabling financing for CSOs, including the funding of their operational activities related to advocacy and monitoring; stresses that EU funding for CSOs should avoid red-tape measures;

36. Considers that openness and transparency are key to establishing accountability of and public trust in CSOs as long as they serve the purpose of ensuring legitimate public scrutiny and that reporting requirements remain necessary and proportionate; condemns any abuse of transparency measures to stigmatise particular CSOs;

37. Stresses the importance of securing complementary sources of funding, including from public institutions at all levels, private, philanthropic and individual donors, membership fees and income generated through economic activities as well as from local, regional and national sources, as this could help CSOs to be resilient against any potential government restrictions on external funding; calls for the Member States and the EU to improve the legal environment for CSOs and ease the conditions for them to access diverse sources of funding, including private and foreign funding; emphasises that public funding should cover all types of civil society activities, including advocacy, litigation and watchdog activities, education and awareness raising, service provision, and capacity and coalition building, which promote and protect the Union values set out in Article 2 TEU; calls for the Member States and the EU to go beyond project funding and to provide core infrastructure funding and multiannual funding cycles to ensure the sustainability of civil society;

38. Condemns any form of politically or otherwise motivated discrimination in the allocation of public funds and the ensuing chilling effects; calls on the Member States to ensure clear, transparent and non-discriminatory procedures in this respect; condemns any form of restrictions to access funding, especially those which target CSOs and activists working to protect the rights of women, LGBTIQ+ persons, minorities, migrants and refugees;

39. Underlines that issue campaigns of CSOs should not be subject to funding limitations under the pretext of overlapping with elections or with other political campaigns; notes that often, funds available for CSOs require co-financing, which in turn could mean that the beneficiary needs to raise a share of the required funds from other sources, which could be detrimental to the project or the operation of the organisation; therefore believes that the share of required co-financing should be reasonably limited and that different means of monetisation should be taken into account;

40. Deplores the outsourcing by public authorities of public service missions to CSOs in domains such as housing, health, education and asylum, which goes beyond a balanced cooperation of public authorities with non-profit organisations that have a good experience working with and for the persons concerned and is not supported by sufficient

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additional resources; stresses that such outsourcing practices use civil society resources for the fulfilment of state responsibilities and do not leave the much-needed space for public participation of CSOs through advocacy, strategic litigation and public education;

41. Is gravely concerned by the emergence of GONGOs and related discriminatory and often opaque public funding practices; warns against their detrimental effect on democracy and on pluralism and diversity within civil society, and on the perceived legitimacy of CSOs and hence on citizens' willingness to engage in active citizenship; calls on Member States to investigate and take action against groups instigating hate in violation of applicable legal rules; emphasises that they can distort public debate which can undermine the very fabric of democracy;

42. Urges the Commission to set out conditions and procedures to ensure that EU funds designated to civil society, whether in direct or shared management, are only awarded to organisations that are strictly independent from any government and fully adhere to the EU values set out in Article 2 TEU; urges the Commission to address allegations concerning discriminatory distribution of EU funding to CSOs and to take appropriate measures in order to ensure that EU funding is not supporting GONGOs;

43. Welcomes the adoption of the Citizens, Equality, Rights and Values Programme with an increased budget of EUR 1,55 billion for the 2021-2027 period, and recognises that it is a meaningful response to the challenges faced by the civil society in the EU and a first step towards creating a more systemic framework of assistance for CSOs in the EU; calls on the Commission to actively consult CSOs in the definition of work programmes and funding mechanisms so as to ensure transparency, flexibility and user-friendliness; welcomes re-granting mechanisms in the Union values strand; emphasises the importance of securing sufficient funding for watchdog, advocacy and litigation activities, as well as capacity building, as these boost CSOs' contribution to safeguarding EU values and fundamental rights; calls on the Commission to ensure that funding is earmarked to support CSOs in implementing the tasks and roles assigned to them in its various sectoral policies; calls for specific emergency funding and practical support for civic actors and human rights defenders at risk of having their fundamental rights violated;

44. Calls on the Commission to redouble its efforts to boost CSO participation in the Citizens, Equality, Rights and Values Programme and other centrally managed funds, including via further simplification, more flexible eligibility criteria, and targeted information and training; calls on the Commission to step up its monitoring of practices in Member States and to provide recommendations to boost CSO participation in programmes under shared management; calls on the Commission to better involve and train CSOs in monitoring the spending of EU funds at Member State level;

45. Considers that budgetary support for CSOs should not only be planned, but also promoted and supported in all EU programmes; regrets that the European recovery package did not specifically target CSOs in addition to businesses and small- and medium-sized companies; calls on the Commission and the Member States to ensure that CSOs are involved throughout the implementation and the monitoring of the national recovery and resilience plans and of other funds under shared management and to check whether national recovery plans support the funding needs of CSOs; calls on the Commission to ensure that CSOs are not negatively impacted by the withdrawal of funding under the Conditionality Regulation or under the conditions built into funds and programmes under the multiannual financial framework or the recovery and resilience facility which make respect for the rule of law and the principle of non-discrimination a prerequisite to receive funding by providing specific modalities to channel funding to CSOs adapted to the environment in which they operate;

46. Urges the Commission to ensure that EU funds are only awarded to organisations that are strictly independent from any government and fully adhere to EU values;

47. Condemns attempts by certain Member States to impose limitations on foreign funding and the related political narratives they have promulgated and measures they have taken with the aim of stigmatising or harassing CSOs; recalls that the CJEU found that these violate free movement of capital and freedom of association; calls on the Commission to keep

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initiating infringement procedures in this regard and systematically apply for interim measures; calls on the Commission to conduct a mapping of foreign funding restrictions across the Union with a view to ensuring that the principles reaffirmed by the CJEU are effectively respected in all Member States;

48. Emphasises the importance of tax incentives to boost private donations; encourages Member States to further develop such schemes; calls on the Commission to map best practices and produce recommendations; recognises the importance of CSOs complying with national rules in the field of taxation and in the fight against money laundering but stresses that such rules and transparency around funding in general cannot be abused to obstruct CSO activities or create a chilling effect affecting their members and donors;

49. Recalls that international standards on freedom of association require authorities to apply a presumption in favour of CSOs' freedom to seek and receive funding from any source and of the legality of their activities, with restrictions being possible if prescribed by law, pursue one or more legitimate aims and if necessary in a democratic society for the achievement of the aims in question;

50. Calls on the Commission to produce guidance on the principle of non-discrimination and free movement of capital applied to cross-border donations; emphasizes that an approximation of the definition of the concept of public benefit would enable mutual recognition and equal treatment in terms of cross-border donations and benefits related to such public benefit status; calls for an EU-level definition of the concept of public benefit, as that would boost cross-border donations insofar as it would enable mutual recognition of public benefit status and equal treatment in terms of the related advantages; invites the Commission to set up measures to remove obstacles to cross-border philanthropy and ensure equal treatment of donations across borders in line with CJEU rulings;

Civil dialogue and participation in policy-making

51. Stresses the importance of civil dialogue in informed policy-making and emphasises that CSOs play a key role as intermediaries between citizens and authorities at all levels by ensuring structured dialogue; highlights the important role of CSOs in consistent contact with citizens, including marginalised or vulnerable groups, and acknowledges their expertise, confers on them a key role in civil dialogue and accentuates their role in empowering those furthest away to participate and voice their concerns, while exercising democratic control over and ensuring accountability for public action;

52. Welcomes the positive steps taken in some Member States with new civil dialogue strategies and civil society advisory committees; condemns, however, practices deliberately hampering CSO participation, such as their exclusion from public processes, the recourse to opaque catch-all laws and accelerated parliamentary processes bypassing consultation and deliberation obligations;

53. Recalls that the urgency of COVID-19-related measures often further limited CSOs' access to decision-making; notes, however, efforts made to counter this in a number of Member States;

54. Regrets that civil dialogue often remains an ad hoc process; calls on the Member States to develop coherent policy frameworks that ensure structured, predictable and long-term processes, inclusive participation and systematic review, and to allocate appropriate resources, including for the training of officials; calls on the Commission to provide recommendations prepared in close cooperation with civil society, based on analysis of existing practices;

55. Considers that all EU institutions should review their terms of engagement with CSOs in line with Article 11 TEU to ensure an open, transparent, meaningful and regular dialogue with CSOs, on an equal footing with other stakeholders; invites the Commission to consider the submission of an interinstitutional agreement on civil dialogue between all main institutions covering all areas of Union policy as well as transversal processes such as, for example, the State of the Union or the Conference on the Future of Europe;

56. Considers, in this respect, that the President of Parliament could appoint one of her Vice-Presidents to carry out an open, transparent and regular dialogue with CSOs; encourages the political groups to devise their own civil dialogue structures;

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57. Calls, in particular, for the Commission, in its consultation processes, to restore the balance between representatives of corporate interests and representatives of other interests, such as workers' rights, social rights and environmental protection, and to ensure safeguards against unfair lobbying practices that are not compatible with fair and transparent dialogue;

58. Calls for the Member States, the EU institutions in general and the Commission in particular to ensure close consultation with civil society during the preparation or review of legislation potentially affecting civic space and freedoms;

59. Takes note of the attribution to a Commission Vice-President of the responsibility to maintain an open, transparent and regular dialogue with civil society; stresses that civil dialogue should be further operationalised; invites the Commission in particular to consider setting up within each Directorate-General specific points of contact to enable civil society to be in close contact with the Commission Vice-President; considers it key that a wide variety of CSOs are given a prominent role via a transparent selection process in expert groups and advisory forums assisting the Commission and that emphasis is put on CSOs speaking for vulnerable and underrepresented groups;

60. Calls on the Commission to leverage the definition of national programmes implementing EU funds and the implementation by Member States of EU strategies and action plans to encourage Member States to put in place effective CSO participation and civil dialogue mechanisms; calls for reinforced civil society participation within the European semester process and in the monitoring of the European recovery package;

61. Welcomes the European Year of Youth as an opportunity to further promote civic participation and dialogue in a democratic society;

62. Commits itself to ensuring a genuine follow-up of this report and calls on the Commission and the Council to make the same commitment;

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

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P9_TA(2022)0057

Role of culture, education, media and sport in the fight against racism**European Parliament resolution of 8 March 2022 on the role of culture, education, media and sport in the fight against racism (2021/2057(INI))**

(2022/C 347/02)

The European Parliament,

- having regard to the Treaty on European Union, in particular the second, fourth, fifth, sixth and seventh indents of the preamble, Article 2, Article 3(3), second subparagraph, and Article 6 thereof,
- having regard to Articles 10 and 19 of the Treaty on the Functioning of the European Union,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 2, 3, 4, 5 and 21 thereof,
- having regard to the European Pillar of Social Rights, including the third principle on equal opportunities and the corresponding action plan,
- 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⁾ (the Racial Equality Directive),
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ⁽²⁾,
- having regard to the establishment in June 2016 of the EU High Level Group on combating racism, xenophobia and other forms of intolerance,
- having regard to the Commission communication of 22 May 2018 entitled 'Building a stronger Europe: the role of youth, education and culture policies' (COM(2018)0268),
- having regard to the Commission communication of 18 September 2020 entitled 'A Union of Equality: EU anti-racism action plan 2020-2025' (COM(2020)0565),
- having regard to the Commission communication of 3 December 2020 entitled 'Europe's Media in the Digital Decade: An Action Plan to Support Recovery and Transformation' (COM(2020)0784),
- having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) ⁽³⁾,
- having regard to Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport ⁽⁴⁾,
- having regard to Regulation (EU) 2021/818 of the European Parliament and of the Council of 20 May 2021 establishing the Creative Europe Programme (2021 to 2027) ⁽⁵⁾,

⁽¹⁾ OJ L 180, 19.7.2000, p. 22.

⁽²⁾ OJ L 303, 2.12.2000, p. 16.

⁽³⁾ OJ L 95, 15.4.2010, p. 1.

⁽⁴⁾ OJ L 189, 28.5.2021, p. 1.

⁽⁵⁾ OJ L 189, 28.5.2021, p. 34.

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- having regard to Regulation (EU) 2021/888 of the European Parliament and of the Council of 20 May 2021 establishing the European Solidarity Corps Programme ⁽⁶⁾,
- having regard to Regulation (EU) 2021/692 of the European Parliament and of the Council of 28 April 2021 establishing the Citizens, Equality, Rights and Values Programme ⁽⁷⁾,
- having regard to the European Convention on Human Rights,
- having regard to the Council recommendation of 12 March 2021 on Roma equality, inclusion and participation ⁽⁸⁾,
- 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 ⁽⁹⁾,
- having regard to the EU Agency for Fundamental Rights' fundamental rights report of 9 June 2020 and to its second EU minorities and discrimination survey of 5 December 2017 and related report and summary entitled 'Being Black in the EU' of 23 November 2018 and 15 November 2019 respectively, which describe the experiences of racial discrimination and racist violence among people of African descent in the EU,
- having regard to the Commission communication of 12 November 2020 entitled 'Union of Equality: LGBTIQ Equality Strategy 2020-2025' (COM(2020)0698),
- having regard to the Commission communication of 3 March 2021 entitled 'Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030' (COM(2021)0101),
- having regard to the Council conclusions of 15 November 2018 on the Work Plan for Culture 2019-2022 ⁽¹⁰⁾,
- having regard to the EU Roma strategic framework for equality, inclusion and participation for 2020-2030 of 7 October 2020,
- having regard to the Commission communication of 5 October 2021 entitled 'EU Strategy on Combating Antisemitism and Fostering Jewish Life (2021-2030)' (COM(2021)0615),
- having regard to its resolution of 19 June 2020 on the anti-racism protests following the death of George Floyd ⁽¹¹⁾,
- having regard to the Council recommendation of 22 May 2018 on promoting common values, inclusive education, and the European dimension of teaching ⁽¹²⁾,
- having regard to its resolution of 26 March 2019 on fundamental rights of people of African descent in Europe ⁽¹³⁾,
- having regard to its resolution of 17 September 2020 on the implementation of National Roma Integration Strategies: combating negative attitudes towards people with Romani background in Europe ⁽¹⁴⁾,

⁽⁶⁾ OJ L 202, 8.6.2021, p. 32.

⁽⁷⁾ OJ L 156, 5.5.2021, p. 1.

⁽⁸⁾ OJ C 93, 19.3.2021, p. 1.

⁽⁹⁾ OJ L 328, 6.12.2008, p. 55.

⁽¹⁰⁾ OJ C 460, 21.12.2018, p. 12.

⁽¹¹⁾ OJ C 362, 8.9.2021, p. 63.

⁽¹²⁾ OJ C 195, 7.6.2018, p. 1.

⁽¹³⁾ OJ C 108, 26.3.2021, p. 2.

⁽¹⁴⁾ OJ C 385, 22.9.2021, p. 104.

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- having regard to its resolution of 11 March 2021 on children's rights in view of the EU Strategy on the rights of the child ⁽¹⁵⁾,
 - having regard to the infringement proceedings initiated by the Commission in relation to non-conformity with the Racial Equality Directive for discrimination against Roma children in education (infringement numbers 20142174, 20152025 and 20152206),
 - having regard to Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021 establishing the European Social Fund Plus (ESF+) ⁽¹⁶⁾,
 - having regard to its resolution of 23 November 2021 on EU sports policy: assessment and possible ways forward ⁽¹⁷⁾,
 - having regard to the Commission proposal for a regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts (COM(2021)0206),
 - having regard to its resolution of 11 November 2021 on the European Education Area: a shared holistic approach ⁽¹⁸⁾,
 - having regard to the study drawn up by the Policy Department for Structural and Cohesion Policies of its Directorate-General for Internal Policies in October 2021 on the role of culture, education, media and sport in the fight against racism,
 - having regard to the general policy recommendations of the European Commission against Racism and Intolerance of the Council of Europe, in particular recommendation No 10 of 15 December 2006 on combating racism and discrimination in and through school education,
 - having regard to the European Commission against Racism and Intolerance roadmap to effective equality of 27 September 2019,
 - having regard to the Commission's sixth evaluation of the Code of Conduct on Countering Illegal Hate Speech Online,
 - having regard to Goal 10 of the UN Sustainable Development Goals: reducing inequality within and among countries,
 - having regard to the Conference on the Future of Europe,
 - having regard to the recommendations issued by the European Regulators Group for Audiovisual Media Services in October 2021 on the new Code of Practice on Disinformation,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education (A9-0027/2022),
- A. whereas discrimination and racism undermine human dignity, life opportunities, prosperity, well-being and often safety; whereas racist stereotypes have a tendency to continue over generations; whereas discrimination on the grounds of racial or ethnic origin is prohibited in the EU; whereas migrants, refugees and asylum seekers among others are subjected to racism and discriminatory behaviour;

⁽¹⁵⁾ OJ C 474, 24.11.2021, p. 146.

⁽¹⁶⁾ OJ L 231, 30.6.2021, p. 21.

⁽¹⁷⁾ Texts adopted, P9_TA(2021)0463.

⁽¹⁸⁾ Texts adopted, P9_TA(2021)0452.

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- B. whereas according to the EU Agency for Fundamental Rights⁽¹⁹⁾, racial discrimination and harassment remain commonplace throughout the European Union; whereas racial, religious and ethnic minorities in particular are too often subjected to harassment, violence, racial and ethnic profiling, including by law enforcement, and hate speech, both online and offline; whereas the majority of hate-motivated racist and xenophobic incidents are not reported by the victims⁽²⁰⁾; whereas racial and ethnic minorities in the EU face structural discrimination and in some cases segregation in certain areas of daily life, including housing, healthcare, employment, education and judicial systems;
- C. whereas the EU anti-racism action plan 2020-2025 refers to structural racism as the discriminatory behaviours which can be embedded in social, financial and political institutions, thereby impacting on the levers of power and policymaking;
- D. whereas the Office of the UN High Commissioner for Human Rights defines structural discrimination as the rules, norms, routines, and patterns of attitudes and behaviour in institutions and other societal structures that represent obstacles to groups or individuals in achieving the same rights and opportunities available to the majority of the population;
- E. whereas migrants, refugees, political asylum seekers and members of racial, religious and ethnic minorities have limited access to the labour market and are often subjected to labour exploitation;
- F. whereas it is demonstrably clear that the collection of good-quality data is one of the most effective ways to analyse social problems — both quantitatively and qualitatively — and is instrumental for devising, adapting, monitoring and developing evidence-based public policy responses to those problems;
- G. whereas racist and xenophobic attitudes are embraced by certain opinion leaders and politicians across the EU, fomenting a social climate that provides fertile ground for racism, discrimination and hate crimes; whereas this environment is further fuelled by extremist movements such as fascist and extreme right-wing movements which seek to divide our societies; whereas these acts run counter to the common European values and ideals of democracy and equality which all the Member States have undertaken to uphold;
- H. whereas many minority groups have to endure police violence, including collective punishment and racial profiling; whereas specific measures are needed to combat this phenomenon; whereas as a result of deficiencies with the rule of law and criminal justice, the victims of police violence have insufficient protection and access to justice and often face persecution at the hands of the state authorities; whereas racism against ethnic and racial minorities has led to violence and killing;
- I. whereas the way in which people are portrayed in the media, regardless of their racial or ethnic background, can reinforce negative stereotypes with racial connotations; whereas the cultural sector and the media have the power to promote inclusion and to fight racism and combat such stereotypes;
- J. whereas the fight against offline and online racism and discrimination in our societies, both overt and latent, needs to be stepped up and is a shared responsibility; whereas the European Union and its Member States need to further reflect on, commit to and continue their work on tackling the structural racism and discrimination faced by many minority groups;
- K. whereas disinformation often targets minorities and instigates social unrest; whereas an independent and pluralistic media that promotes balanced narratives serves to foster inclusive societies;

⁽¹⁹⁾ EU Agency for Fundamental Rights, *Second European Union minorities and discrimination survey — main results*, 6 December 2017; *Second European Union minorities and discrimination survey: Muslims — selected findings*, 21 September 2017; *Experiences and perceptions of antisemitism — second survey on discrimination and hate crime against Jews in the EU*, 10 December 2018; *Second European Union minorities and discrimination survey: Roma — selected findings*, 29 November 2016; *Second European Union minorities and discrimination survey: being Black in the EU*, 23 November 2018.

⁽²⁰⁾ *Ibid.*

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- L. whereas solidarity and respect for human life and other human beings are values handed down from generation to generation; whereas school education plays a crucial role in this process;
- M. whereas access to education and educational attainment is an issue for racialised communities throughout Europe; whereas segregation in education remains a significant issue in Europe; whereas the placement of children in segregated schools and the discriminatory practice of placing children of ethnic and racial minorities in schools for children with mental disabilities continues to persist in some Member States;
- N. whereas schools have an instrumental role to play in providing experience on the value of diversity, promoting inclusion, combating racism and reducing racial stereotypes and prejudice;
- O. whereas it is important for children and young people to see that they are represented throughout society, including in the education they are given, in the cultural and sporting clubs and activities in which they participate, and on the internet and media they consume;
- P. whereas although sport plays a key role in social, cultural and educational life and has the power to unite people from a variety of races, ethnicities and religions, and although it can be used to bring together communities and engender the values of equality, accessibility and respect, there have been repeated racist incidents at sporting events and within sport generally across Europe, and many challenges related to racism; whereas the radicalisation that is occurring in sport-related groups must be identified and combated;
- Q. whereas the negative consequences of the COVID-19 pandemic have disproportionately affected those from racial and ethnic minority communities, giving rise to, highlighting and exacerbating inequalities including in culture, media, education and sport; whereas hate-motivated harassment and hate crimes increased significantly at the outbreak of the COVID-19 pandemic;

General context

1. Stresses that racism exists in all areas of our daily life and can take many forms; calls for a zero-tolerance approach to this issue; recognises that different groups, communities and individuals are subjected to racism, xenophobia and discrimination; acknowledges that each specific form of racism has distinctive features, with certain forms of racism more prominent in some Member States than others on account of historical or political factors, among other reasons;
2. Acknowledges the EU anti-racism action plan; welcomes the inclusion of a dedicated section on education and specific references to media, sport and culture; calls on the Commission and the Member States to adopt a holistic approach and provide adequate funding and resources in order to achieve the plan's commitments without prejudice to funding for existing programmes and actions, while upholding European values;
3. Calls on the Commission to ensure that the anti-racism coordinator is given adequate resources and that the work of mainstreaming racial equality throughout EU policies is shared by all DGs;
4. Looks forward to an assessment of the existing EU legal framework to combat discrimination, racism, xenophobia and other types of intolerance; calls on the Commission to assess the implementation of this framework, to determine how to improve it where needed, and to take part in a regular dialogue and exchange of best practices with Member States and stakeholders, particularly those representing the concerns of people affected by racism and racial discrimination;
5. Recalls that national action plans are an effective tool to respond to racism, racial and ethnic discrimination and related intolerance in the Member States, as they enable concrete action to be taken in response to specific situations; regrets the fact that only 15 Member States have such plans in place⁽²¹⁾; urges the Commission to publish the planned common guiding principles for the implementation of national action plans against racism and racial discrimination as well as other tools to assist efforts at national level; calls for specific objectives reflecting the full diversity of society in culture, education, media and sport to be included in the development of those plans; considers it necessary, in this regard, to collect and exchange best practices across the Member States in order to facilitate the development of their national action plans and to promote the exchange of experiences between national agencies;

⁽²¹⁾ As of 2019, according to the EU Agency for Fundamental Rights report of 9 June 2020.

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6. Welcomes the publication and implementation of specific EU guidelines on the collection of equality data based on racial or ethnic origin, as defined by the Racial Equality Directive as data that is voluntary and anonymous and ensures the protection of personal data, self-identification and consultation with relevant communities; calls on the Member States to adapt national statistics and to remove barriers from, facilitate and improve — where relevant — the systematic collection of good-quality robust, disaggregated and country-specific data on equality in order to identify the roots of racism and discrimination and work to combat it and to support evidence-based policies at both national and EU levels; calls on the Commission and the Member States to use this data to develop policies to attain racial justice and for this data to be accessible to the public, while fully respecting the fundamental right of privacy, the protection of personal data and the relevant EU legislation including the Racial Equality Directive, the General Data Protection Regulation ⁽²²⁾ and the proposed ePrivacy Regulation ⁽²³⁾, as well as relevant national legal frameworks;

7. Welcomes the commitment to diversity and inclusion within Erasmus+, Creative Europe, the European Solidarity Corps, the Citizens, Equality, Rights and Values programme, the New European Bauhaus initiative, ESF+ and the European Youth Guarantee; emphasises the need to systematically follow and analyse the contribution of each of these programmes to the fight against racism and to create an overview of good practices; calls on the Commission to ensure that the recently published inclusion strategies are mainstreamed across all relevant EU programmes and educational, cultural, media and sporting initiatives and to monitor their implementation and impact;

8. Welcomes the Commission's acknowledgement of the need for an intersectional approach to policymaking; calls on the Commission and the Member States to ensure that the relevant anti-racism objectives are implemented across all policy areas;

9. Notes with concern the lack of agreement in the Council on the Commission proposal of 2 July 2008 for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation ⁽²⁴⁾; urges the Member States to reach a common position on this as soon as possible; backs the Commission to encourage progress towards achieving the unanimity required in the Council in order to adopt this proposal;

10. Encourages further collaboration between the European Commission against Racism and Intolerance, the equality bodies of the Member States, non-governmental organisations (NGOs), and governments and stakeholders, notably those representing the concerns of individuals and groups affected by racism and racial discrimination; calls on the Member States, in particular, to implement the recommendations of the European Commission against Racism and Intolerance in full;

11. Calls on the Commission and the Member States to bolster their support for the UN Alliance of Civilizations with a view to strengthening international, intercultural and interreligious dialogue and cooperation;

12. Stresses that limited access to technologies and digital infrastructure in education, culture, media and sport risks creating a new form of discrimination and inequality, which needs to be properly and swiftly addressed by the Commission and the Member States;

13. Calls on the Member States to organise helplines, mediation bodies and staff training in order to properly address and report on violence or other incidents of a racial or ethnic nature in education, culture, media and sport;

14. Calls on the Commission and the Member States to devise an enhanced strategy to promote the integration of people from rural, mountain and isolated areas, notably young people and women, in education, culture, media and sport, while developing and investing in local and adapted infrastructure;

15. Calls on the Commission and the Member States to devise a coherent action plan to properly address the risk of discrimination faced by mobile workers and their children in particular, including limited access to good-quality education, culture, media and sport;

⁽²²⁾ OJ L 119, 4.5.2016, p. 1.

⁽²³⁾ Commission proposal for a regulation of the European Parliament and of the Council concerning the respect for private life and the protection of personal data in electronic communications (COM(2017)0010).

⁽²⁴⁾ COM(2008)0426.

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Culture

16. Highlights that European societies are home to increasing cultural diversity and a growing share of foreign-born populations and their descendants; believes that culture, education and sport are fundamental to foster a society that is open and welcoming to all; deems it important to acknowledge the contribution and legacy of these people to European culture and knowledge throughout history;

17. Acknowledges that racism is deeply embedded in society and intertwined with its cultural roots, heritage and social norms; highlights, therefore, the important role that culture can and must play in combating discrimination and racism and promoting social inclusion, diversity, equality and tolerance; stresses the importance of fostering intercultural learning;

18. Notes the immense contribution made by diverse communities to Europe's cultural and linguistic diversity;

19. Regrets the existence of barriers to the participation of minorities in culture, namely stereotypes, prejudices, segregation and ghettoisation; calls on the Commission and the Member States to promote initiatives towards more diverse participation in the cultural sector for racialised communities and individuals, notably by using funding from all the relevant programmes to eliminate such barriers; calls for greater support for existing channels and the creation of support networks and outreach activities, including for those in suburban, rural, outermost and other disadvantaged regions;

20. Calls on the Member States to launch initiatives designed to encourage people from diverse racial and ethnic backgrounds to take part in cultural events, such as voucher schemes or similar endeavours;

21. Calls on the Commission and the Member States to improve monitoring and evaluation, including by testing, sharing and exchanging participatory tools and best practices, which can demonstrate the effects of promoting inclusion and non-discrimination and combating racism through culture and help to create more inclusive policies;

22. Calls on the Member States and the relevant stakeholders to foster diversity in cultural institutions among both employees and management, by introducing eligibility and award criteria in organisations that receive public funding and ensuring that all workers are paid from the beginning of their careers;

23. Welcomes the work of the Open Method of Cooperation (OMC) Working Group of Member States' Experts on gender equality in the cultural and creative sectors; calls on the Member States to include in the next work plan for culture an OMC Working Group of Member States' Experts on combating racism through arts and culture; calls on the OMC Working Group to produce a study on the role played by culture and the creative sector in promoting racial equality within their sectors;

24. Welcomes the inclusion of the people and places most in need as one of the strategic axes of the New European Bauhaus; requests that this initiative take into account the social inclusion of migrants in order to give them equal access to opportunities;

25. Strongly supports the acknowledgement by certain Member States of the need to restore cultural works and artefacts to their places of origin, as this would serve to promote a respect for and mutual understanding of one another's cultural heritage, as well as enhance its value, not least through public access to those works and artefacts; calls for the necessary research, studies and exchanges to be undertaken for the establishment of coherent programmes to restore cultural works and artefacts to either their countries of origin or other appropriate cultural institutions, as designated by the state of origin, in line with the relevant international conventions for the protection of cultural heritage; encourages the Commission to facilitate dialogue to promote the sharing of best practices between Member States, non-EU countries, museums and other cultural institutions;

Education

26. Acknowledges the decisive role of education and training in tackling structural racism and discrimination, building inclusive societies, debunking prejudices and stereotypes, and promoting tolerance, understanding and diversity; highlights the role of the new European Education Area in the fight against all forms of discrimination inside and outside the classroom, especially in developing good-quality and inclusive spaces for education;

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27. Underlines the fact that particular elements of European history, including colonialism, slavery and genocide, in particular the Holocaust, together with other manifestations of racism, continue to have a lasting impact on today's society, including in education systems and the development of educational curricula; suggests that educational curricula be revised to explain the history of our societies through a focused and contextualised approach in order to better understand its links with the present and work to eradicate the stereotypes that are leading to the discrimination witnessed today;

28. Stresses the need to set aside greater space in history curricula to objective and factual learning about different racial or ethnic ideologies, their forms and their origins, including slavery, colonialism and fascism and the misuse of science for the justification thereof, as well as their consequences and possible remnants in present times;

29. Encourages the Member States to foster the development of diverse and inclusive educational curricula and educational tools or activities to ensure that authors, historians, scientists, artists and other figures from diverse racial and ethnic backgrounds are included in these and other key materials;

30. Emphasises the role of education in promoting citizenship and the common values of freedom, tolerance and non-discrimination; underlines the importance of forging synergies between citizenship education across Europe and EU policies to fight racism and discrimination; encourages the Member States to attach greater emphasis to education about the history of the EU in order to foster cohesion; believes that these areas should be integral parts of citizenship education curricula;

31. Calls on the Member States to promote the languages, culture and history of minorities in school curricula, museums and other forms of cultural and historical expression, and to recognise the contribution of their culture to European heritage; calls on the Member States to develop coherent and consistent measures, backed by appropriate funding, to stimulate, support and promote the arts and culture of racialised and ethnic groups and to research and preserve the material and intangible heritage of the culture of traditional communities;

32. Calls on the Commission and the Member States to promote multilingualism as an important tool that brings people together;

33. Underlines the importance of providing proper support for the children of mobile workers across the Member States to allow them to learn their native language and learn about the culture of their own country and new country of residence in order to ensure better integration;

34. Calls for a deepening in the study of common humanities, history, philosophy, languages and literature, which may help to promote the spirit of European concord; calls for history curricula to employ a focused approach to the history of racial and ethnic communities living in Europe in order to encourage a broader and more factual perspective on European and world history and forge a better understanding of the interactions between different continents before, during and after European colonisation; calls for history books to emphasise the contributions made by racialised communities to the development and shaping of Europe today;

35. Calls on the Member States to actively combat bias in school books, in educational tools, in films and news programmes for children and young people, and in sport; calls on the Member States to include these targets in the implementation of the European Year of Youth 2022;

36. Strongly condemns the practice of racial and ethnic segregation in schools, which is still present in Europe; warns that such practices lead to marginalisation, early dropouts, low enrolment rates and the creation of parallel social spaces, perpetuate structural discrimination and hamper equal access to quality of life; calls on all Member States to introduce or strengthen inclusive policies to prevent marginalised groups of learners from pre-school to higher education from being placed in separate schools, educational institutions or classes, whether intentionally or not, to promote social inclusion with the guarantee of equal opportunities for all, and to ensure that all children enjoy equal access to quality education and extracurricular activities including culture and sport; encourages the Member States to actively promote the inclusion of children from minority groups in schools and local communities and to safeguard the secular nature of public education, while respecting cultural and religious identities;

37. Calls on the Commission and the Member States to take steps to support children from racial and ethnic minorities and precarious socioeconomic backgrounds on their pathways to excellence by helping them get involved in extracurricular activities (e.g. arts and sport) at a high level, enabling them to get into schools that meet their particular needs, providing good-quality education opportunities, and making the necessary funding available;

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38. Calls on the Member States to guarantee the right to education for every child and to establish measures to combat and prevent early school leaving and ensure gender-equitable access to good-quality, inclusive education from early childhood to adolescence; calls on the Commission to design new funding tools or sub-programmes, which should be complementary to the measures taken by the Member States, with the aim of providing targeted and tailored support in quality education for children aged three and over who have to contend with extreme poverty and are not eligible for existing or future EU educational and social inclusion funding initiatives, such as Erasmus+, the Child Guarantee or ESF+;

39. Recognises the importance of teaching children and young people to make them aware of the negative impact of intolerance and developing their critical thinking skills; underlines the need to ensure that education on human rights begins from a very early age and that teaching material reflects the diversity and pluralism of society and does not include any racist content;

40. Calls on the Commission to promote research on early warning systems and effective teaching methods to fight racism and discrimination in schools, taking heed of the best practices from around Europe, and to promote the dissemination of results in order to eradicate bullying on racial grounds;

41. Calls on the Member States to ensure that teaching staff from racial and ethnic minority groups enjoy equal and fair access to teaching and education positions in all levels of education and that measures are put in place to ensure that both educators and learners are protected from racial discrimination in the school system;

42. Decries the structural discrimination suffered by thousands of refugee children in Europe, who have had little or no access to education; affirms that segregated classes in reception camps, which are often run by volunteers, cannot be a substitute for schooling; calls for the compulsory education of refugee children in the school system of the host country to be made a prerequisite for accessing EU funding in the field of migration;

43. Calls on the Member States to provide suitable training for teachers, irrespective of their subject, their specialisation, the age of their students, or the type of facility in which they will be teaching, in order to equip them with the skills and cultural abilities they need to promote inclusion and tolerance and to combat discrimination in the education system; calls for all educators and youth workers to be given time to partake in initial teacher education and continuous professional development focused on teaching in a multicultural and multiracial context, including training on unconscious bias; calls on the Member States to introduce lifelong learning programmes for civil servants and state security forces in particular in order to eliminate racist and xenophobic behaviour;

44. Recalls that artificial intelligence (AI) systems intended for use in education and vocational training and processes to recruit educational staff are in some cases considered 'high risk'; calls for proper risk assessments to be undertaken before such tools are used;

45. Stresses the importance of remembrance activities in the Citizens, Equality, Rights and Values Programme and the need for sufficient funding and visibility for projects designed to commemorate, research and educate about defining events in recent European history and to raise awareness among European citizens of their common history, culture, cultural heritage and values, thereby enhancing their understanding of the EU and its origins, purpose and diversity;

46. Acknowledges that mobility programmes such as Erasmus+ are a boon to educational, social, personal and professional development and have helped to foster an understanding of other people; encourages the continuous endorsement of such programmes;

47. Underlines the value of EU citizenship education for mutual understanding and social cohesion, a conviction shared by the citizens that provided their input to the Conference on the Future of Europe, which will also be taken into consideration in the conference conclusions due for publication this year;

48. Stresses the importance of the recognition of non-formal and informal education and the automatic recognition of diplomas and qualifications as key tools to open up opportunities for individuals from racial and ethnic groups, to tackle structural racism and discrimination and to foster diversity;

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49. Recognises the importance of role models in educational attainment; encourages the creation of a pan-European platform of individuals and collectives of people from racial and ethnic minority backgrounds who can share their experiences with learners;

50. Emphasises the importance of raising awareness among the general public and across public opinion of the diverse nature of our societies through teaching and other relevant materials;

51. Calls on the Member States to refrain from making budget cuts to education programmes, as doing so may leave less room for discussions on cross-cultural awareness and anti-racism ⁽²⁵⁾;

52. Underlines the importance of EU-funded social programmes, notably school meal schemes, for the integration of socially disadvantaged children and young people;

Media

53. Underlines the importance of representation and diversity in the development of inclusive societies; recalls that the media have a responsibility to reflect societies in all their diversity and regrets the lack of racial and ethnic diversity at many media outlets; calls on the cultural and media sectors to eschew practices that perpetuate or reinforce negative stereotypes about ethnic and racial minorities and encourages them to show members of these communities performing positive roles; calls on the relevant stakeholders to address diversity and representation within their organisations, including by creating a figure responsible for diversity and implementing initiatives designed to improve media professionals' literacy on issues of diversity and inclusiveness in order to better reflect the independent and pluralistic nature of their tasks;

54. Welcomes the Commission's communication and awareness-raising campaign to foster diversity in the audiovisual sector both off- and on-screen; calls for this campaign to focus on the diversity and history of racialised and other marginalised communities and to highlight how achieving racial justice can contribute to a more cohesive, peaceful and democratic Europe for all;

55. Welcomes the fact that the European Digital Media Observatory has been tasked with tackling disinformation and action targeting minority communities; stresses the urgent need to put greater emphasis on the development of critical thinking, media literacy and digital skills in education programmes; highlights the crucial effects that media literacy campaigns and initiatives may have in mitigating racial discrimination narratives propagated through disinformation; highlights the need to provide young people with analytical and operational tools in order to recognise and combat the spread of hate speech online;

56. Urges the Commission to ensure that the definition of hate speech offline or online and the criminalisation of hate crime is fully and correctly transposed into the national laws of the Member States, and to launch infringement procedures where necessary;

57. Welcomes the sixth evaluation of the Code of Conduct on Countering Illegal Hate Speech Online and the progress made in removing online hate speech; regrets the fact, however, that while the average rate of notifications reviewed within 24 hours remains high (81 %), it has fallen since 2020 (90,4 %), and the average removal rate has fallen to 62,5 % since 2019 and 2020; urges the Commission to continue its cooperation with platforms to eliminate hate speech online and to make improvements on removal rates, transparency and feedback to users;

58. Expresses its concern about the spread of AI- and algorithm-enabled hate speech and disinformation that includes racial and discriminatory content; notes that hate speech and disinformation cause immediate disruption to our societies; calls for efforts to counter such activities, in particular by designing dedicated AI and algorithms with the ultimate goal of stemming the tide of hate speech and disinformation and mitigating its repercussions;

59. Observes that English is prevalent in the development, deployment and use of AI, including content filters; warns that online hate speech is also practised in other languages, whose content filters are less effective; calls for measures to fight hate speech in all languages;

⁽²⁵⁾ *The role of culture, education, media and sport in the fight against racism*, European Parliament Directorate-General for Internal Policies, Policy Department for Structural and Cohesion Policies, October 2021, p. 13.

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60. Welcomes the practice established by certain international audiovisual providers to add disclaimers about harmful and racist content ahead of media broadcasts; encourages the development of such practices within the European audiovisual sphere;

61. Notes that some Member States have audiovisual regulatory bodies with the power to issue sanctions following programmes that promote discriminatory or racist content; encourages the Member States to empower their regulatory agencies in this sense; calls for the European Regulators Group for Audiovisual Media Services to be given access to resources to properly coordinate the national agencies in collecting and sharing good-quality data, as well as in monitoring such tasks; calls on the Commission and the Member States to discontinue EU and state funding for media outlets that are found by competent regulatory authorities to be in contravention of legal standards for promoting hate speech and xenophobia;

62. Condemns the racist rhetoric of certain media outlets that stigmatise racialised communities, for example by targeting migrants as being the source of various economic and social problems and giving disproportionate coverage to crimes committed by migrants; calls on the Member States to take effective measures to prevent media from spreading stigmatising rhetoric, hate speech, false narratives and negative portrayals of particular ethnic or racial groups, which serve only to dehumanise the individuals concerned;

63. Stresses the need to increase the accountability of digital platforms and social networks in order to combat the spread of incitement to racial hatred and anti-migrant and anti-minority sentiment;

Sport

64. Stresses that sports clubs and federations have a crucial role to play in combating racism, including through awareness-raising; recalls that sport and team sport in particular is a driver of social inclusion, equality and the promotion of EU values, as referred to in the Erasmus+ regulation; welcomes the provision of EU and national funding to enable those in poverty, especially minorities and children, to take part in sporting activities;

65. Notes that racism is mentioned under the sector-specific priority on partnerships for sport in Key Action 2 of the 2022 annual work programme for Erasmus+ and that grassroots sports initiatives focusing on inclusion and the fight against racism can be funded under the new small-scale partnerships scheme; calls on the Commission to assess these initiatives and to systematically monitor the number and type of sports projects whose main focus is the fight against racism, and the amount of funding allocated to them; calls on the Commission to promote the inclusion of migrants and people from racial and ethnic minority backgrounds in grassroots sports clubs;

66. Welcomes the efforts made by NGOs and grassroots organisations in various Member States to use sport as a way of bringing people together and fostering a collective memory with the aim of fostering respect and inclusion; calls on the Commission to develop a database of best practices in sports education and the media in order to promote their development across the EU;

67. Recognises that greater attention should be paid to the representation of diverse groups in sport generally and in managerial positions at sporting organisations, including women and those who have fewer opportunities such as refugees, ethnic and racial minorities and the LGBTIQ community; urges international, European and national sports governing bodies and stakeholders to implement measures on diversity and inclusion, in particular to address the low numbers of women and ethnic minorities in leadership positions and on boards; calls on the Member States to develop inclusive sports policies with the appropriate funding to ensure that sport is accessible to all, regardless of ethnicity, race, disability or socioeconomic background;

68. Insists on a zero-tolerance approach to racism, hate speech, violence and other racist behaviour in sport and urges the Commission, the Member States and sports federations to develop measures to prevent such incidents and to adopt effective penalties and measures to support victims, as well as measures to protect from retaliation athletes that denounce racism or speak out for diversity;

69. Urges the Commission to develop recommendations or guidelines in sport in order to combat racism in sport at local, regional, national and European levels and foster inclusion and respect, including for those that need specific attire, at all levels of sport; invites sporting organisations and stakeholders at all levels to actively contribute to such a code, to subscribe to it, and to incorporate it within their statutes; encourages organisations to raise awareness of such a code and its content among their members and their families, and the wider public;

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

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Cohesion policy: reducing healthcare disparities and enhancing cross-border health cooperation**European Parliament resolution of 8 March 2022 on cohesion policy as an instrument to reduce healthcare disparities and enhance cross-border health cooperation (2021/2100(INI))**

(2022/C 347/03)

The European Parliament,

- having regard to Article 168 of the Treaty on the Functioning of the European Union (TFEU), which requires a high level of human health protection in the definition and implementation of all Union policies and activities and aims to encourage cooperation between Member States in order to improve the complementarity of their health services in cross-border areas,
- having regard to Article 174 TFEU on strengthening the economic, social and territorial cohesion of the Union,
- having regard to Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽¹⁾,
- having regard to Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare ⁽²⁾ (Cross-Border Healthcare Directive) and in particular Article 168 thereof,
- having regard to Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006 ⁽³⁾,
- having regard to the Commission study on cross-border cooperation entitled 'Capitalising on existing initiatives for cooperation in cross-border regions' published in March 2018 ⁽⁴⁾,
- having regard to the opinion of the European Committee of the Regions of 14 October 2020 on the implementation and future perspectives for cross-border healthcare ⁽⁵⁾,
- having regard to the Commission communication of 11 November 2020 entitled 'Building a European Health Union: Reinforcing the EU's resilience for cross-border health threats' (COM(2020)0724),
- having regard to the Organisation for Economic Co-operation and Development report of 19 November 2020 entitled 'Health at a Glance: Europe 2020',
- having regard to its position adopted at first reading of 9 March 2021 on the proposal for a regulation of the European Parliament and of the Council on the establishment of a Programme for the Union's action in the field of health — for the period 2021-2027 and repealing Regulation (EU) No 282/2014 (EU4Health Programme) ⁽⁶⁾,

⁽¹⁾ OJ L 166, 30.4.2004, p. 1.

⁽²⁾ OJ L 88, 4.4.2011, p. 45.

⁽³⁾ OJ L 347, 20.12.2013, p. 470.

⁽⁴⁾ Röhrling, L., Habimana, K., Groot, W., et al., *Capitalising on existing initiatives for cooperation in cross-border regions*, Directorate-General for Health and Food Safety, European Commission, 2018.

⁽⁵⁾ OJ C 440, 18.12.2020, p. 10.

⁽⁶⁾ OJ C 474, 24.11.2021, p. 179.

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- having regard to Regulation (EU) 2021/522 of the European Parliament and of the Council of 24 March 2021 establishing a Programme for the Union's action in the field of health (EU4Health Programme) for the period 2021-2027, and repealing Regulation (EU) No 282/2014 ⁽⁷⁾,
 - having regard to Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe — the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 ⁽⁸⁾,
 - having regard to Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund ⁽⁹⁾,
 - having regard to Regulation (EU) 2021/1059 of the European Parliament and of the Council of 24 June 2021 on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments ⁽¹⁰⁾,
 - having regard to Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy ⁽¹¹⁾,
 - having regard to the 2021 study on cross-border cooperation in healthcare commissioned by the Committee on Regional Development ⁽¹²⁾,
 - having regard to the Commission guidance on European structural and investment funds 2014-2020,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Development (A9-0026/2022),
- A. whereas the lack of basic infrastructure, well-trained personnel and quality services in NUTS level 2 regions (regions with between 800 000 and 3 million inhabitants) with GDP per capita lower than 75 % of the EU-27 average, and transition regions with GDP per capita between 75 % and 90 % of the EU-27 average, seriously hampers equal access to healthcare and is the main reason why high-quality health infrastructure and adequate and well-trained health personnel should be a priority for all national and regional governments;
- B. whereas the outbreak of the COVID-19 pandemic highlighted the crucial importance of the health sector and put increased demands on healthcare systems and health workers, and thus exposed the weaknesses and shortcomings of healthcare systems as well as the healthcare disparities and inequalities between the Member States and within them, in particular in border, outermost, remote and rural regions, including in regions with low population density;
- C. whereas cohesion policy, through the coronavirus response investment initiative (CRII) and the coronavirus response investment initiative plus (CRII+), was the first line of defence against the COVID-19 pandemic, thus proving that this policy can contribute significantly to reducing health inequalities through supporting advances in e-health, e-medicine and other forms of digitalisation, that, while a source of new opportunities, also require appropriate equipment to master each specific situation, as well as training for medical personnel to cater to each specific situation;

⁽⁷⁾ OJ L 107, 26.3.2021, p. 1.

⁽⁸⁾ OJ L 170, 12.5.2021, p. 1.

⁽⁹⁾ OJ L 231, 30.6.2021, p. 60.

⁽¹⁰⁾ OJ L 231, 30.6.2021, p. 94.

⁽¹¹⁾ OJ L 231, 30.6.2021, p. 159.

⁽¹²⁾ Policy Department for Structural and Cohesion Policies, *Cross-border cooperation in healthcare*, Directorate-General for Internal Policies of the Union, European Parliament, 2021.

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- D. whereas the standard of healthcare provision in the EU is still a prerogative of the Member States and significant differences exist between regions, creating inequalities; whereas NUTS level 2 regions with GDP per capita lower than 75 % of the EU-27 average are not able to devote anything close to the amount of resources on healthcare per capita as their more developed counterparts;
- E. whereas the EU instruments aimed at compensating for some of these problems are mostly limited to 'soft' law resulting in general shortcomings; whereas a more structured Union-level approach complemented by a stronger and more comprehensive legal framework and legally binding means of action is required in order to enhance cooperation and coordination between Member States, better protect peoples' health and effectively address the existing healthcare disparities;
- F. whereas the Commission supports cross-border cooperation in healthcare through numerous studies and initiatives, including through Interreg, financed under the structural funds;
- G. whereas cross-border healthcare-related cooperation requires the support and involvement of a wide range of partners, social and medical institutions, health insurance entities and public authorities, that should address existing barriers to crossing the border in areas such as free movement, information, different taxation and social security systems as well as the recognition of qualifications for healthcare staff and barriers with which healthcare institutions are faced;
- H. whereas the right to access quality healthcare, including preventive care, is part of the European Pillar of Social Rights and should be accessible to people in cross-border areas, which represent 40 % of the territory of the EU and are home to almost one third of the EU population, and generally perform worse economically than other regions within the Member States, in particular cross-border areas with lower population density and fragile economies, such as rural, remote, outermost regions and islands;
- I. whereas strengthening cohesion policy is necessary in order to reduce disparities between the standards of healthcare provision in the EU;
- J. whereas health spending accounts for almost 10 % of GDP in the EU, with people employed in health-related fields making up 15 % of the EU workforce; whereas significant differences regarding the level of healthcare expenditure and the availability of doctors and healthcare professionals still persist among Member States and their regions;
- K. whereas the serious depopulation of border regions, especially by young people and skilled workers, illustrates the lack of economic opportunities in these regions and makes them less attractive in terms of employment in health sector; whereas the shortage of human resources in equitable healthcare, whether as a result of limits on student numbers or lack of career prospects, is one of the key issues when it comes to the sustainability of European health systems;
- L. whereas in the last two multiannual financial frameworks (MFFs), health investments from the European Regional Development Fund (ERDF) tended to be concentrated in the less-developed Member States and NUTS level 2 regions with GDP per capita lower than 75 % of the EU-27 average, usually focusing on health service modernisation, while the European Social Fund (ESF) investments addressed access to healthcare and tended to be concentrated in the countries facing particular challenges in terms of access to affordable, sustainable and high-quality services;
- M. whereas at the moment, the primary responsibility for healthcare lies with the Member States since they control the organisation and financing of healthcare services and medical practices;
- N. whereas the priorities of NextGenerationEU include digitalisation and health system resilience;
- O. whereas cross-border healthcare is one of the policy areas and fields of intervention most concerned by legal and non-legal obstacles due to major differences between national systems;

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- P. whereas a European Health Union should contribute to and foster closer cooperation, coordination and knowledge sharing on health between Member States and relevant stakeholders and increase the EU's capacity to combat cross-border health threats;

Reducing healthcare disparities through cohesion policy

1. Underlines that the EU's cohesion policy invests in health as a key asset for regional development, social convergence and regional competitiveness in order to reduce economic and social disparities;
2. Points out that access to public services is crucial for the 150 million-strong population of internal cross-border areas, and is frequently hampered by numerous legal and administrative barriers; calls, therefore, on the Commission and the Member States to maximise their efforts to remove these barriers, especially when related to health services, transport, education, labour mobility and the environment;
3. Believes that the EU should develop a strategic and integrated approach when it comes to major diseases by bringing together diverse resources from several funds, including cohesion funds; emphasises the need to replicate the model of Europe's beating cancer plan to tackle other health problems such as mental health and cardiovascular diseases;
4. Underlines the rise in mental illnesses and disorders, especially since the beginning of the COVID-19 pandemic; calls on the Commission to propose a new European action plan for mental health as soon as possible based on the model of Europe's beating cancer plan, using all instruments available, including cohesion policy, in the form of a comprehensive plan with measures and targets that leave no one behind;
5. Believes that the recovery from the COVID-19 pandemic is an opportunity to build stronger and more resilient health systems by using the instruments of the cohesion policy; supports the Commission in creating a well-functioning European Health Union to unlock the huge potential of health cooperation;
6. Highlights that many NUTS level 2 regions with GDP per capita lower than 75 % of the EU-27 average and transition regions with GDP per capita between 75 % and 90 % of the EU-27 average, rural areas and areas with low population density do not uniformly match the standards of healthcare provision in comparison with the services available in more developed parts of the EU; stresses that further convergence and cooperation in this area are necessary between the Member States and the EU, particularly through the cohesion policy investments; calls, therefore, on the Commission and the Member States to cooperate in establishing minimal standards in both the health infrastructure and health services and to use EU funds to ensure equal access to minimum quality standards in all regions, and especially for pressing problems in the border areas; calls on the Commission and Member States to pool their commitments and resources to achieve this goal;
7. Recalls the substantial contribution of cohesion policy to planned health sector investments in the last programming period (2014-2020) through the ESF and the ERDF, to the tune of around EUR 24 billion so far, aimed at improving access to services, as well as developing specialised health infrastructure and capacities in order to reduce health inequalities;
8. Believes that investments in healthcare innovation, healthcare systems and qualified and sufficient health personnel will reduce health inequalities and will continue to offer significant improvements to the daily lives of citizens which will lead to an increased life expectancy; stresses the importance of EU, national and regional authorities in providing for a more efficient involvement of a wide range of healthcare institutions; underlines, furthermore, the need for direct cooperation, actions and projects using cohesion policy instruments between and within the Member States and their regions to establish the procedures focused on reducing the bureaucratic burden for patients and solving as many problems as possible among health insurance services in the cross-border regions;
9. Calls on the Member States to take due account of the positive contribution of the private health sector and to ensure that in programming of the next cohesion programmes, sufficient funds are available for private projects in health infrastructure and services;

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10. Recommends that when defining healthcare policies at regional, national and EU level, there should be tailored and adaptive approaches between health, social and economic policies, with the goal of improving dialogue, synergies and planned investments from the structural funds and other relevant EU programmes, such as Interreg, such as through the initial provision of medical equipment, exchanges of medical personnel and transfer of patients between hospital facilities which are able to cater for citizens' unmet health and social needs;

11. Underlines that the European reference networks (ERN) could improve access to healthcare in the case of rare and complex diseases; calls on the Commission and the Member States to ensure ongoing support and better resources for the ERN and national centres of expertise for rare and complex diseases, and to extend the ERN field of work to other fields such as severe burns and organ transplant programmes; calls on the Commission to analyse the feasibility of establishing a dedicated fund under the cohesion policy to guarantee equitable access to approved therapies for rare diseases;

12. Calls on the Member States to take into account the specificities of the cross-border regions and the patient's right to choose when defining healthcare policies, and to use the cohesion instruments to develop regional health infrastructure and procedures which allow patients to choose medical services in the region from either side of the border regardless of their state of residence;

13. Suggests that the Commission create a European health advisory board, involving national, regional and local government authorities and other stakeholders, with the aim of promoting better use of European funds and working to develop effective and harmonised responses to common public health issues;

14. Calls for better synergies and complementarities between cohesion policy programmes to be ensured, with the aim of reducing regional disparities, in particular in Horizon Europe which should generate new knowledge, and EU4Health, making the best possible use of this new knowledge for the benefit of citizens and health systems;

15. Calls on the Commission to make full use of its competence in health policy to support national and regional authorities in strengthening health systems, promoting upward convergence of healthcare standards with the aim of reducing health inequalities within and between Member States, and facilitating the exchange of best practices among Member States, especially with regard to sexual and reproductive health and rights (SRHR), including through using, where appropriate, the EU4Health programme and the European social fund plus (ESF+);

16. Stresses the importance of cohesion policy in tackling gender inequality in healthcare and promoting the gender-related health priorities of the EU gender equality strategy 2020-2025, including SRHR;

17. Calls on the Commission to promote the integration of healthcare and medical treatments through health and care strategies, so that the focus is on patients and so that duplication, gaps and lack of care are avoided, particularly in the care of chronically ill patients or the elderly, with lessons to be learned in particular from the experiences of cross-border programmes;

18. Points out that while evaluating the overall envelope of funded structural projects and benchmarks in the context of health, it is also necessary to review the subsequent health outcomes of individual projects in order to track their results and conduct ongoing analyses of their effectiveness and to draw the correct conclusions to improve the programming and implementation of these projects in the future, including with a view to further developing a guide of good practice, produced by the Commission;

19. Underlines the importance of continuing to build a comprehensive health infrastructure and to reduce the existing disparities to the greatest possible extent; recalls that cohesion policy can make a significant contribution to the building of health infrastructure in every part of the EU, especially in the NUTS level 2 regions with GDP per capita lower than 75 % of the EU-27 average and transition regions with GDP per capita between 75 % and 90 % of the EU-27 average, in order to create high-quality, fully-equipped and resilient healthcare systems throughout the entire EU that better protect peoples' health; emphasises, moreover, the need to set up a working cross-border cooperation network between the Member States and their regions that could effectively respond to current and future health challenges;

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20. Calls for the use of cohesion policy funds for the development of specialised centres of excellence for specific diseases across the EU, which would also cover its neighbouring countries and contribute to cross-border healthcare cooperation; reiterates, in this context, the need to use all existing EU instruments, such as EU4Health and Horizon Europe, in synergy, in order to support the development of a network of such centres equitably distributed across the entire territory of the EU;

21. Emphasises that people in border areas, rural areas and the outermost regions often encounter barriers to equal access to healthcare that limit their ability to obtain the care they need, especially in the form of basic health infrastructure, qualified and sufficient health personnel and access to vital medicines; stresses that in order for them to acquire sufficient access to health infrastructure and the appropriate healthcare they need, quality services should be available and obtainable in a timely manner; emphasises, furthermore, the specific situation regarding access to healthcare in border regions at EU external borders and peripheral regions where EU citizens already face numerous challenges;

22. Notes that transport costs are one of the reasons for the rising price of medicines and clinical equipment for hospitals and health centres in the outermost regions, remote regions and regions with low population density, which also have to cope with long delivery times, meaning regional health services need to have increased capacity to store large amounts of stock and avoid shortages; considers, therefore, that the EU should develop a response to these issues;

23. Stresses that equal access to healthcare will also increase the inclusion of people, including for those who have disabilities or are otherwise disadvantaged, and will increase the level of their social protection; notes that promoting accessibility to mental health services could also help to increase employment and eliminate poverty in less-developed regions;

24. Highlights the importance of mobilising European funds in order to invest more in disease prevention and the promotion of a healthy lifestyle and active ageing in order to prevent early pressure on health systems; stresses the importance of supporting campaigns to raise public awareness, in particular among young people, of the benefits of adopting a healthy lifestyle, and the importance of supporting the development of screening programmes for the early detection of serious diseases;

25. Believes that in order to overcome the major obstacles that exist in terms of equality of access to healthcare in rural areas, wide use should be made of advanced technologies, such as e-health, robotic surgery and 3D printing as an integral part of the 'smart villages' concept, with the goal of improving access to healthcare and increasing efficiency and quality; stresses the importance of using EU cohesion programmes to improve the deployment of digital solutions and to provide technical assistance to public administrations, insurance companies and other healthcare operators dealing with cross-border cooperation issues; highlights, therefore, the need to guarantee high-speed internet access in rural and remote areas, promote digital literacy among all age groups in those areas, and equip rural and remote health services with the resources needed to ensure effective online healthcare, such as e-medicine, and to store clinical data in a secure and harmonised manner; recommends developing a sustainable comparable cross-border database and mapping border and cross-border healthcare operators to make cross-border realities visible and to create new opportunities;

26. Underlines the merits of a European approach in tackling the COVID-19 pandemic, through joint acquisitions, stockpiles and other measures; calls for the continuation and development of this approach, using the instruments of the cohesion policy for other joint EU acquisitions of medical equipment and treatments such as cancer-preventing vaccines like human papillomavirus vaccines (HPV), hepatitis B vaccines and emergency equipment in order to improve affordability and access to treatments;

27. Calls for ambitious cohesion policy measures, in accordance with the legal provisions in force in the EU, in order to mitigate the significant lack of qualified and sufficient healthcare personnel in border and rural areas, in particular by helping healthcare personnel and their families to settle in these areas, by providing opportunities for continued vocational training and specialisation, and by ensuring good working conditions, with the aim of encouraging them to commence or resume practice in these areas;

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28. Points out that sustainable long-term investment in healthcare personnel is more urgent than ever before given the severe economic, social and health impacts of the COVID-19 crisis; highlights the particular need for investment in sufficient healthcare personnel, education through the ESF+ and funding specialisations and sub-specialisations of the health personnel in the Member States and regions which are facing a brain drain; calls on the Member States that are confronted with a brain drain in the healthcare sector to prioritise investments from the cohesion policy towards improving the working environment of medical personnel;

29. Calls for the use of cohesion policy funds to improve the working environment and attractiveness of healthcare sector to the health personnel in order to facilitate strategies to generate interest and ensure retention of the healthcare personnel in NUTS level 2 regions with GDP per capita lower than 75 % of the EU-27 average and transition regions with GDP per capita between 75 % and 90 % of the EU-27 average and rural areas with low population density and less economic wealth, complementing national and regional policies aimed at providing adequate health workforce throughout the EU; calls for a greater role for local and regional authorities, especially those in cross-border regions, in setting up and implementing cohesion policy programmes and projects that have a significant impact on reducing health disparities;

30. Calls on the Member States to ensure genuine cooperation in the field of cross-border healthcare in order to ensure that patients' rights are respected, as provided for in the Cross-Border Healthcare Directive, and to ensure that the availability and quality of services increases;

31. Points out that the COVID-19 crisis has shown the need to step up investments to reinforce healthcare systems' preparedness, responsiveness and resilience, while ensuring cross-border cooperation across the EU and that therefore solidarity, sustainability and equity are key to overcoming this crisis and its devastating socioeconomic consequences;

32. Points out that the COVID-19 crisis has demonstrated the importance of public-private partnerships in patient treatment, drug and vaccine research, and vaccine distribution; believes that the cost-benefit ratio of using EU funds for healthcare research and development projects carried out through public-private partnerships should be noted;

33. Stresses the need for an online platform with relevant stakeholders to encourage exchanges of best practice and discussions on cross-border healthcare;

34. Believes that the COVID-19 pandemic represents a historic transformational moment for investments in health systems and future workforce capabilities; calls for the establishment of a strong and sufficiently-funded European Health Union to enhance cooperation and coordination between Member States, reinforce public healthcare systems, better protect peoples' health and effectively address long-standing healthcare disparities;

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35. Encourages the use of NextGenerationEU funds and cohesion funds to radically upgrade the digital capabilities of healthcare systems; emphasises the need for enhanced interoperability of IT systems, as this is the main pillar for facilitating the cross-border provision of e-health services and especially of telemedicine services;

36. Calls on the Commission and the Member States to use the cohesion policy instruments to promote the digitalisation of medication services in European hospitals, including traceability systems, in order to reduce medication errors, improve communication between care units and simplify bureaucracy; calls for the implementation and development of the e-health digital service infrastructure (eHDSI), including a single European digital patient file, which would ensure that citizens have rapid access to adequate medical services everywhere in the EU;

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37. Calls on the Commission to establish a European list of essential medicines and to ensure their availability and affordability through permanent stocks, joint price negotiations and joint procurement by using EU instruments, including those provided by the cohesion policy;

38. Highlights that many border regions already have both a history of and the structures for cooperation in health, which they should fully exploit in the spirit of European solidarity;

39. Highlights the importance of patient mobility and cross-border access to safe and high-quality healthcare in the EU; stresses that patients often cannot benefit from healthcare services in neighbouring countries due to diverging systems of cost reimbursement, while cross-border workers are faced with confusing taxation and social benefits because Member States follow different social security systems; strongly encourages, therefore, the promotion of specific intermediaries, such as zones of organised access to cross-border healthcare (ZOASTs), European groupings of territorial cooperation (EGTC), health observatories and other networks to help coordinate cross-border cooperation in healthcare in collaboration with local, regional and national authorities; stresses that cross-border healthcare improvements can benefit patients by enabling equitable access to health services and infrastructure in other Member States or their bordering regions, including diagnosis and clinical trials, based on the principle of 'easiest, closest, best and fastest' access; calls for more efficient transport possibilities of patients to the nearest cross-border facilities, while recognising that tackling all legal and administrative obstacles still represents a burden and needs to be addressed by a future European cross-border mechanism (ECBM) regulation;

40. Highlights the importance of the recent cohesion policy measures to tackle the COVID-19 pandemic, namely the coronavirus response investment initiative (CRII), the coronavirus response investment initiative plus (CRII+) and the recovery assistance for cohesion and the territories of Europe (REACT-EU); further emphasises that similar measures were taken on board in Regulation (EU) 2021/1060;

41. Strongly recommends improving and disseminating simplified information for cross-border patients and healthcare staff via a manual for patients or cross-border regional contact points;

42. Acknowledges the existence of the numerous successful health cross-border projects across Europe, and stresses that the experience gained from these should be used to build on the intelligent use of existing cohesion policy projects by further enhancing and facilitating cross-border cooperation in this area for the benefit of all people in the EU; underlines, furthermore, the importance of learning from and further capitalising on the success stories from some of the border regions;

43. Acknowledges the importance of investing in cross-border cooperation programmes that respond to the health-related needs and challenges identified in the border regions as a cross-border governance that is important in emergency situations, such as emergency services covering regions on both sides of the border; stresses the crucial role that investments in high-quality services have on building social resilience and helping people to cope with economic, health and social crises; calls on the Commission and the Member States to prioritise investments in the health sector of the border regions through an effective mix of investments in infrastructure, innovation, human capital, good governance and institutional capacity;

44. Stresses the importance of cross-border cooperation on health for all European regions and the need to find solutions for cross-border healthcare, in particular for border regions where citizens cross the border on a daily basis; points out that a high level of cooperation between border regions is required to provide the necessary services;

45. Calls for enhanced focus on patients in the projects that will be financed through Interreg programmes in the new programming period and in projects focusing specifically on vulnerable and marginalised groups as well as on the gender-related health priorities of the EU gender equality strategy 2020-2025, including SRHR;

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46. Believes the financial resources available under the European territorial cooperation goal should be employed to create functional cross-border public health services, and should not be used solely as an instrument to create disconnected health facilities; stresses, furthermore, that projects under Interreg should have a clear cross-border functionality component; calls on the Commission and the Member States to foster the creation of comprehensive joint territorial planning for border areas in terms of healthcare services;

47. Recalls that Interreg programmes have become an important instrument to resolve problems typical to border areas, to promote cooperation between partners across borders and to develop the potential of European border territories;

48. Highlights that in the last Interreg V-A period, cross-border cooperation in the field of health aimed at, among other things, facilitating the cross-border mobility of health professionals and patients, increasing innovation and developing access to high-quality healthcare through the use of common equipment, shared services and joint facilities in cross-border areas, and included projects covering actions such as training (38 %), treatment and diagnosis (22 %) and equipment (17 %);

49. Calls for projects facilitating cross-border health contracts, whereby patients travel and are treated within the framework of contractual agreements and are free to choose their health professional, to be funded;

50. Points out that in order to have successful cross-border public healthcare services, the Commission and Member States should gather substantial data on the nature of legal and non-legal obstacles in each border region and support policy-specific analysis on how they can be overcome;

51. Calls on the Commission to ensure that the existing coordinating bodies will facilitate cross-border treatments based on advanced therapy medicinal products (ATMP) and ensure that patients across the EU enjoy equitable access to innovative therapies; calls on the Member States to authorise access to these innovative treatments abroad in an effective and timely manner and to accelerate the reimbursement process for patients;

52. Believes that centres of excellence could stimulate and increase cross-border contracting to an even greater extent, and that, as a result, such centres could be of great importance and of benefit in improving the overall health conditions, thus increasing the life expectancy of EU citizens;

53. Calls on the Commission, the Member States and the regions to encourage better management of cross-border healthcare, as EU patients still face serious challenges and barriers to accessing healthcare in other Member States and only a minority of potential patients are aware of their right to seek cross-border healthcare; calls on the Commission and the Member States to better disseminate information and to consider an appropriate EU-wide campaign in order to inform the public on their rights and on ways to access cross-border healthcare; reiterates the importance of funding digitalisation and investment in public information, integration of information and data systems to facilitate access and use;

54. Calls on the Commission to carry out a comprehensive study on the cooperation framework between insurance systems in the EU, examining potential bottlenecks and shortcomings that patients looking for medical services in the territory of another Member State encounter, as well as administrative barriers that prevent citizens from benefiting from cross-border healthcare, and to highlight how the cohesion policy instruments could be used to solve these potential problems;

55. Stresses that the lack of a coordinated cross-border health insurance system discourages patients from looking for treatment across the border in case they cannot afford paying the cost of care in advance before their insurance reimburses them;

56. Believes that exchanging knowledge and scaling-up practices through Interreg will contribute to reinforcing preparedness and response facilities across borders, which have become a major factor during the crisis caused by the pandemic;

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57. Believes that Interreg programmes can supply joint public health services and initiate other cross-border initiatives, as promoting such proximity is highly compatible with the objective of green sustainability;

58. Highlights that several Interreg projects have contributed to cross-border regions' fight against COVID-19 throughout the EU, for example through the mobility of intensive care patients and healthcare professionals, as well as the provision of medical and personal protective equipment and PCR tests across borders, and through the exchange of information, or by offering legal advice; emphasises, therefore, the importance of small-scale and cross-border projects in bringing people together and in that way creating new potentials for sustainable local development and cross-border health cooperation; notes, however, that border closures within the EU during the pandemic affected the mobility of patients and healthcare personnel, while information about infection data, vaccinations or conditions for patients' transfers was not sufficiently harmonised among Member States, and therefore slowed down common epidemiological response to the COVID-19, created confusion and hampered regional cooperation between the most affected regions;

59. Strongly believes that tailor-made solutions and a local approach are required due to the existing diversity between cross-border regions and are a prerequisite for sustainable local development;

60. Calls on the Member States and on regional and local authorities to make use of the full extent of the flexibility offered by the cohesion policy programmes, defined in Regulation (EU) 2021/1060, and Interreg programmes, in order to address the current COVID-19 crisis;

61. Calls on the Commission and the Member States, in the light of the COVID-19 pandemic, to support, jointly through cohesion policy and the EU4Health programme, the development of response strategies, protocols and procedures at national and EU level to enable better cooperation in case of future public health emergencies;

62. Considers that cross-border health cooperation under the cohesion policy will not be fully possible without the mutual recognition of diplomas and qualifications in the field of medical services across all Member States; calls on the Commission to propose a framework which allows for the automatic recognition of the level of higher education diplomas at European level, building on the decision signed in 2015 by the Benelux states;

63. Calls on the Member States to make better use of bilateral agreements and to set up cooperation arrangements to remove barriers to cross-border healthcare;

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

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Cohesion policy: promoting innovative and smart transformation and regional ICT connectivity**European Parliament resolution of 8 March 2022 on the role of cohesion policy in promoting innovative and smart transformation and regional ICT connectivity (2021/2101(INI))**

(2022/C 347/04)

The European Parliament,

- having regard to Article 174 of the Treaty on the Functioning of the European Union on strengthening the economic, social and territorial cohesion of the Union,
- having regard to Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy ⁽¹⁾ (the Common Provisions Regulation), and in particular its first policy objective as laid out in Article 5,
- having regard to Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund ⁽²⁾,
- having regard to Regulation (EU) 2021/1059 of the European Parliament and of the Council of 24 June 2021 on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments ⁽³⁾,
- having regard to Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021 establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013 ⁽⁴⁾,
- having regard to Regulation (EU) 2020/2221 of the European Parliament and of the Council of 23 December 2020 amending Regulation (EU) No 1303/2013 as regards additional resources and implementing arrangements to provide assistance for fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and for preparing a green, digital and resilient recovery of the economy (REACT-EU) ⁽⁵⁾,
- having regard to Regulation (EU) 2021/1056 of the European Parliament and of the Council of 24 June 2021 establishing the Just Transition Fund ⁽⁶⁾,
- having regard to Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017 ⁽⁷⁾,
- having regard to Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme (Digital Europe Programme Regulation) ⁽⁸⁾, which is dedicated to supporting digital transformation in the EU,

⁽¹⁾ OJ L 231, 30.6.2021, p. 159.

⁽²⁾ OJ L 231, 30.6.2021, p. 60.

⁽³⁾ OJ L 231, 30.6.2021, p. 94.

⁽⁴⁾ OJ L 231, 30.6.2021, p. 21.

⁽⁵⁾ OJ L 437, 28.12.2020, p. 30.

⁽⁶⁾ OJ L 231, 30.6.2021, p. 1.

⁽⁷⁾ OJ L 107, 26.3.2021, p. 30.

⁽⁸⁾ OJ L 166, 11.5.2021, p. 1.

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- having regard to the NextGenerationEU recovery instrument,
- having regard to the Commission communication of 19 February 2020 entitled ‘Shaping Europe’s digital future’ (COM(2020)0067),
- having regard to the Commission communication of 9 March 2021 entitled ‘2030 Digital Compass: the European way for the Digital Decade’ (COM(2021)0118),
- having regard to the Commission communication of 10 March 2020 entitled ‘An SME Strategy for a sustainable and digital Europe’ (COM(2020)0103),
- having regard to the Commission communication of 11 December 2019 on the European Green Deal (COM(2019)0640),
- having regard to the Commission communication of 1 July 2020 entitled ‘European Skills Agenda for sustainable competitiveness, social fairness and resilience’ (COM(2020)0274),
- having regard to the Commission communication of 30 September 2020 entitled ‘Digital Education Action Plan 2021-2027 — Resetting education and training for the digital age’ (COM(2020)0624),
- having regard to the Commission communication of 30 June 2021 on a long-term vision for the EU’s rural areas — towards stronger, connected, resilient and prosperous rural areas by 2040 (COM(2021)0345),
- having regard to the Commission’s Digital Economy and Society Index reports of 2020,
- having regard to the study of its Policy Department for Structural and Cohesion Policies of 15 June 2018 entitled ‘Digital Agenda and Cohesion Policy’,
- having regard to the Declaration of Commitment on Women in Digital of 9 April 2019 signed by EU ministers and Member States’ representatives plus Norway and the UK,
- having regard to the Berlin Declaration on Digital Society and Value-Based Digital Government of 8 December 2020,
- having regard to the European Institute for Gender Equality report of 16 October 2020 entitled ‘Gender Equality Index 2020: Digitalisation and the future of work’,
- having regard to the recommendation of the Council of the Organisation for Economic Co-operation and Development (OECD) on Broadband Connectivity amended on 24 February 2021,
- having regard to the European Council conclusions of 2 October 2020 on COVID-19, the single market, industrial policy and digital, and external relations, specifically those on the digital transformation,
- having regard to the draft Council conclusions of 11 December 2020 on digitalisation for the benefit of the environment,
- having regard to the draft Council conclusions of 7 April 2021 on telework in the context of remote work,
- having regard to the combined teleworking and climate plan of the City of Brussels,
- having regard to the study of its Policy Department for Economic, Scientific and Quality of Life Policies of 30 April 2021 entitled ‘The impact of teleworking and digital work on workers and society: Special focus on surveillance and monitoring, as well as on mental health of workers’,

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- having regard to the Commission's EU Action for Smart Villages,
 - having regard to the study of its Policy Department for Structural and Cohesion Policies of 30 September 2020 entitled 'EU Lagging Regions: state of play and future challenges',
 - having regard to the Cork 2.0 Declaration of 5 and 6 September 2016 entitled 'A Better Life in Rural Areas',
 - having regard to the joint Committee of the Regions and Commission study of 18 January 2018 entitled 'Innovation camp methodology handbook: realising the potential of the entrepreneurial discovery process for territorial innovation and development' ⁽⁹⁾,
 - having regard to Ireland's rural development policy for 2021-2025 entitled 'Our Rural Future' and its focus on telework in rural areas,
 - having regard to the European Foundation for the Improvement of Living and Working Conditions report of 28 September 2020 entitled 'Living, working and COVID-19',
 - having regard to the Commission study of August 2019 entitled 'The changing nature of work and skills in the digital age' ⁽¹⁰⁾,
 - having regard to the Commission working paper of December 2018 entitled 'The Geography of EU Discontent' ⁽¹¹⁾,
 - having regard to its resolution of 20 May 2021 on shaping the digital future of Europe: removing barriers to the functioning of the digital single market and improving the use of AI for European consumers ⁽¹²⁾,
 - having regard to its resolution of 15 January 2020 on the European Green Deal ⁽¹³⁾,
 - having regard to its resolution of 25 March 2021 on cohesion policy and regional environment strategies in the fight against climate change ⁽¹⁴⁾,
 - having regard to its resolution of 20 May 2021 on reversing demographic trends in EU regions using cohesion policy instruments ⁽¹⁵⁾,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the letter from the Committee on Employment and Social Affairs,
 - having regard to the report of the Committee on Regional Development (A9-0010/2022),
- A. whereas the EU's ambition is to pursue effective digital policies that empower all people and businesses to achieve a sustainable and prosperous digital future in all regions;
- B. whereas the digital transformation must be fair and inclusive, create opportunities and promote equality, quality of life, regional competitiveness and the modernisation of the economy;

⁽⁹⁾ Rissola, G., Kune, H., Martinez, P., *Innovation camp methodology handbook: realising the potential of the entrepreneurial discovery process for territorial innovation and development*, Publications Office of the European Union, Luxembourg.

⁽¹⁰⁾ Arregui Pabollet, E. et al., *The Changing nature of work and skills in the digital age*, Publications Office of the European Union, Luxembourg.

⁽¹¹⁾ Dijkstra, L., Poelman, H., Rodríguez-Pose, A., *The Geography of EU Discontent*, Publications Office of the European Union, Luxembourg.

⁽¹²⁾ OJ C 15, 12.1.2022, p. 204.

⁽¹³⁾ OJ C 270, 7.7.2021, p. 2.

⁽¹⁴⁾ OJ C 494, 8.12.2021, p. 26.

⁽¹⁵⁾ OJ C 15, 12.1.2022, p. 125.

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- C. whereas the digital transition must go hand in hand with the ongoing green transition — together referred to as the twin transitions; whereas the social dimension of this must not be disregarded;
- D. whereas a modern economy entails the introduction of new business models in accordance with trends that represent the Fourth Industrial Revolution, which will respond to the modern challenges of the digital and green transformations;
- E. whereas the European regions with the greatest need for a sustainable transition are generally those with high levels of poverty and exclusion; whereas decisive measures and investment are needed for a speedy recovery that should focus on mitigating the economic and social effects of the pandemic, restarting economic activity, fostering sustainable development, the green transition and the digital transformation, and implementing the policy principles of the European Pillar of Social Rights, with a view to improving Europe's competitiveness;
- F. whereas the new multiannual financial framework, coupled with NextGenerationEU, constitutes the largest ever stimulus package in the EU and will help rebuild a greener, more digital and more resilient Union in the post-COVID-19 era; whereas at the same time, the new cohesion policy presents an unprecedented opportunity for Member States to boost digitalisation as it requires them to allocate a minimum amount to the digital transition and to ensure that certain conditions are in place, as outlined in the 2021-2027 cohesion policy investment framework, in order to receive such funding;
- G. whereas there is still a digital divide in the EU in terms of geography, age, gender, educational attainment, socioeconomic status and income, which prevents some individuals and businesses from reaping the benefits of the digital transformation; whereas this digital divide can further alienate regions suffering from demographic decline, feeding into the EU's territorial imbalances;
- H. whereas the level of broadband coverage in Europe shows that there is still a need for significant investment, especially in rural areas, where 10 % of households are not covered by any kind of fixed network and 41 % lack fast broadband technology of any kind, and with only 59 % having next-generation broadband access (at least 30Mbps), compared with 87 % of households in the rest of the EU ⁽¹⁶⁾; whereas in addition to poor ICT connectivity, rural and peripheral areas often face other structural challenges such as a lack of infrastructure and services, low incomes, or a lack of education facilities and cultural assets, which cause highly skilled people to move to more promising areas (brain drain) ⁽¹⁷⁾; whereas EU funding should facilitate the provision of essential infrastructure in order to tackle demographic challenges;
- I. whereas small and medium-sized enterprises (SMEs) are the backbone of the European economy, representing 99 % of all businesses in the EU and employing around 100 million people; whereas they account for more than half of Europe's GDP and are pivotal not only to achieving the EU's twin transitions to a sustainable and digital economy but also in adding value in every sector of the economy; whereas, however, only 17 % of SMEs have successfully integrated digital technologies into their businesses, compared with 54 % of large companies; whereas some industries and traditional sectors such as construction, agri-food, textiles and steel are lagging behind in their digital transformations ⁽¹⁸⁾;
- J. whereas although the COVID-19 pandemic has resulted in a massive expansion of telework and ICT-based mobile work (TICTM) ⁽¹⁹⁾, which offers great potential to further connect workplaces from urban centres to smaller towns, suburbs and rural areas, there are marked differences in the ability to telework between high- and low-paid workers, white- and blue-collar workers and between genders ⁽²⁰⁾; whereas TICTM and the digitalisation of services can, under certain conditions, facilitate a more balanced geographical distribution of employment and the population;

⁽¹⁶⁾ Commission staff working document of 11 June 2020 entitled 'Digital Economy and Society Index (DESI) 2020' (SWD(2020) 0111).

⁽¹⁷⁾ SWD(2020)0111.

⁽¹⁸⁾ Negreiro, M., Madiaga, T., European Parliamentary Research Service, *Digital Transformation*, June 2019.

⁽¹⁹⁾ Draft Council conclusions on telework in the context of remote work, paragraph 17.

⁽²⁰⁾ Commission working paper of May 2020 entitled 'Teleworkability and the COVID-19 crisis: a new digital divide?'.

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- K. whereas in order to contribute to the implementation of the European Pillar of Social Rights, the ESF+ should support investments in people and systems in the areas of employment, education and social inclusion, while also providing support to improve the quality, inclusiveness, effectiveness and relevance to the labour market of education and training systems, including the promotion of digital learning and the professional development of teaching staff; whereas doing so would support economic, territorial and social cohesion in accordance with Article 174 of the Treaty on the Functioning of the European Union;
- L. whereas the experiences of the COVID-19 pandemic have shown how important the development of digital infrastructure is for the functioning of economies and societies including public health services, public education and public administration; whereas it has also highlighted many of the existing problems in rural areas and has emphasised the vulnerability of these regions, notably in terms of digital capacity, the quality and provision of health services, education, broadband access, the resilience of value chains, and digital skills;
- M. whereas although the European Skills Agenda set the objective of having 70 % of the EU's adult population possess at least basic digital skills by 2025, 42 % of the EU population still do not have basic digital skills and 37 % of workers still lack sufficient digital skills, according to the Commission; whereas there are still severe geographical disparities in ICT skills; whereas women are disproportionately underrepresented in the ICT sector in the EU, as they occupy only 17 % ⁽²¹⁾ of specialist ICT roles and are less likely to have specialist digital skills and work in ICT-related fields; whereas fewer than 25 % of enterprises in the EU-27 provided ICT training to their personnel in 2019, with significant differences between the Member States ⁽²²⁾; whereas the gender divide remains persistent for start-ups in particular, with 91 % of total capital invested in European tech in 2020 going to all-male founder teams ⁽²³⁾;
- N. whereas the development of the ICT sector and measures to promote innovation are also necessary to support economic and social digitalisation in general and digitalisation in the industrial sectors in particular;
- O. whereas the digitalisation of public services must go hand in hand with the rights to privacy and personal data protection in compliance with the General Data Protection Regulation ⁽²⁴⁾;

Cohesion policy for 2021 to 2027 and the challenges of the twin transitions

1. Welcomes the cohesion policy package for 2021 to 2027 and its first policy objective (PO 1) focusing on the development of 'a more competitive and smarter Europe by promoting innovative and smart economic transformation and regional ICT connectivity' ⁽²⁵⁾;
2. Highlights the role that the new cohesion policy can play in advancing the twin digital and green transitions; underlines that the digital and innovation components of the new cohesion policy will be key in enabling a sustainable and inclusive transformation of society towards a more social and competitive economy and achieving the goals of the European Green Deal and the targets of Europe's Digital Decade for 2030; stresses the need for good and affordable digital infrastructure alongside measures to develop the digital skills of all user groups, which should also be encouraged by the flexible and complementary deployment of various types of support and funding;
3. Recalls that support through the European Regional Development Fund and Cohesion Fund (ERDF-CF) under PO 1 is available to Member States to make investments in innovation in line with the concept of smart specialisation; calls on national and regional authorities to upgrade their approach to smart specialisation by focusing on the most promising areas and projects in terms of innovation opportunities and sustainable development;

⁽²¹⁾ European Institute for Gender Equality, 'Work-life balance in the ICT sector — Women in the ICT sector'.

⁽²²⁾ Commission Joint Research Centre, policy brief, *Telework in the EU before and after the COVID-19: where we were, where we head to*, 2020.

⁽²³⁾ *The State of European Tech report 2020*.

⁽²⁴⁾ OJ L 119, 4.5.2016, p. 1.

⁽²⁵⁾ Article 5(1)(a) of Regulation (EU) 2021/1060.

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4. Emphasises the importance of the smart villages concept in tackling the EU's digital and climate-related challenges and welcomes its integration into the future common agricultural policy (CAP) and cohesion and regional policies; insists that Member States include the smart villages approach in their cohesion policy programmes at national and regional level;
5. Recalls that under the ERDF-CF Regulation, Member States are required to allocate at least 8 % of their resources to investment for jobs and growth to achieve sustainable urban development; deplores the fact that a similar allocation for rural areas could not yet be established; notes, in this regard, that the regulation states that special attention shall be given to tackling environmental and climate changes and to harnessing the potential of digital technologies for innovation purposes, allowing for regional authorities to focus funding in the area of sustainable urban development;
6. Recalls that the Digital Europe Programme Regulation establishes that joint action between this instrument and the ERDF-CF needs to contribute to the development and strengthening of regional and local innovation ecosystems, industrial transformation and the digital transformation of society and public administrations;
7. Urges the Council and the Commission to set more ambitious goals for the digital development of all EU regions and calls for a European digital action plan for all regions with mid-term targets and measures for 2025 and specific recommendations for the EU and the Member States in order to achieve tangible results by 2030;
8. Stresses the need to ensure that digitalisation processes take due consideration of regional specificities and particular needs; recalls that a one-size-fits-all approach may risk exacerbating the existing gap between regions and territories with different levels of development;
9. Stresses the importance of ensuring consistency between the numerous EU initiatives and programmes promoting digitalisation and of creating synergies with cohesion policy instruments accordingly in order to maximise the opportunities in this area; urges the Member States to take account of the need for digitalisation investments to include a growth objective that is aligned with sustainable economic development strategies, while avoiding duplication;
10. Notes that an efficient mobility system is one of the conditions for regional economic development, territorial cohesion and the development of regional potential; points out the need, therefore, to provide the necessary funding for the development and maintenance of environmentally sustainable and affordable transport links, which could encourage the older generation to stay in agriculture for longer and attract young people from regional centres to work in rural areas;
11. Underlines that less developed regions in the EU face specific challenges; calls on the Commission to provide these regions with tailor-made assistance aimed at strengthening administrative capacity, knowledge and technology-driven expertise in order to ensure a successful transition of their economies and societies to an increasingly digital future;
12. Welcomes the Council's position supporting the Commission's recognition of the 'twin challenge' of the green transition and digital transformation; underlines the potential of the twin transition to create new green and digital jobs necessary for the economic recovery after the COVID-19 pandemic and is convinced that the digital component will be key to achieving the ambitions of the European Green Deal and the UN Sustainable Development Goals, as set out in the EU digital strategy 'Shaping Europe's digital future';
13. Underlines the need to support the development of digital solutions not only for climate prevention, such as the reduction of greenhouse gas emissions through digital resource efficiency and smart innovation, but also for climate adaptation; highlights the need to develop digital warning tools and apps to reduce the negative effects of natural disasters, such as floods, mudslides, heat waves and forest fires;

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Overcoming digital gaps

14. Calls on the Commission to ensure that the future rural observatory gathers comprehensive and up-to-date data on the digital divide in order to support Member States in identifying the needs of their regions and cities; considers it fundamental to have up-to-date information on the progress of digitalisation in all European regions and calls on the Commission to provide Digital Economy and Society Index data at NUTS 2 level;

15. Stresses that there are two sides to the digital divide: infrastructure and capacity, that their origins are different, and that different policies must be applied to them and tailored to their respective features;

16. Notes with concern the digital divide that persists in and between Member States; is particularly concerned about the urban-rural digital divide in terms of the quality and affordability of broadband networks⁽²⁶⁾; recalls, in particular, that future investments under the ERDF-CF should contribute further to the development of high-speed digital infrastructure networks; highlights the need to prioritise rural areas in this respect;

17. Urges the Commission and the Member States to provide support and assistance to existing platforms and projects in the field of inclusive and fair digitalisation as instruments to bring all areas of the EU, including remote and rural areas, into the 21st century;

18. Notes that there is a critical digital skills divide between adults in rural areas and those living in cities, which especially affects those on low incomes, women and the elderly; notes that this divide is particularly marked in certain Member States and exacerbates the existing difficulty of finding a job in rural areas; calls on the Member States to invest in targeted upskilling and educational measures to close digital gaps and highlights that these gaps are linked to a lack of access to high-capacity networks, among other causes;

19. Notes with great interest the Commission's Digital Compass, which will seek to translate the EU's digital ambitions for 2030 into concrete targets across four main sectors: skills, secure and sustainable digital infrastructure, the digital transformation of business, and the digitalisation of public services; asks the Commission to report regularly on the progress made in these four areas;

20. Is convinced that digitalisation represents an opportunity to improve quality of life and promote education opportunities, job creation, innovation and better accessibility of public services in rural and lagging regions, thereby helping to reverse depopulation trends and combat the brain drain;

21. Welcomes the 2030 Digital Policy Programme objective of ensuring that all populated areas in the EU are covered by 5G by the end of the decade; calls on the Commission to promote measures in upcoming legislation to facilitate the deployment of 5G networks in rural areas, in particular by reducing or removing onerous administrative procedures;

22. Highlights the need to overcome the persisting digital divide between rural and urban areas and to harness the potential of connectivity and digitalisation in rural areas through the development of a horizontal strategy; calls on the Member States to use the resources of cohesion policy, the CAP and NextGenerationEU to roll out and develop a concept of smart villages post-2020 which will contribute to digitalisation, the reinforcement of economic potential, innovation and social inclusion in rural areas and the empowerment of rural communities through tailored projects aimed at improving broadband connectivity and infrastructure; recalls, however, that the digitalisation strategies should be adapted to the rural context and implemented with the involvement and active participation of the rural communities themselves and the application of digital and robotics technologies in agriculture; stresses that the 2030 goal of a transition to sustainable agriculture can be achieved through the promotion of new technologies, research and innovation and the ongoing transfer of knowledge to the countryside;

23. Urges the Member States to use the financial resources available to them through both the European Structural and Investment Funds and NextGenerationEU to the fullest and most efficient extent in order to provide regions with the targeted support they need to catch up and to overcome the digital divide in rural areas and between generations; calls on the Member States, moreover, to support the deployment of very-high-capacity networks through adequate public funding

⁽²⁶⁾ Negreiro, M., European Parliamentary Research Service, *The rise of digital health technologies during the pandemic*, April 2021.

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schemes in areas not served by the market and provide cross-sectoral and comprehensive solutions, such as smart villages and rural innovation hubs; supports efforts to promote digitalisation by strengthening thematic concentration in cohesion policy, while simultaneously promoting cooperation with the European Investment Bank or other development banks; draws attention to the risk of increasing disparities by failing to properly support the most vulnerable areas, which often have a weaker capacity to plan and spend funds effectively, despite having the greatest need;

24. Calls, in addition, for the full implementation of the Connecting Europe Facility, whose new digital financing instrument will play a vital role along with greater cross-border digital connectivity in closing economic, social and territorial divides, offering new and myriad opportunities to Europe's regions and rural areas;

Inclusive and fair digitalisation

25. Stresses the need for a sustainable and inclusive digitalisation process that is socially and economically just and leaves no one behind; underlines that support under the European Structural and Investment Funds should contribute to the development of digital potential and innovation in the SME sector to enhance digital capacities and skills in the population, and should support inclusion in the digital society and foster the economic, social and territorial cohesion in all EU regions with a focus on less developed regions;

26. Calls on the Member States to ensure that the digitalisation of public services goes hand in hand with measures that facilitate people's ability to access the internet without discrimination, restriction or interference; recalls that the premise of a successful digital transition resides in a stable and affordable high-capacity internet connection;

27. Underlines the challenges faced by Europe's peripheral regions, including its islands, in terms of digital connectivity; considers that digital connectivity is one of the essential pillars of any strategy for Europe's islands; calls for further action to make the digital transition inclusive for all local communities;

28. Notes with concern that the increased use of digital solutions and TICTM as a result of the COVID-19 pandemic has exacerbated the existing inequalities caused by digital divides across population groups; stresses, however, that digitalisation also has the potential to benefit socially and economically vulnerable and marginalised groups subject to certain conditions; draws attention to the fact that the digitally excluded face dual exclusion as they may also encounter difficulties in terms of access to education, the labour market or essential public services; underlines that smart villages in particular could serve as a practical solution in increasing the services available in rural areas, thereby reducing existing inequalities;

29. Stresses that the COVID-19 pandemic has highlighted the importance of digital solutions, particularly teleworking; urges the Commission to propose a directive on minimum standards and conditions for fair teleworking in order to protect the health and safety of workers and ensure decent working conditions, including the voluntary nature of such work, respect for working hours, leave, a work-life balance and other digital rights at work such as the right to disconnect and the protection of workers' privacy, including through the prohibition of remote monitoring or any other form of digital tracking, and of the use of artificial intelligence in recruitment processes, while taking into consideration the European Social Partners Framework Agreement on Digitalisation;

30. Asks the Commission and the Member States to develop a global strategy that integrates a holistic perspective across all levels to tackle the social inequalities and discrimination associated with digitalisation and telework or hybrid working with a view to enhancing its positive effects;

31. Considers that empowering citizens, consulting the relevant stakeholders and involving local authorities are pivotal to both the proper planning and successful implementation of regional digital strategies;

Digitalisation of small and medium-sized enterprises and public services

32. Calls for a follow-up to the e-government action plan with two main overarching objectives: ensuring an efficient digital transformation and cutting red tape, thereby enhancing citizens' quality of life, through measures that improve public access and services in all Member States and boost transparency; and establishing measures to increase digital skills

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for public sector workers; underlines that this follow-up should take on board the many lessons learned from the COVID-19 pandemic, which saw public administration services move almost exclusively online;

33. Notes that the COVID-19 pandemic has demonstrated that the increase of TICTM in both the private and public sector has made our society more vulnerable to cyberattacks; recalls that remote access to private or public sector networks requires new cybersecurity solutions;

34. Urges the Commission and the Member States to make swifter progress with the digitalisation of public services including schools, universities, research institutes, public transport, e-government and efficient administration;

35. Notes that the COVID-19 pandemic has accelerated the rise of electronic public services and e-health solutions; highlights the need to tackle the e-skills gap among health professionals and to empower patients, especially the elderly and socially disadvantaged citizens, to use digital health; warns that some people who may be less able to use or afford the technologies they need, such as the elderly or socially disadvantaged, may be left behind; points to the need for public investment in areas such as human resources, digital public offerings and proactive support measures to ensure non-discriminatory, rapid, and high-quality access to digital public services for all, including health services; highlights the need, in this context, to accentuate the importance of promoting and reinforcing action on education and the development of digital skills, especially in rural areas; stresses the need to unlock the full potential of new digital tools, technologies and solutions for a healthy society;

36. Recognises that it is more important than ever to ensure fair and socially sustainable work and real employee participation in shaping working conditions — in digital platforms as in all other sectors — and that workers must have democratic influence over the governance of work; underlines that the benefits of digitalisation must be shared broadly and equitably and that workers in the digital sector must enjoy the same rights and working conditions as those in other sectors; calls on the Commission to propose a directive on decent working conditions and rights in the digital economy;

37. Underlines the crucial role of entrepreneurs, micro enterprises and SMEs in creating decent jobs, sustainable growth and rural development and believes that public investments through cohesion policy and other instruments will contribute to better social, economic and territorial cohesion in all EU regions; highlights that access to finance is one of the most pressing issues for many micro and small enterprises and that different types of SMEs require individualised types of support and incentives at EU, national, regional and local levels, depending on their circumstances and level of technology; urges regions to establish SME-oriented innovation strategies that are aligned with their research and innovation smart specialisation strategies;

38. Regrets the fact that the vast majority of SMEs in the EU have not yet fully embraced the digital transformation; calls for the Commission to ensure that Member States use their operational programmes to target SMEs in areas with lower digital development;

39. Notes that e-commerce holds great potential for rural SMEs and local producers as it increases their outreach and reduces barriers associated with regions facing severe and permanent geographical or demographic challenges; calls on the EU's regions and Member States to establish pilot projects and digitalisation strategies to integrate e-commerce within the business models of rural SMEs;

40. Recognises the potential of digitalisation to connect companies, especially SMEs, and highlights the positive impact of digitalisation in the provision of social services such as smart transport solutions, e-health, online banking services and tailored learning solutions for vulnerable students; recalls the importance of simultaneously providing education on digital skills to ensure that no one is left behind;

41. Recalls that the Digital Europe Programme Regulation establishes that the synergies between this programme and the ERDF-CF should contribute to the development and strengthening of regional and local innovation ecosystems, industrial transformation and the digital transformation of society and public administrations;

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42. Highlights the view of the Court of Auditors ⁽²⁷⁾ on the ERDF-CF, namely that SMEs deliver innovative solutions to challenges such as climate change, resource efficiency and social cohesion and help to spread this innovation throughout Europe's regions, which makes them essential to the EU's transition to a sustainable and digital economy;

43. Notes with concern that both start-ups and established SMEs struggle with a lack of skilled employees and highlights that the skills shortage is particularly acute for skills relating to digitalisation and new technologies, as 35 % of the labour force ⁽²⁸⁾ have low or no digital skills; believes that initiatives should be launched in order to support SMEs facing particular challenges and to develop competences and skills in the workforce that are vital for the modern economy, including in terms of attracting and retaining digital talent, while fostering flexible digital skills and upskilling and reskilling opportunities for all, regardless of employment status, age, education or profession;

44. Emphasises the importance of increasing the number of innovative businesses by ensuring access to new technologies, moving into line with Industry 4.0 and sustainable economy standards, mobilising private capital, developing human resources and supporting smart city initiatives;

Promotion of skills for the digital age

45. Stresses the need to fill the digital skills gaps across the EU so that all individuals and businesses can make the most of the digital transformation; calls for the progressive implementation of the Commission's Digital Education Action Plan 2021-2027 for promoting better digitalisation skills, which would guarantee education, training and job opportunities for all, including for entrepreneurship; highlights the crucial role of Member States and regional governments in supporting rural authorities in their efforts to shape and ensure digital inclusion by protecting citizens' data and empowering people and local businesses through access to data; stresses the need to promote lifelong digital skills and media literacy from an early age; calls on the Commission to encourage support for digital media literacy education programmes and initiatives in schools, vocational training establishments and universities; stresses, in this regard, the importance of the ESF+ when it comes to financing projects that help workers or unemployed people to acquire new skills, in view of the fund's objectives of equipping them with new skills to improve their positions at work (upskilling) or skills to help them find other work (reskilling); considers it important to establish hybrid learning models to make upskilling accessible to those with basic or no digital skills;

46. Welcomes the recommendation in the reinforced Youth Guarantee that people not in education, employment or training should undergo a digital skills assessment and — where gaps are identified — receive training to enhance their digital skills;

47. Notes a critical digital skills divide between people residing in rural areas and those living in cities, as well as between generations; notes, furthermore, the disproportionate prevalence of TICTM among city-based, well-educated, service sector employees with strong digital skills; observes the lack of opportunities to acquire digital skills in rural areas; urges the Member States and the Commission to use the ESF+ and ERDF to adopt measures to offset this imbalance and provide job opportunities in regions at risk of depopulation; notes that smart villages could serve as a practical solution, because they incorporate digital learning instruments in the digital bottom-up approach they apply;

48. Underlines that the promotion and development of e-skills plays an essential role in building greater labour market capacity, promotes social inclusion, supports technological diversification and creates employment opportunities, especially in rural areas and less developed regions; encourages the Commission to reinforce its efforts to tackle the digital skills gaps by reaching out to all stakeholders through the Digital Skills and Jobs Coalition;

49. Notes that the ESF+, referred to under policy objective four (PO4) of the Common Provisions Regulation, comprises a specific objective covering digital skills, inclusiveness and training systems, including through the validation of non-formal and informal learning;

⁽²⁷⁾ European Court of Auditors, press release, 'European funding for boosting SME competitiveness being probed by EU auditors', 14 October 2020.

⁽²⁸⁾ European Court of Auditors, *EU actions to address low digital skills*, February 2021.

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50. Underscores that the European Skills Agenda calls for an investment in infrastructure with a high social impact, including digital infrastructure, via the ERDF-CF and InvestEU programme; stresses the need for investment in digital infrastructure via the ERDF-CF and the InvestEU programme that builds on initiatives to promote digital skills such as the Digital Education Action Plan 2021-2027;

51. Reiterates that tackling demographic change constitutes a fundamental challenge for the EU which should be prioritised in the design and implementation of programmes; recalls, in this regard, that one of the main objectives stipulated in the ERDF-CF for 2021-2027 is to support urban and rural areas with geographical or demographic handicaps, with Member States having to allocate EU financial support for projects that promote digital development in the regions concerned and ICT connectivity; recalls, in this regard, that particular support should be given to NUTS level 3 areas or clusters of local administrative units with a population density of less than 12,5 inhabitants per square kilometre or with an average annual population decrease of more than 1 % between 2007 and 2017, which should be subject to specific regional and national assessments;

52. Welcomes the launch of the Just Transition Fund and its focus on training and skills; appreciates the fact that it allows for investment in social infrastructure such as training centres for better job opportunities and quality employment for all regions in the transition to climate neutrality by 2050 at the latest, while highlighting the need to devote particular focus to digital skills; calls on the Commission to evaluate the need for and feasibility of a revised Just Transition Fund to tackle the current challenges;

53. Calls on the Member States and their managing authorities to facilitate and simplify access to NextGenerationEU funds and European Structural and Investment Funds for rural areas; considers it necessary to ensure that all relevant institutional actors are carefully monitored in the use of NextGenerationEU funds and European Structural and Investment Funds at the territorial level to ensure that funding is distributed fairly between regions;

54. Expresses concern that many public tenders for digital programmes will be allocated through a call for proposals, which could undermine the capacity of rural areas to access NextGenerationEU funds and European Structural and Investment Funds, as their capacity-building and technical support in programming and spending EU funds is traditionally weaker;

55. Calls on the Commission and the Council to swiftly implement the Council conclusions on the human rights, participation and well-being of older persons in the era of digitalisation, including the creation of a platform for participation and volunteering after working life and the promotion of intergenerational exchanges and ties;

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56. Instructs its President to forward this resolution to the Council, the Commission, the Committee of the Regions and the Member States.

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P9_TA(2022)0062

Genetically modified cotton GHB811 (BCS-GH811-4)

European Parliament resolution of 9 March 2022 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB811 (BCS-GH811-4), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D077486/02 — 2021/3057(RSP))

(2022/C 347/05)

The European Parliament,

- having regard to the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB811 (BCS-GH811-4), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D077486/02,
- having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ⁽¹⁾, and in particular Articles 7(3) and 19(3) thereof,
- having regard to the vote of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003 on 11 January 2022, at which no opinion was delivered,
- having regard to Articles 11 and 13 of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽²⁾,
- having regard to the opinion adopted by the European Food Safety Authority (EFSA) on 8 July 2021, and published on 16 August 2021 ⁽³⁾,
- having regard to its previous resolutions objecting to the authorisation of genetically modified organisms ('GMOs') ⁽⁴⁾,

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ OJ L 55, 28.2.2011, p. 13.

⁽³⁾ Scientific Opinion of the EFSA Panel on Genetically Modified Organisms on the assessment of genetically modified cotton GHB811 for food and feed uses, under Regulation (EC) No 1829/2003 (application EFSA-GMO-ES-2018/154), <https://www.efsa.europa.eu/en/efsajournal/pub/6781>

⁽⁴⁾ In its eighth term, Parliament adopted 36 resolutions objecting to the authorisation of GMOs. Furthermore, in its ninth term Parliament has adopted the following resolutions:

- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MZHG0JG (SYN-ØØØJG-2), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0028).
- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean A2704-12 (ACS-GMØØ5-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0029).
- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 × 1507 × MON 88017 × 59122 × DAS-40278-9 and genetically modified maize combining two, three or four of the single events MON 89034, 1507, MON 88017, 59122 and DAS-40278-9 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0030).

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- European Parliament resolution of 14 November 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified cotton LL Cotton25 (ACS-GHØØ1-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0054).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 89788 (MON-89788-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0055).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 × 1507 × NK603 × DAS-40278-9 and sub-combinations MON 89034 × NK603 × DAS-40278-9, 1507 × NK603 × DAS-40278-9 and NK603 × DAS-40278-9 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0056).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize Bt11 × MIR162 × MIR604 × 1507 × 5307 × GA21 and genetically modified maize combining two, three, four or five of the single events Bt11, MIR162, MIR604, 1507, 5307 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0057).
 - European Parliament resolution of 14 May 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87708 × MON 89788 × A5547-127, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0069).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × MIR162 × NK603 and genetically modified maize combining two or three of the single events MON 87427, MON 89034, MIR162 and NK603, and repealing Commission Implementing Decision (EU) 2018/1111 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0291).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean SYHT0H2 (SYN-ØØØH2-5), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0292).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 87460 × MON 89034 × MIR162 × NK603 and genetically modified maize combining two, three or four of the single events MON 87427, MON 87460, MON 89034, MIR162 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0293).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87751 × MON 87701 × MON 87708 × MON 89788, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0365).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × MIR162 × MON 87411 and genetically modified maize combining two or three of the single events MON 87427, MON 89034, MIR162 and MON 87411 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0366).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MIR604 (SYN-IR6Ø4-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0367).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MON 88017 (MON-88Ø17-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0368).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 (MON-89Ø34-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0369).
 - European Parliament resolution of 11 March 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB614 × T304-40 × GHB119 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0080).

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— having regard to Rule 112(2) and (3) of its Rules of Procedure,

— having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,

- A. whereas on 19 September 2018, BASF Agricultural Solutions Belgium NV, based in Belgium, which is a branch of BASF SE, based in Germany, submitted, on behalf of BASF Agricultural Solutions Seed US LLC ('the applicant'), based in the United States, an application for the placing on the market of foods, food ingredients and feed containing, consisting of or produced from genetically modified cotton GHB811, ('the GM cotton') in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003; whereas the application also covered the placing on the market of products containing or consisting of the GM cotton for uses other than food and feed, with the exception of cultivation;
- B. whereas, on 8 July 2021, EFSA adopted a favourable opinion in relation to the authorisation of the GM cotton, which was published on 16 August 2021;
- C. whereas the GM cotton was developed to confer tolerance to glyphosate and HPPD inhibitor herbicides⁽⁷⁾; whereas HPPD inhibitor herbicides includes herbicides such as isoxaflutole, mesotrione and tembotrionine;
- D. whereas while the human consumption of cottonseed oil may be relatively limited in Europe, it can be found in a wide variety of food products, including dressings, mayonnaise, fine bakery wares, chocolate spreads and chips; whereas cotton is fed to animals mainly in the form of cottonseed cake/meal or as full fat cottonseeds⁽⁸⁾; whereas cotton is also consumed in the form of cotton flour by humans;

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- European Parliament resolution of 11 March 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MZIR098 (SYN-ØØØ98-3), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0081).
- European Parliament resolution of 7 July 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean DAS-81419-2 × DAS-44406-6, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0334).
- European Parliament resolution of 7 July 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize 1507 × MIR162 × MON810 × NK603 and genetically modified maize combining two or three of the single events 1507, MIR162, MON810 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0335).
- European Parliament resolution of 7 July 2021 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize Bt 11 (SYN-BTØ11-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0336).
- European Parliament resolution of 15 February 2022 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean GMB151 (BCS-GM151-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2022)0024).
- European Parliament resolution of 15 February 2022 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB614 (BCS-GHØØ2-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2022)0025).

⁽⁷⁾ EFSA opinion, p. 1.

⁽⁸⁾ Scientific Opinion of the EFSA Panel on Genetically Modified Organisms on assessment of genetically modified cotton GHB614 × T304-40 × GHB119 for food and feed uses, import and processing under Regulation (EC) No 1829/2003 (application EFSA-GMO-NL-2014-122), EFSA Journal 2018; 16(7):5349, <https://efsa.onlinelibrary.wiley.com/doi/full/10.2903/j.efsa.2018.5349> p. 22.

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Lack of assessment of the complementary herbicide

- E. whereas Commission Implementing Regulation (EU) No 503/2013 ⁽⁷⁾ requires an assessment of whether the expected agricultural practices influence the outcome of the studied endpoints; whereas, according to that Implementing Regulation, this is especially relevant for herbicide resistant plants;
- F. whereas a number of studies show that herbicide-tolerant GM crops result in a higher use of complementary herbicides, in large part because of the emergence of herbicide-tolerant weeds ⁽⁸⁾; whereas, as a consequence, it has to be expected that the GM cotton will be exposed to both higher and repeated doses of glyphosate and HPPD inhibitor herbicides, and that therefore a higher quantity of residues may be present in the harvest;
- G. whereas EFSA concluded in November 2015 that glyphosate was unlikely to be carcinogenic and the European Chemicals Agency concluded in March 2017 that no classification was warranted; whereas, on the contrary, in 2015, the International Agency for Research on Cancer, the specialised cancer agency of the World Health Organization, classified glyphosate as a probable carcinogen for humans; whereas a number of recent scientific peer-reviewed studies confirm the carcinogenic potential of glyphosate ⁽⁹⁾;
- H. whereas, according to EFSA, toxicological data allowing a consumer risk assessment to be performed for several breakdown products of glyphosate relevant for GM glyphosate-tolerant crops are missing ⁽¹⁰⁾;
- I. whereas isoxaflutole is, according to the harmonised classification and labelling approved by the Union, very toxic to aquatic life and suspected of damaging the unborn child ⁽¹¹⁾; whereas only isoxaflutole was used on the GM cotton for the purpose of the risk assessment; whereas, however, HPPD-inhibitor herbicides encompass a range of herbicides, including mesotrione, which according to EFSA, may be considered to have endocrine disrupting properties ⁽¹²⁾;
- J. whereas, according to an independent scientific analysis ⁽¹³⁾, due to the mode of action of the active ingredients of the complementary herbicides, it is plausible that the application of those herbicides will cause stress responses in the plants and thus impact gene expression and plant composition itself;
- K. whereas assessment of herbicide residues and their breakdown products found on GM plants is considered outside the remit of the EFSA Panel on Genetically Modified Organisms ('EFSA GMO Panel') and is therefore not undertaken as part of the authorisation process for GMOs; whereas this is problematic since the way in which complementary herbicides are broken down by the GM plant concerned, and the composition and thus toxicity of the breakdown products ('metabolites'), can be impacted by the genetic modification itself ⁽¹⁴⁾;

⁽⁷⁾ Commission Implementing Regulation (EU) No 503/2013 of 3 April 2013 on applications for authorisation of genetically modified food and feed in accordance with Regulation (EC) No 1829/2003 of the European Parliament and of the Council and amending Commission Regulations (EC) No 641/2004 and (EC) No 1981/2006 (OJ L 157, 8.6.2013, p. 1).

⁽⁸⁾ See, for example, Bonny, S., 'Genetically Modified Herbicide-Tolerant Crops, Weeds, and Herbicides: Overview and Impact', Environmental Management, January 2016; 57(1), pp. 31-48, <https://www.ncbi.nlm.nih.gov/pubmed/26296738> and Benbrook, C. M., 'Impacts of genetically engineered crops on pesticide use in the U.S. — the first sixteen years', Environmental Sciences Europe; 28 September 2012, Vol. 24(1), <https://enveurope.springeropen.com/articles/10.1186/2190-4715-24-24>

⁽⁹⁾ See, for example, <https://www.sciencedirect.com/science/article/pii/S1383574218300887>, <https://academic.oup.com/ije/advance-article/doi/10.1093/ije/dyz017/5382278>, <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0219610>, and <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6612199/>

⁽¹⁰⁾ EFSA conclusion on the peer review of the pesticide risk assessment of the active substance glyphosate, EFSA Journal 2015; 13 (11):4302, p. 3, <https://www.efsa.europa.eu/en/efsajournal/pub/4302>

⁽¹¹⁾ <https://echa.europa.eu/substance-information/-/substanceinfo/100.114.433>

⁽¹²⁾ EFSA Conclusion on the peer review of the pesticide risk assessment of the active substance mesotrione. EFSA Journal 2016; 14 (3):4419, p. 3, <https://doi.org/10.2903/j.efsa.2016.4419>

⁽¹³⁾ Testbiotech comment on Scientific Opinion on the assessment of genetically engineered cotton GHB881 for food and feed uses, under Regulation (EC) No 1829/2003 (application EFSA-GMO-ES-2018-154) by BASF, <https://www.testbiotech.org/content/testbiotech-comment-cotton-ghb881>

⁽¹⁴⁾ This is indeed the case for glyphosate, as stated in the reasoned opinion of EFSA 'Review of the existing maximum residue levels for glyphosate according to Article 12 of Regulation (EC) No 396/2005', EFSA Journal 2018; 16(5):5263, p. 12, <https://www.efsa.europa.eu/en/efsajournal/pub/5263>

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Member State competent authority comments

L. whereas Member States submitted many critical comments to EFSA during the three-month consultation period ⁽¹⁵⁾; whereas those critical comments include that on the basis of the evidence presented, it is not possible to conclude on the comparative assessment of the GM cotton or on its safety, that cultivation of the GM cotton entails increased exposure of operators in third countries to glyphosate, whose impact on health is currently in dispute but could be adverse, that information and data provided on toxicology is insufficient and that the monitoring plan does not relate the monitoring activities to relevant protection goals;

Upholding the Union's international obligations

M. whereas a 2017 report by the United Nations (UN) Special Rapporteur on the right to food found that, particularly in developing countries, hazardous pesticides have catastrophic impacts on health ⁽¹⁶⁾; whereas the UN Sustainable Development Goal ('SDG') Target 3.9 aims by 2030 to substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination ⁽¹⁷⁾; whereas authorising the import of the GM cotton would increase demand for this crop which is treated with glyphosate and HPPD inhibitor herbicides, thereby increasing the exposure of workers and the environment in third countries; whereas the risk of increased worker and environmental exposure is of particular concern in relation to herbicide-tolerant GM crops, given the higher volumes of herbicides used;

N. whereas, according to a peer-reviewed study published in 2020, Roundup, one of the world's most widely used glyphosate-based herbicides, can trigger a loss of biodiversity, making ecosystems more vulnerable to pollution and climate change ⁽¹⁸⁾;

O. whereas a 2021 peer-reviewed scientific study carried out in Mexico demonstrated physiological, metabolic, and ecological effects of transgene introgression ⁽¹⁹⁾ in wild cotton and found that, inter alia, the expression of *cp4-epsps* (glyphosate tolerant) genes in wild cotton under natural conditions altered secretion levels of extrafloral nectar and thus its association with different ant species as well as the level of herbivore damage ⁽²⁰⁾; whereas the study states that 'If we want to conserve *in-situ* the primary gene pool of wild relatives, we must work to identify the ecological and evolutionary processes affected by the existence and permanence of these transgenes within their populations' and that 'upon the detection of these genes, mitigation strategies to reduce the magnitude of the damage can be promptly designed'; whereas the most effective strategy to mitigate transgene introgression and the associated risks to wild populations and biodiversity, in line with the precautionary principle, would be to avoid the cultivation of transgenic crops in the first place;

P. whereas the Union, as a party to the UN Convention on Biological Diversity ('UN CBD'), has the responsibility to ensure that activities within its jurisdiction or control do not cause damage to the environment of other States ⁽²¹⁾; whereas the import of the GM cotton should not be authorised given that its cultivation, and resulting transgene introgression, could unbalance delicate ecological interactions in ecosystems of wild cotton;

⁽¹⁵⁾ Member States comments, accessible via the EFSA register of questions: <https://www.efsa.europa.eu/en/register-of-questions>

⁽¹⁶⁾ <https://www.ohchr.org/EN/Issues/Food/Pages/Pesticides.aspx>

⁽¹⁷⁾ <https://www.un.org/sustainabledevelopment/health/>

⁽¹⁸⁾ <https://www.mcgill.ca/newsroom/channels/news/widely-used-weed-killer-harming-biodiversity-320906>

⁽¹⁹⁾ Transgene introgression is the permanent integration of transgenes from transgenic crops into a natural population through cross-pollination.

⁽²⁰⁾ Vázquez-Barrios, V., Boege, K., Sosa-Fuentes, T.G., Rojas, P., Wegier, A., 'Ongoing ecological and evolutionary consequences by the presence of transgenes in a wild cotton population', Scientific Reports 11, 2021, 1959, <https://doi.org/10.1038/s41598-021-81567-z>

⁽²¹⁾ Convention on Biological Diversity, Article 3: <https://www.cbd.int/convention/articles/?a=cbd-03>

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- Q. whereas Regulation (EC) No 1829/2003 states that GM food or feed must not have adverse effects on human health, animal health or the environment, and requires the Commission to take into account any relevant provisions of Union law and other legitimate factors relevant to the matter under consideration when drafting its decision; whereas such legitimate factors should include the Union's obligations under the UN SDGs, the Paris Climate Agreement and the UN CBD;

Undemocratic decision-making

- R. whereas the vote on 11 January 2022 of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003 delivered no opinion, meaning that the authorisation was not supported by a qualified majority of Member States;
- S. whereas the Commission recognises that the fact that GMO authorisation decisions continue to be adopted by the Commission without a qualified majority of Member States in favour, which is very much the exception for product authorisations as a whole but has become the norm for decision-making on GM food and feed authorisations, is problematic;
- T. whereas, in its eighth term, the European Parliament adopted a total of 36 resolutions objecting to the placing on the market of GMOs for food and feed (33 resolutions) and to the cultivation of GMOs in the Union (three resolutions); whereas, in its ninth term, the European Parliament has already adopted 23 objections to placing GMOs on the market; whereas there was not a qualified majority of Member States in favour of authorising any of those GMOs; whereas the reasons for Member States not supporting authorisations include lack of respect for the precautionary principle in the authorisation process and scientific concerns relating to the risk assessment;
- U. whereas despite its own acknowledgement of the democratic shortcomings, the lack of support from Member States and the objections of Parliament, the Commission continues to authorise GMOs;
- V. whereas no change of law is required for the Commission to be able not to authorise GMOs when there is no qualified majority of Member States in favour in the Appeal Committee ⁽²²⁾;
1. Considers that the draft Commission implementing decision exceeds the implementing powers provided for in Regulation (EC) No 1829/2003;
2. Considers that the draft Commission implementing decision is not consistent with Union law, in that it is not compatible with the aim of Regulation (EC) No 1829/2003, which is, in accordance with the general principles laid down in Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽²³⁾, to provide the basis for ensuring a high level of protection of human life and health, animal health and welfare, and environmental and consumer interests, in relation to GM food and feed, while ensuring the effective functioning of the internal market;
3. Calls on the Commission to withdraw its draft implementing decision;
4. Reiterates its call on the Commission not to authorise herbicide-tolerant GM crops until the health risks associated with the residues have been comprehensively investigated on a case-by-case basis, which requires a full assessment of the residues from spraying such GM crops with complementary herbicides, an assessment of the herbicide breakdown products and any combinatorial effects, including with the GM plant itself;

⁽²²⁾ The Commission 'may', and not 'shall', go ahead with authorisation if there is no qualified majority of Member States in favour at the Appeal Committee, according to Regulation (EU) No 182/2011 (Article 6(3)).

⁽²³⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

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5. Welcomes the fact that the Commission finally recognised, in a letter of 11 September 2020 to Members, the need to take sustainability into account when it comes to authorisation decisions on GMOs ⁽²⁴⁾; expresses its deep disappointment, however, that, since then the Commission has continued to authorise GMOs for import into the Union, despite ongoing objections by Parliament and a majority of Member States voting against;
 6. Calls on EFSA to request data on the impact of the consumption of food and feed derived from GM plants on the intestinal microbiome;
 7. Urges the Commission, again, to take into account the Union's obligations under international agreements, such as the Paris Climate Agreement, the UN CBD and the UN SDGs; reiterates its call for draft implementing acts to be accompanied by an explanatory memorandum explaining how they uphold the principle of 'do no harm' ⁽²⁵⁾;
 8. Highlights that the amendments adopted by the European Parliament on 17 December 2020 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011 ⁽²⁶⁾, which were adopted in Parliament as a basis for negotiations with the Council, state that the Commission shall not authorise GMOs when there is not a qualified majority of Member States in favour; insists that the Commission respect this position and calls on the Council to proceed with its work and adopt a general approach on this file as a matter of urgency;
 9. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.
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⁽²⁴⁾ <https://tillymetz.lu/wp-content/uploads/2020/09/Co-signed-letter-MEP-Metz.pdf>

⁽²⁵⁾ European Parliament resolution of 15 January 2020 on the European Green Deal (OJ C 270, 7.7.2021, p. 2), paragraph 102.

⁽²⁶⁾ Texts adopted, P9_TA(2020)0364.

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P9_TA(2022)0063

Genetically modified oilseed rape 73496 (DP-Ø73496-4)

European Parliament resolution of 9 March 2022 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified oilseed rape 73496 (DP-Ø73496-4) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D077485/02 — 2021/3058(RSP))

(2022/C 347/06)

The European Parliament,

- having regard to the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified oilseed rape 73496 (DP-Ø73496-4) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (D077485/02,
- having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ⁽¹⁾, and in particular Articles 7(3) and 19(3) thereof,
- having regard to Commission Implementing Regulation (EU) No 503/2013 of 3 April 2013 on applications for authorisation of genetically modified food and feed in accordance with Regulation (EC) No 1829/2003 of the European Parliament and of the Council and amending Commission Regulations (EC) No 641/2004 and (EC) No 1981/2006 ⁽²⁾,
- having regard to the vote of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003 on 11 January 2022, at which no opinion was delivered,
- 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 opinion adopted by the European Food Safety Authority (EFSA) on 5 May 2021, and published on 17 June 2021 ⁽⁴⁾,
- having regard to its previous resolutions objecting to the authorisation of genetically modified organisms ('GMOs') ⁽⁵⁾,

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ OJ L 157, 8.6.2013, p. 1.

⁽³⁾ OJ L 55, 28.2.2011, p. 13.

⁽⁴⁾ Scientific Opinion of the EFSA Panel on Genetically Modified Organisms on the assessment of genetically modified oilseed rape 73496 for food and feed uses, under Regulation (EC) No 1829/2003 (application EFSA-GMO-NL-2012/109), EFSA Journal 2021; 19(4):6424, <https://www.efsa.europa.eu/en/efsajournal/pub/6610>

⁽⁵⁾ In its eighth term, Parliament adopted 36 resolutions objecting to the authorisation of GMOs. Furthermore, in its ninth term Parliament has adopted the following resolutions:

- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MZHG0JG (SYN-ØØØJG-2), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0028).
- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean A2704-12 (ACS-GMØØ5-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0029).
- European Parliament resolution of 10 October 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 × 1507 × MON 88017 × 59122 × DAS-40278-9 and genetically modified maize combining two, three or four of the single events MON 89034, 1507, MON 88017, 59122 and DAS-40278-9 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0030).

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- European Parliament resolution of 14 November 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified cotton LL Cotton25 (ACS-GHØØ1-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0054).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 89788 (MON-89788-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0055).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 × 1507 × NK603 × DAS-40278-9 and sub-combinations MON 89034 × NK603 × DAS-40278-9, 1507 × NK603 × DAS-40278-9 and NK603 × DAS-40278-9 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0056).
 - European Parliament resolution of 14 November 2019 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize Bt11 × MIR162 × MIR604 × 1507 × 5307 × GA21 and genetically modified maize combining two, three, four or five of the single events Bt11, MIR162, MIR604, 1507, 5307 and GA21 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2019)0057).
 - European Parliament resolution of 14 May 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87708 × MON 89788 × A5547-127, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0069).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × MIR162 × NK603 and genetically modified maize combining two or three of the single events MON 87427, MON 89034, MIR162 and NK603, and repealing Commission Implementing Decision (EU) 2018/1111 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0291).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean SYHT0H2 (SYN-ØØØH2-5), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0292).
 - European Parliament resolution of 11 November 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 87460 × MON 89034 × MIR162 × NK603 and genetically modified maize combining two, three or four of the single events MON 87427, MON 87460, MON 89034, MIR162 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0293).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean MON 87751 × MON 87701 × MON 87708 × MON 89788, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0365).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MON 87427 × MON 89034 × MIR162 × MON 87411 and genetically modified maize combining two or three of the single events MON 87427, MON 89034, MIR162 and MON 87411 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0366).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MIR604 (SYN-IR6Ø4-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0367).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MON 88017 (MON-88Ø17-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0368).
 - European Parliament resolution of 17 December 2020 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize MON 89034 (MON-89Ø34-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2020)0369).
 - European Parliament resolution of 11 March 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB614 × T304-40 × GHB119 pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0080).

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- having regard to Rule 112(2) and (3) of its Rules of Procedure,
 - having regard to the motion for a resolution by the Committee on the Environment, Public Health and Food Safety,
- A. whereas on 15 May 2012, Pioneer Overseas Corporation, based in Belgium, submitted, on behalf of Pioneer Hi-Bred International, Inc., based in the United States (the ‘applicant’), an application to the national competent authority of the Netherlands for the placing on the market of foods, food ingredients and feed containing, consisting of or produced from genetically modified oilseed rape 73496 (the ‘GM oilseed rape’), in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003; whereas the application also concerned the placing on the market of products containing or consisting of genetically modified oilseed rape 73496 for uses other than food and feed, with the exception of cultivation;
- B. whereas, on 5 May 2021, EFSA adopted a favourable opinion in relation to the authorisation of the GM oilseed rape, which was published on 17 June 2021;
- C. whereas the GM oilseed rape is tolerant to glyphosate ⁽⁶⁾ through expression of the glyphosate acetyltransferase protein GAT4621;

Lack of assessment of the complementary herbicide

- D. whereas Implementing Regulation (EU) No 503/2013 requires an assessment of whether the expected agricultural practices influence the outcome of the studied endpoints; whereas, according to that Implementing Regulation, this is especially relevant for herbicide resistant plants;
- E. whereas a number of studies show that herbicide-tolerant GM crops result in a higher use of complementary herbicides, in large part because of the emergence of herbicide-tolerant weeds ⁽⁷⁾; whereas, as a consequence, it has to be expected that the GM oilseed rape will be exposed to both higher and repeated doses of glyphosate, and that therefore a higher quantity of residues and their breakdown products (‘metabolites’) may be present in the harvest;

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- European Parliament resolution of 11 March 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize MZIR098 (SYN-ØØØ98-3), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0081).
 - European Parliament resolution of 7 July 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean DAS-81419-2 × DAS-44406-6, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0334).
 - European Parliament resolution of 7 July 2021 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified maize 1507 × MIR162 × MON810 × NK603 and genetically modified maize combining two or three of the single events 1507, MIR162, MON810 and NK603, pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0335).
 - European Parliament resolution of 7 July 2021 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified maize Bt 11 (SYN-BTØ11-1) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2021)0336).
 - European Parliament resolution of 15 February 2022 on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified soybean GMB151 (BCS-GM151-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2022)0024).
 - European Parliament resolution of 15 February 2022 on the draft Commission implementing decision renewing the authorisation for the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB614 (BCS-GHØØ2-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (Texts adopted, P9_TA(2022)0025).

⁽⁶⁾ EFSA opinion, p. 1.

⁽⁷⁾ See, for example, Bonny, S., ‘Genetically Modified Herbicide-Tolerant Crops, Weeds, and Herbicides: Overview and Impact’, Environmental Management, January 2016; 57(1), pp. 31-48, <https://www.ncbi.nlm.nih.gov/pubmed/26296738> and Benbrook, C. M., ‘Impacts of genetically engineered crops on pesticide use in the U.S. — the first sixteen years’, Environmental Sciences Europe; 28 September 2012, Vol. 24(1), <https://envirope.springeropen.com/articles/10.1186/2190-4715-24-24>

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- F. whereas EFSA concluded in November 2015 that glyphosate was unlikely to be carcinogenic and the European Chemicals Agency concluded in March 2017 that no classification was warranted; whereas, on the contrary, in 2015, the International Agency for Research on Cancer, the specialised cancer agency of the World Health Organization, classified glyphosate as a probable carcinogen for humans; whereas a number of recent scientific peer-reviewed studies confirm the carcinogenic potential of glyphosate⁽⁸⁾;
- G. whereas, according to EFSA, toxicological data allowing a consumer risk assessment to be performed for the metabolites N-acetyl-glyphosate and N-acetyl-AMPA, which are relevant for uses on GM glyphosate-tolerant plant varieties that are imported into the Union, are missing⁽⁹⁾;
- H. whereas assessment of herbicide residues and their breakdown products found on GM plants is considered outside the remit of the EFSA Panel on Genetically Modified Organisms and is therefore not undertaken as part of the authorisation process for GMOs; whereas this is problematic since the way in which complementary herbicides are broken down by the GM plant concerned, and the composition and thus toxicity of the metabolites, can be impacted by the genetic modification itself⁽¹⁰⁾;

Member State competent authority comments

- I. whereas Member States submitted many critical comments to EFSA during the three-month consultation period⁽¹¹⁾; whereas those critical comments include that methodological approaches used in the risk assessment of the GM oilseed rape differ in some cases from those recommended by EFSA guidance meaning that the risk assessment has clear deficits and that no strong conclusions regarding safety can be drawn, that the representativeness of the trial locations for the range of environmental conditions occurring during commercial production of oilseed rape materials imported into the Union is not sufficiently demonstrated, that the level of residues from glyphosate treatment and glyphosate metabolites in the GM oilseed rape were not assessed, that the safety of the GM oilseed rape cannot be confirmed without information on concentrations of glyphosate, N-acetyl glyphosate and its metabolites and that there is no evidence of non-toxicity of acetylated glyphosate;

Upholding the Union's international obligations

- J. whereas a 2017 report by the United Nations (UN) Special Rapporteur on the right to food found that, particularly in developing countries, hazardous pesticides have catastrophic impacts on health⁽¹²⁾; whereas the UN Sustainable Development Goal ('SDG') Target 3.9 aims by 2030 to substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination⁽¹³⁾; whereas authorising the import of the GM oilseed rape would increase demand for this crop which is treated with glyphosate, thereby increasing the exposure of workers and the environment in third countries; whereas the risk of increased worker and environmental exposure is of particular concern in relation to herbicide-tolerant GM crops, given the higher volumes of herbicides used;
- K. whereas, according to a peer-reviewed study published in 2020, Roundup, one of the world's most widely used glyphosate-based herbicides, can trigger a loss of biodiversity, making ecosystems more vulnerable to pollution and climate change⁽¹⁴⁾;

⁽⁸⁾ See, for example, <https://www.sciencedirect.com/science/article/pii/S1383574218300887>, <https://academic.oup.com/ije/advance-article/doi/10.1093/ije/dyz017/5382278>, <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0219610>, and <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6612199/>

⁽⁹⁾ EFSA conclusion on the peer review of the pesticide risk assessment of the active substance glyphosate, EFSA Journal 2015; 13 (11):4302, p. 3, <https://www.efsa.europa.eu/en/efsajournal/pub/4302>

⁽¹⁰⁾ This is indeed the case for glyphosate, as stated in the reasoned opinion of EFSA 'Review of the existing maximum residue levels for glyphosate according to Article 12 of Regulation (EC) No 396/2005', EFSA Journal 2018; 16(5):5263, p. 12, <https://www.efsa.europa.eu/en/efsajournal/pub/5263>

⁽¹¹⁾ Member States comments, accessible via the EFSA register of questions: <https://www.efsa.europa.eu/en/register-of-questions>

⁽¹²⁾ <https://www.ohchr.org/EN/Issues/Food/Pages/Pesticides.aspx>

⁽¹³⁾ <https://www.un.org/sustainabledevelopment/health/>

⁽¹⁴⁾ <https://www.mcgrill.ca/newsroom/channels/news/widely-used-weed-killer-harming-biodiversity-320906>

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- L. whereas the Union, as a party to the UN Convention on Biological Diversity ('UN CBD'), has the responsibility to ensure that activities within its jurisdiction or control do not cause damage to the environment of other States ⁽¹⁵⁾;
- M. whereas Regulation (EC) No 1829/2003 states that GM food or feed must not have adverse effects on human health, animal health or the environment, and requires the Commission to take into account any relevant provisions of Union law and other legitimate factors relevant to the matter under consideration when drafting its decision; whereas such legitimate factors should include the Union's obligations under the UN SDGs, the Paris Climate Agreement and the UN CBD;

Undemocratic decision-making

- N. whereas the vote on 11 January 2022 of the Standing Committee on the Food Chain and Animal Health referred to in Article 35 of Regulation (EC) No 1829/2003 delivered no opinion, meaning that the authorisation was not supported by a qualified majority of Member States;
 - O. whereas the Commission recognises that the fact that GMO authorisation decisions continue to be adopted by the Commission without a qualified majority of Member States in favour, which is very much the exception for product authorisations as a whole but has become the norm for decision-making on GM food and feed authorisations, is problematic;
 - P. whereas, in its eighth term, Parliament adopted a total of 36 resolutions objecting to the placing on the market of GMOs for food and feed (33 resolutions) and to the cultivation of GMOs in the Union (three resolutions); whereas, in its ninth term, Parliament has already adopted 23 objections to placing GMOs on the market; whereas there was not a qualified majority of Member States in favour of authorising any of those GMOs; whereas the reasons for Member States not supporting authorisations include lack of respect for the precautionary principle in the authorisation process and scientific concerns relating to the risk assessment;
 - Q. whereas despite its own acknowledgement of the democratic shortcomings, the lack of support from Member States and the objections of Parliament, the Commission continues to authorise GMOs;
 - R. whereas no change of law is required for the Commission to be able not to authorise GMOs when there is no qualified majority of Member States in favour in the Appeal Committee ⁽¹⁶⁾;
1. Considers that the draft Commission implementing decision exceeds the implementing powers provided for in Regulation (EC) No 1829/2003;
 2. Considers that the draft Commission implementing decision is not consistent with Union law, in that it is not compatible with the aim of Regulation (EC) No 1829/2003, which is, in accordance with the general principles laid down in Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽¹⁷⁾, to provide the basis for ensuring a high level of protection of human life and health, animal health and welfare, and environmental and consumer interests, in relation to GM food and feed, while ensuring the effective functioning of the internal market;
 3. Calls on the Commission to withdraw its draft implementing decision;
 4. Reiterates its call on the Commission not to authorise herbicide-tolerant GM crops until the health risks associated with the residues have been comprehensively investigated on a case-by-case basis, which requires a full assessment of the residues from spraying such GM crops with complementary herbicides, an assessment of the herbicide breakdown products and any combinatorial effects, including with the GM plant itself;

⁽¹⁵⁾ Convention on Biological Diversity, Article 3: <https://www.cbd.int/convention/articles/?a=cbd-03>

⁽¹⁶⁾ The Commission 'may', and not 'shall', go ahead with authorisation if there is no qualified majority of Member States in favour at the Appeal Committee, according to Regulation (EU) No 182/2011 (Article 6(3)).

⁽¹⁷⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

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5. Welcomes the fact that the Commission finally recognised, in a letter of 11 September 2020 to Members, the need to take sustainability into account when it comes to authorisation decisions on GMOs⁽¹⁸⁾; expresses its deep disappointment, however, that, since then the Commission has continued to authorise GMOs for import into the Union, despite ongoing objections by Parliament and a majority of Member States voting against;
 6. Calls on EFSA to request data on the impact of the consumption of food and feed derived from GM plants on the intestinal microbiome;
 7. Urges the Commission, again, to take into account the Union's obligations under international agreements, such as the Paris Climate Agreement, the UN CBD and the UN SDGs; reiterates its call for draft implementing acts to be accompanied by an explanatory memorandum explaining how they uphold the principle of 'do no harm'⁽¹⁹⁾;
 8. Highlights that the amendments adopted by the European Parliament on 17 December 2020 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011⁽²⁰⁾, which were adopted in Parliament as a basis for negotiations with the Council, state that the Commission shall not authorise GMOs when there is not a qualified majority of Member States in favour; insists that the Commission respect this position and calls on the Council to proceed with its work and adopt a general approach on this file as a matter of urgency;
 9. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.
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⁽¹⁸⁾ <https://tillymetz.lu/wp-content/uploads/2020/09/Co-signed-letter-MEP-Metz.pdf>

⁽¹⁹⁾ European Parliament resolution of 15 January 2020 on the European Green Deal (OJ C 270, 7.7.2021, p. 2), paragraph 102.

⁽²⁰⁾ Texts adopted, P9_TA(2020)0364.

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P9_TA(2022)0064

Foreign interference in all democratic processes in the European Union**European Parliament resolution of 9 March 2022 on foreign interference in all democratic processes in the European Union, including disinformation (2020/2268(INI))**

(2022/C 347/07)

The European Parliament,

- having regard to the Charter of Fundamental Rights of the European Union ('the Charter'), and in particular Articles 7, 8, 11, 12, 39, 40, 47 and 52 thereof,
- having regard to the Charter of the United Nations, in particular Articles 1 and 2 thereof,
- having regard to United Nations General Assembly Resolution 2131 (XX) of 21 December 1965 entitled 'Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty',
- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, and in particular Articles 8, 9, 10, 11, 12, 13, 14, 16 and 17 thereof, and to the Protocol thereto, and in particular Article 3 thereof,
- having regard to its resolution of 23 November 2016 on EU strategic communication to counteract propaganda against it by third parties ⁽¹⁾ and to its recommendation of 13 March 2019 concerning taking stock of the follow-up taken by the EEAS two years after the EP report on EU strategic communication to counteract propaganda against it by third parties ⁽²⁾,
- having regard to its resolution of 13 June 2018 on cyber defence ⁽³⁾,
- having regard to the joint communications from the Commission and the High Representative of the Union for Foreign and Security Policy of 5 December 2018 entitled 'Action Plan against Disinformation' (JOIN(2018)0036) and of 14 June 2019 entitled 'Report on the implementation of the Action Plan Against Disinformation' (JOIN(2019)0012),
- having regard to the joint staff working document of 23 June 2021 on the Fifth Progress Report on the implementation of the 2016 Joint Framework on countering hybrid threats and the 2018 Joint Communication on increasing resilience and bolstering capabilities to address hybrid threats (SWD(2021)0729),
- having regard to the European democracy action plan (COM(2020)0790),
- having regard to the Commission communication of 3 December 2020 entitled 'Europe's Media in the Digital Decade: An Action Plan to Support Recovery and Transformation' (COM(2020)0784),
- having regard to the Digital Services Act package,
- having regard to its resolution of 20 October 2021 entitled 'Europe's Media in the Digital Decade: an Action Plan to Support Recovery and Transformation' ⁽⁴⁾,
- having regard to the 2018 Code of Practice on Disinformation and the 2021 Guidance on Strengthening the Code of Practice on Disinformation (COM(2021)0262), and to the Recommendations for the New Code of Practice on Disinformation issued by the European Regulators Group for Audiovisual Media Services in October 2021,

⁽¹⁾ OJ C 224, 27.6.2018, p. 58.

⁽²⁾ OJ C 23, 21.1.2021, p. 152.

⁽³⁾ OJ C 28, 27.1.2020, p. 57.

⁽⁴⁾ Texts adopted, P9_TA(2021)0428.

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- having regard to the European Court of Auditors' Special Report 09/2021 entitled 'Disinformation affecting the EU: tackled but not tamed',
- having regard to the Commission proposal of 16 December 2020 for a directive of the European Parliament and of the Council on the resilience of critical entities (COM(2020)0829) and to the proposed annex to the directive,
- having regard to Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union ⁽⁵⁾ (FDI Screening Regulation) and the March 2020 Guidance on the FDI Screening Regulation (C(2020)1981),
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign and Security Policy of 16 December 2020 on the EU's cybersecurity strategy for the digital decade (JOIN(2020)0018),
- having regard to the International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts,
- having regard to the Commission proposal of 16 December 2020 for a directive of the European Parliament and of the Council on measures for a high common level of cybersecurity across the Union, repealing Directive (EU) 2016/1148 (COM(2020)0823),
- having regard to the March 2021 EU toolbox of risk mitigating measures on the cybersecurity of 5G networks,
- having regard to Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 ⁽⁶⁾,
- having regard to the studies, briefings and in-depth analysis requested by the Special Committee on Foreign Interference in all Democratic Processes in the European Union, including Disinformation (INGE),
- having regard to the Frances Haugen hearing of 8 November 2021 organised by its Internal Market and Consumer Protection Committee, in association with other committees,
- having regard to its resolution of 7 October 2021 on the state of EU cyber defence capabilities ⁽⁷⁾,
- having regard to the United Nations Sustainable Development Goals (SDGs), and in particular to SDG 16 which aims to promote peaceful and inclusive societies for sustainable development,
- having regard to the State of the Union 2021 address and letter of intent,
- having regard to the UN Secretary-General's report of 10 September 2021 entitled 'Our Common Agenda',
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign and Security Policy of 10 June 2020 entitled 'Tackling COVID-19 disinformation — Getting the facts right' (JOIN(2020)0008),
- having regard to the Council's decision of 15 November 2021 to amend its sanction regime on Belarus to broaden the designation criteria to target individuals and entities organising or contributing to hybrid attacks and the instrumentalisation of human beings carried out by the Belarus regime,
- having regard to its decision of 18 June 2020 on setting up a special committee on foreign interference in all democratic processes in the European Union, including disinformation, and defining its responsibilities, numerical strength and term of office ⁽⁸⁾, adopted under Rule 207 of its Rules of Procedure,
- having regard to Rule 54 of its Rules of Procedure,

⁽⁵⁾ OJ L 79 I, 21.3.2019, p. 1.

⁽⁶⁾ OJ L 151, 7.6.2019, p. 15.

⁽⁷⁾ Texts adopted, P9_TA(2021)0412.

⁽⁸⁾ OJ C 362, 8.9.2021, p. 186.

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- having regard to the report of the Special Committee on Foreign Interference in all Democratic Processes in the European Union, including Disinformation (A9-0022/2022),
- A. whereas foreign interference constitutes a serious violation of the universal values and principles on which the Union is founded, such as human dignity, freedom, equality, solidarity, respect for human rights and fundamental freedoms, democracy and the rule of law;
- B. whereas foreign interference, information manipulation and disinformation are an abuse of the fundamental freedoms of expression and information as laid down in Article 11 of the Charter and threaten these freedoms, as well as undermining democratic processes in the EU and its Member States, such as the holding of free and fair elections; whereas the objective of foreign interference is to distort or falsely represent facts, artificially inflate one-sided arguments, discredit information to degrade political discourse and ultimately undermine confidence in the electoral system and therefore in the democratic process itself;
- C. whereas Russia has been engaging in disinformation of an unparalleled malice and magnitude across both traditional media outlets and social media platforms, in order to deceive its citizens at home and the international community on the eve of and during its war of aggression against Ukraine, which Russia started on 24 February 2022, proving that even information can be weaponised;
- D. whereas any action against foreign interference and information manipulation must itself respect the fundamental freedoms of expression and information; whereas the EU Fundamental Rights Agency (FRA) plays a key role in evaluating respect for fundamental rights, including Article 11 of the Charter, in order to avoid disproportionate actions; whereas actors carrying out foreign interference and information manipulation misuse those freedoms to their advantage and it is therefore vital to step up the precautionary fight against foreign interference and information manipulation because democracy depends on people making informed decisions;
- E. whereas evidence shows that malicious and authoritarian foreign state and non-state actors, such as Russia, China and others, use information manipulation and other interference tactics to interfere in democratic processes in the EU; whereas these attacks, which are part of a hybrid warfare strategy and constitute a violation of international law, mislead and deceive citizens and affect their voting behaviour, amplify divisive debates, divide, polarise and exploit the vulnerabilities of societies, promote hate speech, worsen the situation of vulnerable groups which are more likely to become victims of disinformation, distort the integrity of democratic elections and referendums, sow distrust in national governments, public authorities and the liberal democratic order and have the goal of destabilising European democracy, and therefore constitute a serious threat to EU security and sovereignty;
- F. whereas foreign interference is a pattern of behaviour that threatens or negatively impacts values, democratic procedures, political processes, the security of states and citizens, and the capacity to cope with exceptional situations; whereas such interference is manipulative in character, and conducted and financed in an intentional and coordinated manner; whereas those responsible for such interference, including their proxies within and outside their own territory, can be state or non-state actors, and are frequently assisted in their foreign interference by political accomplices in the Member States who derive political and economic advantages from favouring foreign strategies; whereas foreign actors' use of domestic proxies and cooperation with domestic allies blurs the line between foreign and domestic interference;
- G. whereas foreign interference tactics take many forms, including disinformation, the suppression of information, the manipulation of social media platforms and their algorithms, terms and conditions, and advertising systems, cyberattacks, hack-and-leak operations to gain access to voter information and interfere with the legitimacy of the electoral process, threats against and the harassment of journalists, researchers, politicians and members of civil society organisations, covert donations and loans to political parties, campaigns favouring specific candidates, organisations and media outlets, fake or proxy media outlets and organisations, elite capture and co-optation, 'dirty' money, fake personas and identities, pressure to self-censor, the abusive exploitation of historical, religious and cultural narratives, pressure on educational and cultural institutions, taking control of critical infrastructure, pressuring foreign nationals living in the EU, the instrumentalisation of migrants and espionage; whereas these tactics are often combined for greater effect;
- H. whereas information manipulation and the spread of disinformation can serve the economic interests of state and non-state actors and their proxies, and create economic dependencies that can be exploited for political aims; whereas in a world of non-kinetic international competition, foreign interference can be a prime tool for destabilising and

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weakening targeted counterparts, or boosting one's own competitive advantage through the establishment of channels of influence, supply chain dependencies, blackmail or coercion; whereas disinformation is causing direct and indirect economic damage that has not been systematically assessed;

- I. whereas misinformation is verifiably false information which is not intended to cause harm, while disinformation is verifiably false or misleading information that is intentionally created, presented or disseminated with a view to causing harm or producing a potentially disruptive effect on society by deceiving the public or for intentional economic gain;
- J. whereas there is a need to agree within the EU on common and granular definitions and methodologies to improve the shared understanding of the threats and develop appropriate EU standards for improved attribution and response; whereas the European External Action Service (EEAS) has done a considerable amount of work in this area; whereas these definitions must guarantee imperviousness to external interference and respect for human rights; whereas cooperation with like-minded partners, in relevant international forums, on common definitions of foreign interference in order to establish international norms and standards is of the utmost importance; whereas the EU should take the lead in establishing clear international rules for the attribution of foreign interference;

Need for a coordinated strategy against foreign interference

- K. whereas foreign interference attempts across the world are increasing and becoming more systemic and sophisticated, relying on widespread use of artificial intelligence (AI) and eroding attributability;
- L. whereas it is the duty of the EU and its Member States to defend all citizens and infrastructure, as well as their democratic systems, from foreign interference attempts; whereas, however, the EU and its Member States appear to lack the appropriate and sufficient means to be able to better prevent, detect, attribute, counter and sanction these threats;
- M. whereas there is a general lack of awareness among many policy-makers, and citizens in general, of the reality of these issues, which may unintentionally contribute to opening up further vulnerabilities; whereas the issue of disinformation campaigns has not been at the top of the agenda of European policy-makers; whereas the hearings and work of the INGE Special Committee have contributed to public recognition and the contextualisation of these issues and have successfully framed the European debate on foreign interference; whereas long-lasting foreign disinformation efforts have already contributed to the emergence of home-grown disinformation;
- N. whereas the transparent monitoring of the state of foreign interference in real time by institutional bodies and independent analysts and fact-checkers, the effective coordination of their actions and the exchange of information are crucial so that appropriate action is taken not only to provide information about ongoing malicious attacks but also to counter them; whereas similar attention must be paid to mapping society, identifying the areas most vulnerable and susceptible to foreign manipulation and disinformation, and tackling the causes of those vulnerabilities;
- O. whereas the first priority of EU defence, i.e. the resilience and preparedness of EU citizens vis-à-vis foreign interference and information manipulation, requires a long-term and whole-of-society approach, beginning with education and raising awareness of the problems at an early stage;
- P. whereas it is necessary to cooperate and coordinate across administrative levels and sectors among the Member States, at EU level and with like-minded countries, as well as with civil society and the private sector, in order to identify vulnerabilities, detect attacks and neutralise them; whereas there is an urgent need to synchronise the perception of threats with national security;

Building resilience through situational awareness, media and information literacy, media pluralism, independent journalism and education

- Q. whereas situational awareness, robust democratic systems, strong rule of law, a vibrant civil society, early warnings and threat assessment are the first steps towards countering information manipulation and interference; whereas in spite of all the progress made in raising awareness about foreign interference, many people, including policy-makers and civil servants working in the areas potentially targeted, are still unaware of the potential risks linked to foreign interference and how to address them;

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- R. whereas high-quality, sustainably and transparently financed, and independent news media and professional journalism are essential for media freedom and pluralism and the rule of law, and are therefore a pillar of democracy and the best antidote to disinformation; whereas some foreign actors take advantage of Western media freedom to spread disinformation; whereas professional media and traditional journalism, as a quality information source, are facing challenging times in the digital era; whereas quality journalism education and training within and outside the EU are necessary in order to ensure valuable journalistic analyses and high editorial standards; whereas the EU needs to continue supporting journalism in the digital environment; whereas science-based communication should play an important role;
- S. whereas editorially independent public service media are essential and irreplaceable in providing high-quality and impartial information services to the general public and must be protected from malign capture and strengthened as a fundamental pillar of the fight against disinformation;
- T. whereas different stakeholders and institutions use different methodologies and definitions to analyse foreign interference — all with different degrees of comprehensibility, and whereas these differences can inhibit comparable monitoring, analysis and assessment of the threat level, which makes joint action more difficult; whereas there is a need for an EU definition and methodology to improve the common threat analysis;
- U. whereas there is a need to complement terminology that focuses on content, such as fake, false or misleading news, misinformation and disinformation, with terminology that centres on behaviour, in order to adequately address the problem; whereas this terminology should be harmonised and carefully adhered to;
- V. whereas training in media and digital literacy and awareness-raising, for both children and adults, are important tools to make citizens more resilient against interference attempts in the information space and avoid manipulation and polarisation; whereas in general, societies with a high level of media literacy are more resilient to foreign interference; whereas journalistic working methods such as constructive journalism could help to strengthen trust in journalism among citizens;
- W. whereas information manipulation can take many forms, such as spreading disinformation and completely false news, distorting facts, narratives and representations of opinion, suppression of certain information or opinions, taking information out of context, manipulating people's feelings, promoting hate speech, promoting some opinions at the expense of others, and harassing people to silence and oppress them; whereas one aim of information manipulation is to create chaos in order to encourage a loss of citizens' trust in the old and new 'gatekeepers' of information; whereas there is a fine line between freedom of expression and the promotion of hate speech and disinformation which should not be abused;
- X. whereas Azerbaijan, China, Turkey and Russia, among others, have all targeted journalists and opponents in the European Union, such as in the case of Azerbaijani blogger and opposition figure Mahammad Mirzali in Nantes and that of Turkish journalist Erk Acarer in Berlin;
- Y. whereas there is concrete evidence that the EU's democratic processes are being targeted and interfered with by disinformation campaigns that challenge democratic ideals and fundamental rights; whereas disinformation related to topics including, but not limited to, gender, LGBTIQ+, sexual and reproductive health and rights, and minorities is a form of disinformation that threatens human rights, undermines digital and political rights, as well as the safety and security of its targets, and sows fraction and disunity among Member States; whereas during election campaigns female political candidates tend to be disproportionately targeted by sexist narratives, leading to the discouragement of women from taking part in democratic processes; whereas the perpetrators of these disinformation campaigns, under the guise of promoting 'traditional' or 'conservative' values, form strategic alliances with local partners to gain access to local intelligence and have been reported to receive millions of euros in foreign funding;
- Z. whereas next to state institutions, journalists, opinion leaders and the private sector, each section of society and each individual have important roles to play in identifying and putting a stop to the spread of disinformation and in warning people in their environment who are at risk; whereas civil society, academia and journalists have already contributed strongly to raising public awareness and increasing societal resilience, including in cooperation with counterparts in partner countries;

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- AA. whereas civil society organisations representing minority voices and human rights organisations across Europe remain underfunded, despite playing a crucial role in raising awareness and countering disinformation; whereas civil society organisations should be adequately resourced in order to play their part in limiting the impact of foreign interference;
- AB. whereas it is important to have easy and timely access to fact-based information from reliable sources when disinformation starts to spread;
- AC. whereas it is necessary to rapidly detect foreign interference attacks and attempts to manipulate the information sphere in order to counter them; whereas EU intelligence analysis and situational awareness are dependent on the willingness of Member States to share information; whereas the Commission President has proposed that the establishment of an EU Joint Situational Awareness Centre be considered; whereas prevention and proactive measures including pre-bunking and a healthy information ecosystem are far more effective than subsequent fact-checking and debunking efforts, which show lower reach than the original disinformation; whereas the EU and its Member States currently lack sufficient capabilities to take such measures; whereas new AI-based analytical tools, such as the Lithuanian Debunk.eu, could help to detect attacks, share knowledge and inform the public;
- AD. whereas disinformation thrives in an environment of weak or fragmented national or EU-level narratives, and on polarised and emotional debates, exploiting weak points and biases among society and individuals, and whereas disinformation distorts the public debate around elections and other democratic processes and can make it difficult for citizens to make informed choices;

Foreign interference using online platforms

- AE. whereas online platforms can be easily accessible and affordable tools for those engaging in information manipulation and other interference, such as hate and harassment, damaging the health and safety of our online communities, silencing opponents, espionage or spreading disinformation; whereas their functioning has been proven to encourage polarised and extreme opinions at the expense of fact-based information; whereas platforms have their own interests and may not be neutral in processing information; whereas some online platforms greatly benefit from the system that amplifies division, extremism and polarisation; whereas online space has become just as important for our democracy as physical space and therefore needs corresponding rules;
- AF. whereas platforms have accelerated and exacerbated the spread of mis- and disinformation in an unprecedented and challenging way; whereas online platforms control the flow of information and advertising online, whereas platforms design and use algorithms to control these flows, and whereas platforms are not transparent, lack appropriate procedures to verify identity, use unclear and vague terminology and share very little or no information about the design, use and impacts of these algorithms; whereas the addictive component of online platform algorithms has created a serious public health problem that needs to be addressed; whereas online platforms should be responsible for the harmful effects of their services, as some platforms were aware of the flaws in their algorithms — in particular their role in spreading divisive content — but failed to address them in order to maximise profit, as was revealed by whistle-blowers;
- AG. whereas in response to Russia's war of aggression against Ukraine, the Prime Ministers of Estonia, Latvia, Lithuania and Poland sent a letter to the CEOs of the Big Tech social media platforms (Twitter, Alphabet, YouTube and Meta) on 27 February 2022, calling for, inter alia, the suspension of accounts engaging in and glorifying war crimes and crimes against humanity, reinforced content moderation in the Russian and Ukrainian languages, the full and immediate demonetisation of all accounts disseminating disinformation perpetrated by the Russian and Belarusian Governments, and assistance for users trying to find trustworthy information on the war in Ukraine;
- AH. whereas there are interference and information manipulation campaigns directed at all measures against the spread of COVID-19, including vaccination across the EU, and online platforms have failed to coordinate their efforts to contain them and may even have contributed to their spread; whereas such disinformation can be life-threatening when

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detering people from being vaccinated or promoting false treatments; whereas the pandemic has exacerbated the systemic struggle between democracy and authoritarianism, prompting authoritarian state and non-state actors, such as China and Russia, to deploy a broad range of overt and covert instruments in their bid to destabilise their democratic counterparts; whereas the Facebook Papers have revealed the platform's failure to tackle vaccine-related disinformation, including in the English language; whereas the situation is even worse for non-English vaccine-related disinformation; whereas this issue concerns all platforms;

- AI. whereas numerous vendors registered in the EU sell inauthentic likes, followers, comments and shares to any actor wishing to artificially boost their visibility online; whereas it is impossible to identify legitimate uses of such services, while harmful uses include manipulating elections and other democratic processes, promoting scams, posting negative reviews of competitors' products, defrauding advertisers and the creation of a fake public that is used to shape the conversation, for personal attacks and to artificially inflate certain viewpoints that would otherwise receive no attention; whereas foreign regimes, such as Russia and China, are using these online tools on a massive scale to influence the public debate in European countries; whereas disinformation can destabilise European democracy;
- AJ. whereas social platforms, digital devices and applications collect and store immense amounts of very detailed personal and often sensitive data about each user; whereas such data can be used to predict behavioural tendencies, reinforce cognitive bias and orient decision-making; whereas such data is exploited for commercial purposes; whereas data leaks happen repeatedly, to the detriment of the security of victims of such leaks, and data can be sold on the black market; whereas such databases could be goldmines for malicious actors wanting to target groups or individuals;
- AK. whereas, in general, platforms are designed to ensure that opting not to share data is nonintuitive, cumbersome and time-consuming in comparison with opting to share data;
- AL. whereas online platforms are integrated into most parts of our lives and the spread of information on platforms can have a huge impact on our thinking and behaviour, for instance when it comes to voting preferences, economic and social choices, and the choice of information sources, and whereas these decisive choices of public importance are today in fact conditioned by the commercial interests of private companies;
- AM. whereas algorithm curation mechanisms and other features of social media platforms are engineered to maximise engagement; whereas these features are repeatedly reported to promote polarising, radicalising and discriminatory content and keep users in like-minded circles; whereas this leads to the gradual radicalisation of platform users, as well as the conditioning and polluting of collective discussion processes, rather than the protection of democratic processes and individuals; whereas uncoordinated actions by platforms have led to discrepancies in their actions and allowed disinformation to spread from platform to platform; whereas the business model of making money through the spread of polarising information and the designing of algorithms make platforms an easy target for manipulation by foreign hostile actors; whereas social media platforms could be designed differently so as to foster a healthier online public sphere;
- AN. whereas the creation of deepfake audio and audiovisual materials is becoming increasingly easier with the advent of affordable and easy-to-use technologies, and the spread of such materials is an exponentially increasing problem; whereas currently, however, 90 % of research goes into the development of deepfakes and only 10 % into their detection;
- AO. whereas self-regulation systems such as the 2018 Code of Practice on Disinformation have led to improvements; whereas, however, relying on the goodwill of platforms is neither working nor effective and has produced little meaningful data on their overall impact; whereas, in addition, platforms have taken individual measures varying in degree and effect, leading to backdoors through which content can continue to spread elsewhere despite being taken down; whereas there needs to be a clear set of rules and sanctions in order for the Code of Practice to have sufficient effect on the online environment;

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- AP. whereas the European Democracy Action Plan aims to strengthen the 2018 Code of Practice and together with the Digital Services Act constitutes a step away from the self-regulation approach and aims to introduce more guarantees and protections for users, by increasing autonomy and overcoming passivity with respect to the services offered, introducing measures to require greater transparency and accountability from companies, and introducing more obligations for platforms;
- AQ. whereas the current actions against disinformation campaigns on online platforms are not effective or deterrent and allow platforms to continue promoting discriminatory and malicious content;
- AR. whereas platforms dedicate significantly lower resources to content management in lesser-spoken languages, and even widely spoken non-English languages, compared to English content;
- AS. whereas platforms' complaint and appeal procedures are generally inadequate;
- AT. whereas in recent months, several major players have obeyed censorship rules, for example during the Russian parliamentary elections in September 2021, when Google and Apple removed Smart Voting apps from their stores in Russia;
- AU. whereas the lack of transparency with regard to the algorithmic choices of platforms makes it impossible to validate claims by platforms about what they do and the effect of their actions to counter information manipulation and interference; whereas there are discrepancies between the stated effect of their efforts in their annual self-assessments and their actual effectiveness, as shown in the recent Facebook Papers;
- AV. whereas the non-transparent nature of targeted advertising leads to massive amounts of online advertising by reputable brands, sometimes even by public institutions, ending up on websites encouraging terrorism, hosting hate speech and disinformation, and financing the growth of such websites, without the awareness or consent of the advertisers;
- AW. whereas the online advertising market is controlled by a small number of big Ad Tech companies which share the market among themselves, with Google and Facebook as the largest players; whereas this high market concentration on a few companies is associated with a strong power imbalance; whereas the use of clickbait techniques and the power of these few actors to determine which content is monetised and which is not, even though the algorithms they use cannot tell the difference between disinformation and normal news content, constitutes a threat to diversified media; whereas the targeted advertising market is profoundly non-transparent; whereas Ad Tech companies force brands to take the hit for their negligence in monitoring where ads are placed;

Critical infrastructure and strategic sectors

- AX. whereas the management of threats to critical infrastructure, especially when part of a synchronised, malicious hybrid strategy, requires coordinated, joint efforts across sectors, at different levels — EU, national, regional and local — and at various times;
- AY. whereas the Commission has proposed a new directive to enhance the resilience of critical entities providing essential services in the EU, which includes a proposed list of new types of critical infrastructure; whereas the list of services will be set out in the annex to the directive;
- AZ. whereas the growing globalisation of the division of labour and of production chains has led to manufacturing and skills gaps in key sectors across the Union; whereas this has resulted in the EU's high import dependence on many essential products and primary assets, which may have built-in vulnerabilities, coming from abroad; whereas supply chain resilience ought to be among the priorities of EU decision-makers;
- BA. whereas foreign direct investments (FDIs) — investments by third countries and foreign companies — in strategic sectors in the EU, but also in neighbourhood areas, such as the Western Balkans, in particular China's acquisition of critical structures, have been a growing cause for concern in recent years, considering the increasing importance of the trade-security nexus; whereas these investments pose a risk of creating economic dependencies and leading to a loss of knowledge in key production and industrial sectors;

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- BB. whereas the open strategic autonomy of the EU requires control of European strategic infrastructure; whereas the Commission and the Member States have expressed growing concern about the security and control of technologies and infrastructure in Europe;

Foreign interference during electoral processes

- BC. whereas malicious actors who seek to interfere in electoral processes take advantage of the openness and pluralism of our societies as a strategic vulnerability to attack democratic processes and the resilience of the EU and its Member States; whereas it is in the context of electoral processes that foreign interference becomes more dangerous as citizens reengage and are more involved in conventional political participation;
- BD. whereas the distinctive nature of foreign interference in electoral processes, and the use of new technologies in this regard, as well as their potential effects, represent especially dangerous threats to democracy; whereas foreign interference in electoral processes goes well beyond social media 'information warfare', favouring specific candidates to hack and target databases and gain access to the information of registered voters and directly interfering with the normal functioning, competitiveness and legitimacy of the electoral process; whereas foreign interference aims to introduce doubt, uncertainty and mistrust, and not just to alter the result of elections but to delegitimise the entire electoral process;

Covert funding of political activities by foreign actors and donors

- BE. whereas a solid body of evidence shows that foreign actors have been actively interfering in the democratic functioning of the EU and its Member States, particularly during election and referendum periods, through covert funding operations;
- BF. whereas, for instance, Russia, China and other authoritarian regimes have funnelled more than USD 300 million into 33 countries to interfere in democratic processes, and other actors such as Iran and Venezuela, from the Middle-East and on the US far right have also been involved in covert funding; whereas this trend is clearly accelerating; whereas half these cases concern Russia's actions in Europe; whereas corruption and illicit money laundering are a source of political financing from authoritarian third countries;
- BG. whereas media tools created by foreign donors in a non-transparent way have become highly effective in garnering large numbers of followers and generating engagement;
- BH. whereas these operations finance extremist, populist, anti-European parties and certain other parties and individuals or movements seeking to deepen societal fragmentation and undermine the legitimacy of European and national public authorities; whereas this has helped to increase the reach of these parties and movements;
- BI. whereas Russia seeks out contacts to parties, figures and movements in order to use players within the EU institutions to legitimise Russian positions and proxy governments, to lobby for sanctions relief and to mitigate the consequences of international isolation; whereas parties such as the Austrian *Freiheitliche Partei Österreichs*, the French *Rassemblement National* and the Italian *Lega Nord* have signed cooperation agreements with Russian President Vladimir Putin's United Russia party and now face media allegations of being willing to accept political funding from Russia; whereas other European parties such as the German *Alternative für Deutschland* (AfD), the Hungarian *Fidesz* and *Jobbik*, and the Brexit Party in the UK also reportedly have close contact with the Kremlin, and the AfD and *Jobbik* have also worked as so-called 'election observers' in Kremlin-controlled elections, for example in Donetsk and Lugansk in eastern Ukraine, to monitor and legitimise Russian-sponsored elections; whereas findings about the close and regular contacts between Russian officials and representatives of a group of Catalan secessionists in Spain, as well as between Russian officials and the largest private donor for the Brexit Vote Leave campaign, require an in-depth investigation, and are part of Russia's wider strategy to use each and every opportunity to manipulate discourse in order to promote destabilisation;

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- BJ. whereas the Group of States against Corruption (GRECO) of the Council of Europe and the Venice Commission have already made wide-ranging recommendations to decrease the scope for the possible interference of foreign actors via political financing;
- BK. whereas electoral laws, in particular provisions on the financing of political activities, are not sufficiently well coordinated at EU level, and therefore allow for opaque financing methods by foreign actors; whereas the legal definition of political donations is too narrow, allowing for foreign in-kind contributions in the European Union;
- BL. whereas, in some Member States, online political advertising is not subject to the rules for offline political advertising; whereas there is a serious lack of transparency in online political advertising, which makes it impossible for regulators to enforce spending limits and prevent illegal sources of funding, with potentially disastrous consequences for the integrity of our electoral systems;
- BM. whereas lack of financing transparency creates an environment for corruption, which often accompanies foreign funding and investments;
- BN. whereas Regulation (EU, Euratom) No 1141/2014 of 22 October 2014 on the statute and funding of European political parties and European political foundations⁽⁹⁾ is being revised with a view to achieving a greater level of transparency in terms of the financing of political activities;
- BO. whereas the role of political foundations has grown in recent years, in most cases playing a positive role in politics and in strengthening democracy, but in some cases becoming a more unpredictable vehicle for malicious forms of finance and indirect interference;
- BP. whereas modern technologies and digital assets, such as cryptocurrency, are used to disguise illegal financial transactions to political actors and political parties;

Cybersecurity and resilience against cyberattacks

- BQ. whereas the incidence of cyberattacks and cyber-enabled incidents led by hostile state and non-state actors has been increasing in recent years; whereas several cyberattacks, such as the global spear-phishing email campaigns targeting strategic vaccine storage structures and the cyberattacks against the European Medicines Agency (EMA), the European Banking Authority, the Norwegian Parliament and countless others, have been traced back to state-backed hacker groups, predominantly affiliated to the Russian and Chinese Governments;
- BR. whereas the European Union is committed to the application of existing international law in cyberspace, in particular the UN Charter; whereas malign foreign actors are exploiting the absence of a strong legal international framework in the cyber domain;
- BS. whereas the Member States have increased their cooperation in the domain of cyber defence within the framework of the Permanent Structured Cooperation (PESCO), including by setting up Cyber Rapid Response Teams; whereas the European Defence Industrial Development Programme (EDIDP) has included intelligence, secured communication and cyber defence in its work programmes; whereas the current capacity to face cyber threats is limited owing to the scarcity of human and financial resources, for example in critical structures such as hospitals; whereas the EU has committed to investing EUR 1,6 billion, under the Digital Europe programme⁽¹⁰⁾, in the response capacity and deployment of cybersecurity tools for public administrations, businesses and individuals, as well as developing public-private cooperation;
- BT. whereas gaps in and the fragmentation of the EU's capabilities and strategies in the cyber field is becoming an increasing problem, as pointed out by the European Court of Auditors⁽¹¹⁾; whereas the EU Cyber Diplomacy Toolbox, set up in May 2019, has shown the added value of a joint EU diplomatic response to malicious cyber activities; whereas the Council decided for the first time on 30 July 2020 to impose restrictive measures on individuals, entities and bodies responsible for or involved in various cyberattacks;

⁽⁹⁾ OJ L 317, 4.11.2014, p. 1.

⁽¹⁰⁾ <https://www.consilium.europa.eu/en/policies/cybersecurity/>

⁽¹¹⁾ https://www.eca.europa.eu/Lists/ECADocuments/BRP_CYBERSECURITY/BRP_CYBERSECURITY_EN.pdf

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- BU. whereas massive-scale and illicit use of surveillance programs, such as Pegasus, have been used by foreign state actors to target journalists, human rights activists, academics, government officials and politicians, including European heads of state; whereas Member States have also made use of the surveillance spyware;

Protection of EU Member States, institutions, agencies, delegations and missions

- BV. whereas the decentralised and multinational character of EU institutions, including their missions and operations, is an ever-increasing target and is exploited by malicious foreign actors wanting to sow division in the EU; whereas there is an overall lack of a security culture in the EU institutions despite the fact that they are clear targets; whereas Parliament as the democratically elected EU institution faces specific challenges; whereas several cases have revealed that EU institutions appear vulnerable to foreign infiltration; whereas the safety of EU staff should be ensured;
- BW. whereas it is necessary to put in place strong and coherent crisis management procedures as a matter of priority; whereas additional training should be offered in order to enhance the preparedness of staff;
- BX. whereas cyberattacks have recently targeted several EU institutions, which underlines the need for strong interinstitutional cooperation in terms of detecting, monitoring and sharing information during cyberattacks and/or with a view to preventing them, including during EU common security and defence policy (CSDP) missions and operations; whereas the EU and its Member States should organise regular, joint exercises to identify weak spots and take the necessary measures;

Interference through global actors via elite capture, national diasporas, universities and cultural events

- BY. whereas a number of politicians, including former high-level European politicians and civil servants are hired or co-opted by foreign authoritarian state-controlled national or private companies in exchange for their knowledge and at the expense of the interests of the citizens of the EU and its Member States;
- BZ. whereas some countries are particularly active in the field of elite capture and co-optation, in particular Russia and China, but also Saudi Arabia and other Gulf countries, with, for instance, former German Chancellor Gerhard Schröder and former Prime Minister of Finland Paavo Lipponen having both joined Gazprom to speed up the application process for Nord Stream 1 and 2, former Austrian Minister of Foreign Affairs Karin Kneissl appointed board member of Rosneft, former Prime Minister of France François Fillon appointed board member of Zaroubejneft, former Prime Minister of France Jean-Pierre Raffarin actively engaged in promoting Chinese interests in France, former Czech Commissioner Štefan Füle having worked for CEFC China Energy, former Prime Minister of Finland Esko Aho now on the board of the Kremlin's Sberbank, former French Minister for Relations with Parliament Jean-Marie Le Guen now a member of the Board of Directors of Huawei France, former Prime Minister of Belgium Yves Leterme appointed Co-Chairman of the Chinese investment fund ToJoy, and many other high-level politicians and officials taking on similar roles;
- CA. whereas economic lobbying strategies can be combined with foreign interference goals; whereas according to the OECD's report on lobbying in the 21st century⁽¹²⁾ only the US, Australia and Canada have rules in place that cover foreign influence; whereas there is a serious lack of legally binding rules and enforcement of the EU's lobbying register, which makes it practically impossible to track lobbying coming from outside the EU; whereas there is currently no way of monitoring lobbying efforts in Member States that influence legislation and foreign policy through the European Council; whereas rules on lobbying in the EU focus mainly on face-to-face contact and do not take into account the whole ecosystem of different types of lobbying that exists in Brussels; whereas countries such as China and Russia, but also Qatar, the United Arab Emirates and Turkey, have invested heavily in lobbying efforts in Brussels;

⁽¹²⁾ Organisation for Economic Co-operation and Development, *Lobbying in the 21st Century: Transparency, Integrity and Access*, 2021, OECD Publishing, Paris, available at: <https://doi.org/10.1787/c6d8eff8-en>

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- CB. whereas trying to instrumentalise vulnerable groups, including the national minorities and diaspora living on EU soil, represents an important element of foreign interference strategies;
- CC. whereas different state actors, such as the Russian, Chinese and, to a lesser degree, Turkish Governments, have been attempting to increase their influence by setting up and using cultural, educational (e.g. through grants and scholarships) and religious institutes across Member States, in a strategic effort to destabilise European democracy and expand control over Eastern and Central Europe; whereas the alleged difficult situation of its national minority has been used in the past by Russia as an excuse for direct intervention in third countries;
- CD. whereas there is evidence of Russian interference and online information manipulation in many liberal democracies around the world, including but not limited to the Brexit referendum in the United Kingdom and the presidential elections in France and the US, and practical support of extremist, populist, anti-European parties and certain other parties and individuals across Europe, including but not limited to France, Germany, Italy and Austria; whereas more support for research and education is needed to be able to understand the exact influence of foreign interference on specific events, such as Brexit and the election of President Trump in 2016;
- CE. whereas Russian state-controlled Sputnik and RT networks that are based in the West, combined with Western media and fully or partially owned by Russian and Chinese legal and individual entities actively engage in disinformation activities against liberal democracies; whereas Russia is resorting to historical revisionism, seeking to rewrite the history of Soviet crimes and promoting Soviet nostalgia among the susceptible population in Central and Eastern Europe; whereas for national broadcasters in Central and Eastern Europe it is difficult to compete with Russian-language TV content funded by the Russian Government; whereas there is a risk of unbalanced cooperation between Chinese and foreign media, taking into account that Chinese media are the voice of the Chinese Communist Party at home and abroad;
- CF. whereas more than 500 Confucius centres have been opened around the world, including around 200 in Europe, and Confucius Institutes and Confucius Classrooms are used by China as a tool of interference within the EU; whereas academic freedom is severely restricted in Confucius Institutes; whereas universities and educational programmes are the target of massive foreign funding, notably from China or Qatar, such as the Fudan University campus in Budapest;
- CG. whereas the EU is currently lacking the necessary toolbox to address elite capture and counter the establishment of channels of influence, including within EU institutions; whereas situational awareness capabilities and counter-intelligence instruments remain scarce at EU level, with a high degree of reliance on national actors' willingness to share information;

Deterrence, attribution and collective countermeasures, including sanctions

- CH. whereas the EU and its Member States do not currently have a specific regime of sanctions related to foreign interference and disinformation campaigns orchestrated by foreign state actors, meaning that these actors can safely assume that their destabilisation campaigns against the EU will meet with no consequences;
- CI. whereas ensuring clear attribution of disinformation and propaganda attacks, including publicly naming the perpetrators, their sponsors and the goals they seek to achieve, as well as measuring the effects of these attacks on the targeted audience, are the first steps towards effectively defending against such actions;
- CJ. whereas the EU should strengthen its deterrence tools and tools for attributing such attacks and categorising their nature as violating or not violating international law, with a view to establishing an effective sanctions regime so that malicious foreign actors have to pay the costs of their decisions and bear the consequences; whereas targeting individuals might not be sufficient; whereas other tools, such as trade measures, could be used to protect European democratic processes against state-sponsored hybrid attacks; whereas deterrence measures must be applied transparently with all due guarantees; whereas hybrid attacks are calibrated so that they deliberately fall below the threshold of Article 42(7) of the Treaty on European Union (TEU) and Article 5 of the North Atlantic Treaty;

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Global cooperation and multilateralism

- CK. whereas malicious actions orchestrated by foreign state and non-state actors are affecting many democratic partner countries around the world; whereas democratic allies depend on their ability to join forces to deliver a collective response;
- CL. whereas the EU accession countries in the Western Balkans are being hit particularly hard by attacks in the form of foreign interference and disinformation campaigns stemming from Russia, China and Turkey, such as Russia's interference campaigns during the ratification process of the Prespa Agreement in North Macedonia; whereas the COVID-19 pandemic has been further exploited in the Western Balkans by China and Russia to destabilise these countries and discredit the EU; whereas candidate and potential candidate countries are expected to join the EU's initiatives to fight foreign interference;
- CM. whereas there is still a lack of common understanding and common definitions among like-minded partners and allies with regard to the nature of the threats at stake; whereas the UN Secretary-General is calling for a global code of conduct to promote the integrity of public information; whereas the Conference on the Future of Europe is an important platform for discussions related to the topic;
- CN. whereas there is a need for global, multilateral cooperation and support among like-minded partners in dealing with foreign malicious interference; whereas other democracies have developed advanced skills and strategies, such as Australia and Taiwan; whereas Taiwan stands at the forefront of the fight against information manipulation, mainly from China; whereas the success of the Taiwanese system is founded on cooperation among all branches of government, but also with independent NGOs specialised in fact-checking and media literacy and with social media platforms, such as Facebook, as well as on the promotion of media literacy for all generations, the debunking of disinformation, and the curbing of the spread of manipulative messages; whereas the INGE Special Committee went on a three-day official mission to Taiwan to discuss disinformation and foreign electoral intervention;

Need for an EU coordinated strategy against foreign interference

1. Is deeply concerned about the growing incidence and increasingly sophisticated nature of foreign interference and information manipulation attempts, conducted overwhelmingly by Russia and China and targeting all parts of the democratic functioning of the European Union and its Member States;
2. Welcomes the Commission President's announcement of 27 February 2022 of an EU-wide ban on Russian propaganda outlets such as Sputnik TV, RT (formerly known as Russia Today) and other Russian disinformation organs which have the sole aim of weakening and dividing the EU's public opinion and EU decision-makers; calls for further measures in this regard;
3. Calls on the Commission to propose, and the co-legislators and Member States to support, a multi-layer, coordinated and cross-sector strategy, as well as adequate financial resources, aimed at equipping the EU and its Member States with appropriate foresight and resilience policies and deterrence tools, enabling them to tackle all hybrid threats and attacks orchestrated by foreign state and non-state actors; considers that this strategy should be built on:
 - (a) common terminologies and definitions, a single methodology, evaluations and ex post impact assessments of the legislation adopted so far, a shared intelligence system, and understanding, monitoring, including early warnings, and situational awareness of the issues at stake;
 - (b) concrete policies enabling resilience-building among EU citizens in line with democratic values, including through support to civil society;
 - (c) appropriate disruption and defence capabilities;
 - (d) diplomatic and deterrence responses, including an EU toolbox for countering foreign interference and influence operations, including hybrid operations, through adequate measures, e.g. attribution and naming of perpetrators, sanctions and countermeasures, and global partnerships to exchange practices and promote international norms of responsible state behaviour;
4. Underlines that all measures to prevent, detect, attribute, counter and sanction foreign interference must be designed in a way that respects and promotes fundamental rights, including the ability of EU citizens to communicate in a secure, anonymous and uncensored way, without undue interference from any foreign actors;

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5. Considers that this strategy should be based on a risk-based, whole-of-society and whole-of-government approach, covering the following areas in particular:

- (a) building EU resilience through situational awareness, media and information literacy, media pluralism, independent journalism and education,
- (b) foreign interference using online platforms;
- (c) critical infrastructure and strategic sectors;
- (d) foreign interference during electoral processes;
- (e) covert funding of political activities by foreign actors and donors;
- (f) cybersecurity and resilience against cyberattacks;
- (g) protection of EU Member States, institutions, agencies, delegations and missions;
- (h) interference through global actors via elite capture, national diasporas, universities and cultural events;
- (i) deterrence, attribution and collective countermeasures, including sanctions;
- (j) global cooperation and multilateralism;

6. Calls, in particular, for the EU and its Member States to boost the resources and means allocated to bodies and organisations across Europe and globally — such as think tanks and fact-checkers — tasked with monitoring and raising awareness of the severity of threats, including disinformation; highlights the crucial role of the EU in a broader strategic sense; calls for the foresight capacity and interoperability of the EU and its Member States to be strengthened to ensure robust preparedness to predict, prevent and mitigate foreign information manipulation and interference, to strengthen the protection of their strategic interests and infrastructure, and to engage in multilateral cooperation and coordination to reach a common understanding of the issue in the relevant international forums; calls on the Foreign Affairs Council to discuss matters of foreign interference on a regular basis;

7. Is concerned about the overwhelming lack of awareness, including among the broader public and government officials, of the severity of the current threats posed by foreign authoritarian regimes and other malicious actors targeting all levels and sectors of European society, aimed at undermining fundamental rights and public authorities' legitimacy, deepening political and social fragmentation and, in some instances, even causing life-threatening harm to EU citizens;

8. Is concerned about the lack of norms and appropriate and sufficient measures to attribute and respond to acts of foreign interference, resulting in an attractive calculation for malicious actors of low costs, low risks and a high reward, since the risks of facing retribution for their actions are currently very low;

9. Urges the Commission to include, where relevant, a foreign information manipulation and interference perspective in the ex ante impact assessment carried out before presenting new proposals, with a view to mainstreaming the countering of foreign interference and information manipulation within EU policymaking; urges the EEAS and the Commission to perform regular resilience reviews and to assess the development of the threats and their impact on current legislation and policies;

10. Calls on the Commission to analyse recent national institutions, such as Australia's National Counter Foreign Interference Coordinator, Finland's Security Committee assisting the government and ministries, Sweden's Civil Contingencies Agency, new agency for psychological defence and National China Centre, France's new national agency Viginum, Lithuania's National Cyber Security Centre, and Taiwan's interagency disinformation coordination taskforce to see what we can learn from these best practices and to what extent a similar idea could be implemented at EU level; invites the Commission to support the sharing of information and best practices among Member States in this regard; underlines the importance of a proactive approach and instruments, including strategic communications as a core activity for implementing EU and Member State policies through words and actions; calls on the Commission to provide adequate data science training and to create a single monitoring body within the Commission on information manipulation;

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11. Is concerned about the many gaps and loopholes in current legislation and policies at EU and national level intended to detect, prevent and counter foreign interference;

12. Notes that a number of long-term projects and programmes with a focus on countering disinformation at a technological, legal, psychological and informational level are being funded by the EU; calls on the Commission to assess the impact of these projects and programmes and their applicability;

13. Calls on the Commission to set up a Commission taskforce led by Věra Jourová, as Vice-President of the Commission for Values and Transparency, dedicated to scrutinising existing legislation and policies to identify gaps that could be exploited by malicious actors, and urges the Commission to close these gaps; stresses that this structure should cooperate with other EU institutions and Member States at national, regional and local level and facilitate the exchange of best practices; calls on the Commission and the EEAS to consider the establishment of a well-resourced and independent European Centre for Interference Threats and Information Integrity, which should identify, analyse and document information manipulation operations and interference threats against the EU as a whole, increase situational awareness, develop a specialised knowledge hub by becoming a platform for coordination with civil society, the business sector, the EU and national institutions, and raise public awareness, inter alia via regular reports on systemic threats; stresses that the tentative creation of such a new independent and well-resourced European Centre for Interference Threats and Information Integrity should clarify and enhance the role of the EEAS StratCom division and its taskforces as the strategic body of the EU's diplomatic service and prevent the overlap of activities; stresses that EEAS StratCom's mandate should be focused on strategically developing external policies to counter existing and emerging joint threats and to enhance engagement with international partners in this field; points out that EEAS StratCom could pursue this in close cooperation with a new European Centre for Interference Threats and Information Integrity and a new Commission taskforce;

14. Calls for the EU institutions and the Member States to empower civil society to play an active role in countering foreign interference; calls on all levels and sectors of European society to set up systems to make organisations and citizens more resilient to foreign interference, to be able to detect attacks on time and to counter attacks as efficiently as possible, including through education and awareness-raising, within the EU framework of fundamental rights and in a transparent and democratic way; points, in this context, to the best practices and whole-of-society approach pursued by Taiwan; calls on decision-makers to provide civil society with appropriate tools and dedicated funds to study, expose and combat foreign influence;

Building EU resilience through situational awareness, media literacy and education

15. Stresses that EU institutions and Member States need sound, robust and interlinked systems to detect, analyse, track and map incidents of foreign state and non-state actors trying to interfere in democratic processes in order to develop situational awareness and a clear understanding of the type of behaviour that the EU and its Member States need to deter and address; calls for regular sociological research and polling to monitor resilience and media literacy, as well as to understand public support and perceptions of the most common disinformation narratives;

16. Underlines that it is equally important that the insights from this analysis do not stay within groups of foreign interference specialists, but are, to the extent possible, shared openly with the broader public, especially with people performing sensitive functions, so that everyone is aware of the threat patterns and can avoid the risks;

17. Underlines that it is necessary to develop a common methodology for developing situational awareness, early warnings and threat assessment, collecting evidence systematically and the timely detection of manipulation of the information environment, as well as developing standards for technical attribution, for example on content authenticity, in order to ensure an effective response;

18. Stresses the need for the EU, in cooperation with Member States and working multilaterally in the relevant international forums, to develop a conceptual definition of the interference threats faced by the EU; underlines that this definition needs to reflect the tactics, techniques, procedures and tools used to describe the patterns of behaviour of the state and non-state threat actors that we see today; urges the Commission to involve the EU FRA to ensure that there are no discriminatory or inequitable concepts or biases embedded in any conceptual definitions;

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19. Underlines that public diplomacy and strategic communication are essential elements of the EU's external relations and the protection of the EU's democratic values; calls for the EU institutions to further develop and boost the important work of the EEAS StratCom division, with its taskforces, EU Intelligence and Situation Centre (EU INTCEN) and Hybrid Fusion Cell, the EU Military Staff Intelligence Directorate, the Rapid Alert System, the established cooperation at administrative level among the EEAS, the Commission and Parliament, the Commission-led network against disinformation, Parliament's administrative taskforce against disinformation, and the ongoing cooperation with NATO, the G7, civil society and private industry when it comes to cooperating on intelligence, analysis, the sharing of best practices and raising awareness about foreign information manipulation and interference; welcomes the European Court of Auditors (ECA) Special Report 09/2021 entitled 'Disinformation affecting the EU: tackled but not tamed'; calls on the EEAS and the Commission to publish a detailed timeline for the implementation of the ECA's recommendations;

20. Underlines the need to strengthen permanent monitoring efforts while reinforcing them well ahead of elections, referendums or other important political processes across Europe;

21. Calls on Member States to make full use of these resources by sharing relevant intelligence with EU INTCEN and enhancing their participation in the Rapid Alert System; is of the opinion that analysis and intelligence cooperation within the EU and with NATO needs to be strengthened even more, while making such cooperation more transparent and democratically accountable, including by sharing information with Parliament;

22. Welcomes Commission President von der Leyen's idea of establishing a Joint Situational Awareness Centre to improve strategic foresight and the EU's open strategic autonomy, while expecting further clarification of its set-up and mission; underlines that such a centre would require active cooperation with the relevant services of the Commission, the EEAS, the Council, Parliament and national authorities; reiterates, however, the importance of avoiding duplication of work and overlap with existing EU structures;

23. Recalls the need to equip the EEAS with a strengthened and clearly defined mandate and the necessary resources for the Strategic Communication, Task Forces and Information Analysis Division to monitor and address information manipulation and interference beyond the foreign sources currently covered by the three taskforces and to aim for broader geographic coverage by applying a risk-based approach; calls urgently for the deployment of adequate capabilities by the EEAS in order to address information manipulation and interference emanating from China, notably by setting up a dedicated Far East team; stresses further the need to significantly boost expertise and language capacity with regard to China and other strategically important regions, in the EEAS, in the Member States and in the EU institutions in general, and to make use of open-source intelligence sources which are currently underutilised;

24. Stresses the importance of broadly distributed, competitive, pluralistic media, independent journalists, fact-checkers and researchers, and a strong public service media for lively and free democratic debate; welcomes initiatives to bring together, train and otherwise support organisations of independent journalists, fact-checkers and researchers all over Europe, and particularly in the regions most at risk, such as the European Digital Media Observatory and the European Endowment for Democracy; deeply regrets that the European Digital Media Observatory does not cover the Baltic states; welcomes, too, initiatives aiming at establishing journalism and fact-checking trustworthiness indicators that are easy to recognise, such as that initiated by Reporters Without Borders; calls on the Commission to counter monopolistic mass-media ownership;

25. Praises the indispensable research and the many creative and successful media and digital literacy and awareness-raising initiatives carried out by individuals, schools, universities, media organisations, public institutions and civil society organisations;

26. Calls for the EU and the Member States to earmark EU public funding sources for independent fact-checkers, researchers, quality and investigative media and journalists, and NGOs researching and investigating information manipulation and interference, promoting media, digital and information literacy, and other means to empower citizens, and researching how to meaningfully measure the effectiveness of media, digital and information literacy training, awareness-raising, debunking and strategic communication;

27. Calls for measures to strengthen professional and pluralistic media, ensuring that publishers receive a fair income for the use of their content on the internet; underlines that several countries around the globe are taking steps to ensure that the media have adequate financial resources; reiterates its call for the creation of a permanent EU news media fund and

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welcomes, in this regard, the News Initiative, including the new funding possibilities for the media sector and media and information literacy in the 2021-2027 Creative Europe programme; notes, however, that funding streams may create dependencies or have an impact on the independence of media; highlights, in this regard, the importance of the transparency of media financing; believes that public disclosure of information on who owns, donates to, controls or provides content to media outlets and pays for journalistic content is needed to protect media pluralism;

28. Underlines the need to consolidate analysis, incident reports and intelligence-based public threat assessments with regard to information manipulation and interference and make this information available to the public; therefore suggests the creation of a EU-wide database on incidents of foreign interference reported by EU and Member State authorities; underlines that information on these incidents could be shared, when appropriate, with civil society organisations and the public, in all EU languages;

29. Calls on all Member States to include media and digital literacy, as well as education in democracy, fundamental rights, recent history, world affairs, critical thinking and public participation, in their curricula, from early years to adult education, including training for teachers and researchers; calls on the Commission and the Member States to increase support for historical education and research on how foreign interference and past totalitarianism has influenced society in general, and large-scale democratic events more specifically;

30. Calls for the EU institutions and Member States, at all administrative levels, to identify sectors at risk of interference attempts and provide regular training and exercises for staff working in these sectors in how to detect and avoid interference attempts, and underlines that such efforts would benefit from a standardised format established by the EU; recommends that comprehensive training modules also be offered to all public servants; welcomes in this regard the training offered to Members and staff by Parliament's administration; recommends that this training be developed further;

31. Underlines the need to raise awareness about foreign interference in all layers of society; welcomes the initiatives taken by the EEAS, the Commission and Parliament's administration, such as training and awareness-raising events for journalists, teachers, influencers, students, senior citizens and visitors, both offline and online, in Brussels and across the Member States, and recommends that they be further developed;

32. Calls on the Member States, the EU administration and civil society organisations to share best practices for media and information literacy training and awareness-raising, as requested in the Audiovisual Media Services Directive⁽¹³⁾; calls on the Commission to organise these exchanges in cooperation with the Media Literacy Expert Group; underlines that the revised directive needs to be rapidly and properly implemented by the Member States;

33. Urges the EU institutions to draw up a Code of Ethics to guide public authorities and political representatives in the use of social media platforms and networks; considers it necessary to encourage responsible use of such platforms and networks to combat manipulation and misinformation originating in the public sphere;

34. Calls for the EU and its Member States to implement tailored awareness-raising and media and information literacy programmes, including for diasporas and minorities, and calls on the Commission to set up a system for the easy sharing of material in minority languages, in order to reduce translation costs and reach out to as many people as possible; calls on regions and municipalities to take a leading role, since it is important to reach out to rural areas and across demographic groups;

35. Underlines that an essential response to foreign interference attempts is to defend the main target groups it is aimed at; emphasises the need for targeted action, through a harmonised EU legal framework, against the spread of disinformation and hate speech on issues related to gender, LGBTIQ+ people, minorities and refugees; calls on the Commission to develop and implement strategies to hinder the financing of individuals and groups that actively spread or participate in information manipulation, frequently targeted against the abovementioned groups and topics, in order to divide society; calls for positive communication campaigns on these issues and underlines the need for gender-sensitive training;

⁽¹³⁾ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (OJ L 95, 15.4.2010, p. 1).

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36. Recognises that gendered disinformation attacks and campaigns are often used as part of a broader political strategy to undermine equal participation in democratic processes, especially for women and LGBTIQ+ people; stresses that disinformation about LGBTIQ+ people fuels hate, both online and offline, and threatens lives; calls for research into online disinformation to be carried out with an intersectional lens and for oversight of the changes platforms are making to respond to gendered disinformation campaigns online; calls for increased attention to be paid to gender-based disinformation through the creation of early warning systems through which gendered disinformation campaigns can be reported and identified;

37. Calls on the Commission to put forward an overarching media and information literacy strategy with a special focus on combating information manipulation;

38. Welcomes the establishment of the expert group on tackling disinformation and promoting digital literacy through education and training, which will focus on critical thinking, teacher training, pre-bunking, debunking and fact-checking efforts, and student engagement, among other tasks; calls on the Commission to share the results of the work of this expert group and to implement its conclusions;

39. Underlines the importance of strategic communication to counter the most common anti-democracy narratives; calls for the improvement of EU strategic communication to increase its reach both towards citizens and abroad; stresses that all democratic organisations need to defend democracy and uphold the rule of law and have a common responsibility to engage with citizens, using their preferred languages and platforms;

40. Calls on Member States to ensure effective public communication campaigns in relation to the COVID-19 pandemic in order to disseminate accurate and timely information to counteract misinformation, particularly in relation to vaccines;

41. Is deeply concerned about the spread of foreign state propaganda, mainly originating in Moscow and Beijing, as well as in Ankara, which is translated into local languages, for instance in RT-, Sputnik- Anadolu-, CCTV-, Global Times-, Xinhua-, TRT World-, or Chinese Communist Party-sponsored media content disguised as journalism, and distributed with newspapers; maintains that such channels cannot be considered real media and therefore should not enjoy the same rights and protection as democratic media; is equally concerned about how these narratives have spread into genuine journalistic products; underlines the need to raise awareness about Russia's and China's disinformation campaigns, which aim to challenge democratic values and divide the EU, as these constitute the main source of disinformation in Europe; calls on the Commission to initiate a study on minimum standards for media as a basis on which to possibly revoke licences in the event of breaches; asks the Commission to integrate the findings of the study into upcoming legislation, such as in a possible Media Freedom Act; notes that foreign interference actors may falsely present themselves as journalists; believes that it should be possible in such cases to sanction that person or organisation, for instance by naming and shaming, blacklisting from press events or revoking media accreditation;

42. Is deeply concerned about attacks, harassment, violence and threats against journalists, human rights defenders and other persons exposing foreign interference, which may also undermine their independence; calls on the Commission to swiftly submit concrete and ambitious proposals on the safety of all these persons, including an anti-strategic lawsuit against public participation (SLAPP) instrument and economic, legal and diplomatic support, as announced under the European Democracy Action Plan; welcomes, in this regard, Commission Recommendation (EU) 2021/1534 of 16 September 2021 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union⁽¹⁴⁾; calls on the Member States to effectively protect journalists and other media professionals by means of legislative and non-legislative tools;

43. Stresses the need to involve local and regional decision-makers responsible for strategic decisions in the areas that fall under their competence, such as infrastructure, cybersecurity, culture and education; underlines that local and regional politicians and authorities can often identify concerning developments at an early stage and stresses that local knowledge is often needed to identify and implement adequate countermeasures;

⁽¹⁴⁾ OJ L 331, 20.9.2021, p. 8.

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44. Calls on the Commission and the Member States to establish communication channels and set up platforms where companies, NGOs and individuals, including members of diasporas, can report instances in which they fall victim to information manipulation or interference; calls on the Member States to support those who are victims of attacks and those who are aware of such attacks or are being put under pressure;

Foreign interference using online platforms

45. Welcomes the proposed review of the Code of Practice on Disinformation and the proposals for a Digital Services Act, a Digital Markets Act and other measures linked to the European Democracy Action Plan as potentially effective tools to tackle foreign interference; recommends that the final reading of these texts take into account the aspects set out in the remainder of this section;

46. Stresses that freedom of expression must not be misinterpreted as freedom to engage in online activities that are illegal offline, such as harassment, hate speech, racial discrimination, terrorism, violence, espionage and threats; underlines that platforms need not only to abide by the law of the country in which they operate, but also to live up to their terms and conditions, especially with regard to harmful content online; calls on platforms to strengthen efforts to prevent the reappearance of illegal content that is identical to that which has been identified as illegal and removed;

47. Underlines the need, above all, to continue studying the rise of disinformation and foreign interference online and for EU-wide legislation to ensure significantly increased and meaningful transparency, monitoring and accountability as regards the operations conducted by online platforms and access to data for legitimate access seekers, in particular when dealing with algorithms and online advertising; calls for social media companies to keep ad libraries;

48. Calls for regulation and actions to oblige platforms, especially those with a systemic risk to society, to do their part to reduce information manipulation and interference, for instance by using labels that indicate the true authors behind accounts, limiting the reach of accounts regularly used to spread disinformation or that regularly break the terms and conditions of the platform, suspending and, if necessary and based on clear legislation, deleting inauthentic accounts used for coordinated interference campaigns or demonetising disinformation-spreading sites, setting up mitigation measures for interference risks posed by the effects of their algorithms, advertising models, recommender systems and AI technologies, and flagging disinformation content in both posts and comments; recalls the need for these measures to be implemented in a transparent and accountable way;

49. Calls on the Commission to fully take into account the Council of Europe's guidance note on best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation, adopted in June 2021;

50. Calls for full and effective implementation of the General Data Protection Regulation⁽¹⁵⁾, which limits the amount of data platforms can store about users and how long this data can be used, especially for platforms and applications using very private and/or sensitive data, such as messaging, health, finance and dating apps and small discussion groups; calls for gatekeeper platforms to refrain from combining personal data with personal data from other services offered by the gatekeeper or with personal data from third-party services, to make it equally easy to disagree as to agree to the storage and sharing of data and to allow users to choose whether to be targeted with other personalised advertising online; welcomes all efforts to ban micro-targeting techniques for political advertising, particularly but not limited to those based on sensitive personal data, such as ethnic origin, religious beliefs or sexual orientation, and asks the Commission to consider extending a ban on micro-targeting to issue-based advertising;

51. Calls for binding EU rules to require platforms to cooperate with competent authorities to regularly test their systems and to identify, assess and mitigate the risk of information manipulation, interference and the vulnerabilities that

⁽¹⁵⁾ 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 (OJ L 119, 4.5.2016, p. 1).

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using their services carries, including how the design and management of their services contribute to that risk; calls for binding EU rules to oblige platforms to set up systems to monitor how their services are used, such as real-time monitoring of the most trending and popular posts in a country-by-country overview, in order to detect information manipulation and interference and flag suspected interference to the authorities responsible, and to increase the costs for actors who make it possible to turn a blind eye to any such actions facilitated by their systems;

52. Calls on online platforms to commit adequate resources to preventing harmful foreign interference, as well as to ensuring better working conditions, psychological care and fair payment for content moderators; calls on large social media platforms to provide detailed and country-by-country reports on the resources devoted to in-country fact-checking, research activities, content moderation, including human and AI capacities in individual languages, and collaboration with local civil society; underlines the need for these platforms to step up their efforts to address disinformation in smaller and less commercially profitable markets in the EU;

53. Calls on social media platforms to fully respect the equality of all EU citizens irrespective of the language used in the design of their services, tools and monitoring mechanisms, as well as in measures for greater transparency and a safer online environment; stresses that this refers not only to all official national and regional languages, but also to the languages of sizeable diasporas within the EU; underlines that these services should also be accessible for people with hearing impairment;

54. Calls for clear and readable labelling of deepfakes, both for platform users and in content metadata, to improve their traceability for researchers and fact-checkers; in this respect, welcomes the initiatives aimed at improving content authenticity and traceability, such as the development of watermarks and authenticity standards, and the introduction of global standards;

55. Calls for services offering social media manipulation tools and services, such as boosting the reach of accounts or content using artificial engagement or inauthentic profiles, to be regulated; underlines that this regulation needs to be based on a thorough assessment of current practices and the associated risks and should prevent these services from being used by malicious actors for political interference;

56. Stresses the need for transparency as regards the real natural or legal person behind online content and accounts for those wishing to advertise; calls on platforms to introduce mechanisms to detect and suspend, in particular, inauthentic accounts linked to coordinated influence operations; underlines that these practices should not interfere with the ability to be anonymous online, which is of crucial importance in protecting journalists, activists, marginalised communities and persons in vulnerable positions (e.g. whistle-blowers, dissidents and political opponents of autocratic regimes), and should allow room for satirical and humorous accounts;

57. Underlines that a greater responsibility to remove content must not lead to the arbitrary removal of legal content; urges caution as regards entirely suspending the accounts of real individuals or the mass use of automated filters; notes with concern the arbitrary decisions of platforms to suppress the accounts of elected officials; stresses that these accounts should only be struck down on the basis of clear legislation based on democratic values, which are translated into business policy and enforced by independent democratic oversight, and that there must be a fully transparent process covering the right to appeal;

58. Calls for binding rules to require platforms to create easily available and effective communication channels for people or organisations who want to report illegal content, violation of terms and conditions, disinformation, or foreign interference or manipulation, where appropriate allowing the accused individuals to respond before any restrictive action is taken, and for the establishment of impartial, transparent, fast and accessible referral and appeal procedures for victims of content posted online, those who report content, and individuals or organisations affected by the decision to label, restrict visibility to, disable access to or suspend accounts or to restrict access to advertising revenue; recommends that social media platforms designate a specific contact point for each Member State and form taskforce teams for every important election in every Member State;

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59. Calls for legislative rules to ensure transparency vis-à-vis users and the general public, such as obligating platforms to set up public and easily searchable archives of online advertisements, including who they are targeted at and who paid for them, and moderated and deleted content, establish self-regulatory measures and give comprehensive and meaningful access to information about the design, use and impact of algorithms to national competent authorities, vetted researchers affiliated with academic institutions, the media, civil society organisations and international organisations representing the public interest; believes that the metrics of these libraries should be harmonised to allow for cross-platform analysis and reduce the administrative burden for platforms;

60. Calls for an end to business models that rely on encouraging people to stay on platforms longer by feeding them engaging content; calls on legislative decision-makers and platforms to ensure, through the use of human moderators and a third party auditor, that algorithms do not promote illegal, extremist, discriminatory or radicalising content, but rather offer users a plurality of perspectives and prioritise and promote facts and science-based content, in particular on important social issues such as public health and climate change; considers that engagement-based and addictive ranking systems pose a systemic threat to our society; calls on the Commission to address the current issue of price incentives, where highly targeted ads with divisive content often have much lower prices for the same amount of views than less-targeted ads with socially integrative content;

61. Calls for algorithms to be modified in order to stop boosting content originating from inauthentic accounts and channels that artificially drive the spread of harmful foreign information manipulation; calls for algorithms to be modified so that they do not push divisive and anger-inducing content; stresses the need for the EU to put in place measures to legally require social media companies to prevent the amplification of disinformation once detected to the greatest extent possible, and that there must be consequences for platforms if they do not comply with the requirement to take down disinformation;

62. Stresses the need for an improved testing phase and a systematic review of the consequences of algorithms, including how they shape public discourse and influence political outcomes and how content is prioritised; underlines that such a review should also examine whether platforms can meet the guarantees promised in their respective terms and conditions and whether they have sufficient safeguards in place to prevent large-scale, coordinated inauthentic behaviours from manipulating the content shown on their platforms;

63. Is alarmed by the average of EUR 65 million in ad revenue that flows each year to approximately 1 400 disinformation websites targeting EU citizens⁽¹⁶⁾; underlines that online advertisements, sometimes even by public institutions, end up on, and therefore finance, malicious websites promoting hate speech and disinformation, without the consent or even knowledge of the advertisers concerned; notes that five companies, including Google Ads, pay 97 % of these ad revenues and are responsible for selecting the publishers' websites listed in their inventory, and so have the power to determine which content is monetised and which not; considers it unacceptable that the algorithms which distribute the advertising funds are a complete black box for the public; calls on the Commission to make use of the tools of competition policy and anti-trust law to ensure a functional market and break up this monopoly; calls on these actors to prevent disinformation websites from being funded by their ad services; congratulates organisations dedicated to raising awareness about this concerning issue; underlines that advertisers should have the right to know and decide where their advertisements are placed and which broker has processed their data; calls for the establishment of a mediation process that allows advertisers to be refunded when ads are placed on websites that promote disinformation;

64. Underlines that the updated Code of Practice on Disinformation, the Digital Services Act, the Digital Markets Act and other measures linked to the European Democracy Action Plan will require an effective overview, assessment and sanctions mechanism after their adoption, in order to evaluate their implementation at national and EU level on a regular basis and identify and remedy loopholes without delay, and to sanction the misapplication of and failure to apply the commitments; calls, in this respect, for strong and resourceful digital service coordinators in each Member State, as well as sufficient resources to enable the enforcement arm of the Commission to execute the tasks it is assigned under the Digital Services Act; stresses, furthermore, the importance of ensuring that online platforms are subject to independent audits certified by the Commission; notes that auditors cannot be funded by individual platforms in order to ensure their independence;

⁽¹⁶⁾ https://www.europarl.europa.eu/cmsdata/232164/revised_Agenda%20item%207_Clare%20Melford_GDI_Deck_EU-Ad-funded_Di-sinfo.pdf

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65. Calls, in this respect, for objective key performance indicators (KPIs) to be defined, by means of co-regulation, in order to ensure the verifiability of the actions taken by the platforms, as well as their effects; underlines that these KPIs should include country-specific metrics, such as the audience targeted by the disinformation, engagement (click-through rate, etc.), funding of in-country fact-checking and research activities, and the prevalence and strength of in-country civil society relationships;

66. Is deeply concerned by the lack of transparency in the revision of the Code of Practice on Disinformation, as the discussion has remained largely the preserve of the private sector and the Commission; regrets that the European Parliament, in particular the INGE Special Committee, and some other key stakeholders were not properly consulted during the drafting of the review of the Code of Practice;

67. Deplores the continued self-regulatory nature of the Code of Practice, since self-regulation is insufficient when it comes to protecting the public from interference and manipulation attempts; is worried that the updated Code of Practice on Disinformation may not be able to provide an answer to the challenges ahead; is concerned by the strong reliance of the guidance to strengthen the Code of Practice on the Commission's Digital Services Act proposal; calls for swift action to ensure that the Code of Practice incorporates binding commitments for platforms to ensure the EU's readiness before the next local, regional, national and European elections;

68. Calls for the EU to protect and encourage dialogue within the technology community and the exchange of information on the behaviour and strategies of social platforms; considers that only an open technological community can strengthen public opinion against attacks, manipulation and interference; calls for an investigation into the possibility of setting up a public-private Information Sharing and Analysis Centre (ISAC) for disinformation, where members would track, label and share threat information on disinformation content and their delivery agents according to a threat classification; believes that this could inform the EU Rapid Alert System and the G7 Mechanism and would also benefit smaller actors with fewer resources; calls also for an industry-wide standard on disinformation for ad services and online monetisation services in order to demonetise harmful content, which should also be used by online payment systems and e-commerce platforms and audited by a third party;

69. Stresses the need for the code to be able to function as an effective tool until the entry into force of the Digital Services Act (DSA); believes that the code should frontload some of the obligations of the DSA and oblige signatories to implement a number of DSA provisions with regard to data access for researchers and regulators, and advertising transparency, including algorithmic and recommender system transparency; urges signatories to have their compliance with these obligations audited by an independent auditor and calls for these audit reports to be published;

70. Deplores the lack of transparency in the process of monitoring compliance with the code, as well as the timing of the revision of the code, which will be finalised before the conclusion of the INGE Special Committee; notes that at the very least, meeting agendas, concluding notes and attendance lists should be made publicly available; urges signatories to testify in Parliament about their commitments regarding the code and the way they have and will implement these commitments;

71. Believes that independent media regulators, such as the European Regulators Group for Audiovisual Media Services, could have a crucial role to play in monitoring and enforcing the code;

72. Welcomes the proposal to establish a taskforce set out in the Commission's guidance on strengthening the code; insists that the Commission invite representatives of Parliament, national regulators and other stakeholders, including civil society and the research community, to be part of this taskforce;

Critical infrastructure and strategic sectors

73. Considers that, given its interconnected and cross-border nature, critical infrastructure is increasingly vulnerable to outside interference and believes that the framework currently in place should be revised; welcomes, therefore, the Commission's proposal for a new directive to enhance the resilience of critical entities providing essential services in the European Union;

74. Recommends that Member States maintain the prerogative to identify critical entities, but that coordination at EU level is necessary to:

- (a) strengthen the connection and communication channels used by multiple actors, including for the overall security of EU missions and operations;

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- (b) support the competent authorities in Member States through the Critical Entities Resilience Group, ensuring a diverse participation of stakeholders, and notably the effective involvement of small and medium-sized enterprises (SMEs), civil society organisations and trade unions;
- (c) promote the exchange of best practices not only among Member States but also at regional and local level, including with the Western Balkans, and among owners and operators of critical infrastructure, including through interagency communication, in order to identify concerning developments at an early stage and develop adequate countermeasures;
- (d) implement a common strategy for responding to cyberattacks on critical infrastructure;

75. Recommends that the list of critical entities could be extended to include digital election infrastructure and education systems given their crucial importance in guaranteeing the long-term functioning and stability of the EU and its Member States, and that flexibility should be allowed when deciding on the addition to the list of new strategic sectors to be protected;

76. Calls for an overarching EU approach to tackle issues of hybrid threats to election processes and to improve coordination and cooperation among Member States; calls on the Commission to critically assess dependence on platforms and the data infrastructure in the context of elections; believes that there is a lack of democratic oversight over the private sector; calls for more democratic oversight of platforms, including appropriate access to data and algorithms for competent authorities;

77. Recommends that the obligations flowing from the proposed directive, including assessments of the EU-wide and country-by-country threats, risks and vulnerabilities, should reflect the latest developments and be conducted by the Joint Research Centre in conjunction with the EEAS's INTCEN; underlines the need for sufficient resources for these institutions so that they can provide the latest state-of-the-art analysis, with strong democratic oversight, which should not preclude prior evaluation by the FRA to ensure respect for fundamental rights;

78. Believes that the EU and its Member States need to provide financing alternatives to EU Western Balkans candidate countries and other potential candidate countries, where FDIs have been used as a geopolitical tool by third countries to increase the leverage of such countries, to prevent large parts of EU and candidate country critical infrastructure from coming into the possession of countries and companies outside the EU, such as in the case of the port of Piraeus in Greece and as is currently happening with Chinese investments in undersea cables in the Baltic, Mediterranean and Arctic seas; therefore welcomes the FDI Screening Regulation as an important tool to coordinate the actions of Member States on foreign investments, and calls for a stronger regulatory framework, and stronger enforcement of the framework, to ensure that FDIs with a detrimental effect on the EU's security, as specified in the regulation, are blocked, and that more competences in screening FDIs are transferred to EU institutions; calls for the abolishment of the lowest bidder principle in governmental investment decisions; calls on all Member States without investment screening mechanisms to establish such measures; believes that the framework should be better connected with independent analyses by national and EU institutes or other relevant stakeholders, such as think tanks, to map and assess FDI flows; considers that it might also be appropriate to include other strategic sectors in the framework, such as 5G and other information and communication technologies (ICTs), so as to limit the dependency of the EU and its Member States on high-risk suppliers; underlines that this approach should apply equally to candidate and potential candidate countries;

79. Believes that the EU faces more challenges as a result of its lack of investments in the past, which has contributed to its dependence on foreign suppliers of technology; recommends securing production and supply chains of critical infrastructure and critical material within the EU; believes that the EU's move towards open strategic autonomy and digital sovereignty is important and the right way forward; stresses that the EU is expected to deploy new tools to strengthen its geopolitical position, including an anti-coercion instrument; considers the European Chips Act announced by the Commission, to ensure that parts that are vital for the production of chips are manufactured within the EU, an important step in limiting dependence on third countries such as China and the US; believes that investment in chip production must be made in a coordinated manner across the bloc and on the basis of a demand-side analysis, so as to avoid a race to national public subsidies and fragmentation of the single market; calls on the Commission, therefore, to set up a dedicated European Semiconductor Fund, which could support the creation of a much-needed skilled workforce and compensate the higher establishment costs of manufacturing and design facilities in the EU; sees Taiwan as an important partner in boosting the production of semiconductors within the EU;

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80. Calls for further development of European networks of data infrastructure and service providers with European security standards, such as GAIA-X, which is an important step in building viable alternatives to existing service providers and towards an open, transparent and secure digital economy; underlines the need to strengthen SMEs and avoid cartelisation of the cloud market; recalls that data centres are critical infrastructures; is concerned about the influence of third countries and their companies on the development of GAIA-X;

81. Underlines that the integrity, availability and confidentiality of public electronic communication networks, such as internet backbones and submarine communication cables, are of vital security interest; calls on the Commission and Member States to prevent sabotage and espionage in those communication networks and to promote the use of interoperable secure routing standards to ensure the integrity and robustness of electronic communication networks and services, also via the recent Global Gateway strategy;

82. Calls on the Commission to propose actions to build a secure, sustainable, and equitable supply of the raw materials used to produce critical components and technologies, including batteries and equipment, 5G and subsequent technologies, and chemical and pharmaceutical products, while stressing the importance of global trade, international cooperation with full respect for workers' rights, and the natural environment, and with the enforcement of international social and sustainability standards as regards the use of resources; recalls the need to grant the necessary funding for research and development in order to find appropriate substitutes in the event of supply chain disruption;

Foreign interference during electoral processes

83. Calls for the protection of the entire electoral process to be established as a top EU and national security issue, since free and fair elections are at the heart of the democratic process; calls on the Commission to develop a better response framework to counter foreign interference in electoral processes, which among other measures should consist of direct communication channels with citizens;

84. Highlights the need to foster societal resilience against disinformation during electoral processes, including in the private and academic sectors, and to adopt a holistic approach in which this interference should be tackled on a constant basis, from school education programmes to the technical integrity and reliability of voting, and through structural measures to tackle its hybrid nature; calls, in particular, for a plan to prepare for the European elections in 2024, which should involve a strategy, training and awareness-raising for European political parties and their staff, as well as enhanced security measures to prevent foreign interference;

85. Believes that mis- and disinformation through social media have become an increasing problem for electoral integrity; considers that social media platforms should ensure the implementation and proper functioning of policies to protect the integrity of elections; is alarmed by the recent findings of private firms being employed by malicious actors to meddle in elections, seed false narratives and push viral conspiracies, mostly on social media; calls for an in-depth investigation into how to counter the 'disinformation for hire' phenomenon, as it is growing more sophisticated and common in every part of the world;

86. Highlights the utmost importance of election observation missions in providing relevant information and issuing specific recommendations to make the electoral system more resilient and to help counter foreign interference in electoral processes; calls for electoral processes to be improved and strengthened, electoral observation missions being a key instrument in the fight against the increasing use of unfair and rigged electoral processes by illiberal regimes seeking to appear democratic; stresses in this connection the need to reassess and update the tools and methods used in international election observation in order to address new trends and threats, including the fight against fake electoral observers, the exchange of best practices with like-minded partners, and closer collaboration with relevant international organisations such as the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe, and all relevant actors in the framework of the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers; stresses that the participation of MEPs in unauthorised election observation missions undermines the credibility and reputation of the European Parliament; welcomes and recommends the full enforcement of the Democracy Support and Election Coordination Group procedure for 'cases of individual unofficial election observation by Members of the European Parliament' (adopted on 13 December 2018) which allows for the exclusion of MEPs from Parliament's official election observation delegations for the duration of the mandate;

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Covert funding of political activities by foreign donors

87. Stresses that, while there is still a need for a better understanding of the effects of covert financing of political activities on, for example, anti-democratic tendencies in Europe, foreign funding of political activities through covert operations nevertheless represents a serious breach of the integrity of the democratic functioning of the EU and its Member States, in particular during election periods, and therefore violates the principle of free and fair elections; stresses that it should therefore be made illegal in all Member States to engage in any covert activity financed by foreign actors that aims to influence the process of European or national politics; notes in this respect that countries such as Australia have implemented laws that ban foreign interference in politics;

88. Condemns the fact that extremist, populist, anti-European parties and certain other parties and individuals have connections with and are explicitly complicit in attempts to interfere in the Union's democratic processes and is alarmed that these parties are used as the voice of foreign interference actors to legitimise their authoritarian governments; calls for full clarification of the political and economic relations between these parties and individuals and Russia; considers these relationships to be highly inappropriate and condemns complicity which, in pursuit of political objectives, can expose the EU and its Member States to attacks by foreign powers;

89. Calls on the Member States to close in particular all the following loopholes when further harmonising national regulations, and to implement a ban on foreign donations:

- (a) in-kind contributions from foreign actors to political parties, foundations, people who hold public office or elected officials, including financial loans from any legal or physical persons based outside the EU and the European Economic Area (EEA) (except European voters), anonymous donations above a certain threshold, and the lack of spending limits for political campaigns which allows for influence through large donations; political individuals, actors or parties who have been offered and/or accepted a financial or in-kind contribution by a foreign actor must be obliged to report it to the competent authorities and this information should be reported in turn at EU level to allow for EU-wide monitoring;
- (b) straw donors with domestic citizenship⁽¹⁷⁾: transparency on physical and legal donors must be enforced through conformability statements attesting to the status of the donor and greater enforcement powers given to electoral commissions; donations from within the EU that exceed a certain minimum threshold should be registered in an official and public register and linked to a natural person, and a ceiling should be set for donations from private and legal persons (and subsidies) to political parties;
- (c) shell companies and domestic subsidiaries of foreign parent companies⁽¹⁸⁾: shell companies should be prohibited and more robust requirements established in order to reveal the origins of funding through parent companies; funding and donations to political parties beyond a certain threshold must be registered in a public and central register with an official name and address that can be linked to an existing person, and Member States should collect that information; calls on the Commission to ensure that authorities in Member States have the right to investigate the origins of funding to verify the information from domestic subsidiaries and to address the lack of sufficient data in national registers, especially in situations in which a network of shell companies is used;
- (d) non-profit organisations and third parties⁽¹⁹⁾, coordinated by foreign actors and created with a view to influencing electoral processes: more uniform rules and transparency should be considered across the EU for organisations aiming to finance political activities when seeking to directly influence electoral processes such as elections and referendum campaigns; such rules should not prevent non-profit organisations and third parties from receiving funding for issue campaigns; rules ensuring the transparency of funding or donations must also apply to political foundations;

⁽¹⁷⁾ Person who donates someone else's money to a political party or candidate using their own name.

⁽¹⁸⁾ This loophole covers two different realities: the shell companies, which do not pursue actual business activities and are nothing but vehicles for financial covering; and the domestic subsidiaries of foreign parent companies used to funnel money into politics.

⁽¹⁹⁾ Non-profits and third parties are not required to disclose the identity of their donors, but are allowed to finance political parties and candidates in several EU Member States.

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- (e) online political advertisements are not subject to the rules on TV, radio and print advertising and are usually not regulated at EU level: there is therefore a need to prohibit advertisements bought by actors coming from outside the EU and the EEA and guarantee complete transparency with regard to the purchasing of online political advertisements by actors from within the EU; underlines the need to ensure much greater transparency and democratic accountability as to the use of algorithms; welcomes the announcement of a new legislative proposal on the transparency of sponsored political content by the Commission, as proposed under the European Democracy Action Plan, which should aim to prevent a patchwork of 27 different national bodies of legislations on online political advertising and will guarantee that EU parties are able to campaign online ahead of the European elections while limiting the risk of foreign interference and exploring which of the rules that political parties within single Member States and major social media platforms have voluntarily adopted can be made rules for everyone in the EU; calls on the Member States to update their national political advertising rules, which have not kept pace with the steady evolution towards the digital medium as the primary mode of political communication; calls on the Commission to propose how to democratically define issue-based political advertising to end a situation where private for-profit platforms decide what is issue-based and what is not;
- (f) monitoring of election spending through independent auditors should be implemented and information on spending and donations made available to independent auditors in a timely manner, mitigating risks such as conflicts of interest and lobbying in relation to political finance; in establishing proactive disclosure, institutions responsible for finance regulations should have a clear mandate, and the ability, resources and legal power to conduct investigations and refer cases for prosecution;

90. Calls on the Commission, therefore, to conduct an analysis of covert funding in the EU and submit concrete proposals aimed at closing all loopholes allowing for the opaque financing of political parties and foundations or elected officials from third-country sources, and to propose common EU standards that would apply to national electoral laws in all Member States; believes that Member States should aim to introduce clear transparency requirements on the funding of political parties as well as a ban on donations to political parties and individual political actors from outside the EU and the EEA, with the exception of European voters living outside the EU and the EEA, and to establish a clear strategy for the sanctions system; urges the Commission and the Member States to establish an EU authority for financial controls to combat illicit financial practices and interference from Russia and other authoritarian regimes; underlines the need to ban donations or funding which use emerging technologies that are extremely difficult to trace; asks Member States and the Commission to allocate more resources and stronger mandates to oversight agencies with a view to achieving better data quality;

91. Undertakes to ensure that all non-profit organisations, think tanks, institutes and NGOs that are given input in the course of parliamentary work into the development of EU policy or any consultative role in the lawmaking process are fully transparent, independent and free from conflicts of interest in terms of their funding and ownership;

92. Welcomes the ongoing revision of Regulation (EU, Euratom) No 1141/2014 on the statute and funding of European political parties and foundations; supports all efforts to achieve a greater level of transparency in the financing of the activities of European political parties and foundations, in particular ahead of the European elections of 2024, including a ban on all donations from outside the EU and anonymous sources, with the exception of the diaspora from EU Member States, and on donations from outside the EU that cannot be documented through either contracts, service agreements or fees associated with affiliation to European political parties, while allowing membership fees from national member parties outside the EU and EEA to European political parties; urges European and national political parties to commit to fighting foreign interference and combating the spread of disinformation by signing a charter containing specific commitments in this respect;

93. Stresses that implementation of many of the Council of Europe GRECO and Venice Commission recommendations would strengthen the immunity of the political system of Member States and the Union as a whole from foreign financial influence;

Cybersecurity and resilience against cyberattacks

94. Urges the EU institutions and the Member States to rapidly increase investments in the EU's strategic cyber capacities and capabilities to detect, expose and tackle foreign interference, such as AI, secured communication, and data and cloud infrastructure, in order to improve the EU's cybersecurity, while ensuring respect for fundamental rights; calls on the Commission to also invest more in increasing the EU's digital knowledge and technical expertise so as to better understand

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the digital systems used across the EU; calls on the Commission to allocate additional resources, human, material and financial, to cyber threat analysis capabilities, namely the EEAS's INTCEN, and the cybersecurity of the EU institutions, bodies and agencies, namely ENISA and the Computer Emergency Response Team for the EU institutions, bodies and agencies (CERT-EU), and the Member States; regrets the lack of cooperation and harmonisation on cybersecurity matters among Member States;

95. Welcomes the proposals by the Commission for a new cybersecurity strategy and a new directive on measures for a high common level of cybersecurity across the European Union, repealing Directive (EU) 2016/1148⁽²⁰⁾ (NIS2); recommends that the final outcome of the ongoing work on the proposal address the flaws of the 2016NIS Directive, notably by strengthening security requirements, broadening its scope, creating a framework for European cooperation and information sharing, strengthening Member States' cybersecurity capabilities, developing public-private cooperation, introducing stricter enforcement requirements and making cybersecurity a responsibility at the highest level of management in European entities that are vital for our society; emphasises the importance of reaching a high common level of cybersecurity across all Member States so as to limit weak points in joint EU cybersecurity; underlines the crucial need to ensure the resilience of information systems and welcomes in this regard the Cyber Crisis Liaison Organisation Network (CyCLONE); encourages the further promotion of the OSCE confidence-building measures for cyberspace;

96. Welcomes the Commission's proposal in the NIS2 to carry out coordinated security risk assessments of critical supply chains, in the same vein as its 5G EU toolbox, so as to better take into account risks linked to, for example, the use of software and hardware produced by companies under the control of foreign states; calls on the Commission to develop global 6G standards and competition rules, in accordance with democratic values; calls on the Commission to promote exchanges between EU institutions and national authorities about the challenges, best practices and solutions related to the toolbox measures; believes that the EU should invest more in its capacities in the area of 5G and post-5G technologies in order to reduce dependencies on foreign suppliers;

97. Stresses that cybercrime has no borders and urges the EU to step up its international efforts to tackle it effectively; points out that the EU should take the lead in the development of an International Treaty on Cybersecurity that lays down international norms on cybersecurity to fight cybercrime;

98. Insists on the need for the EU, NATO and like-minded international partners to step up their cybersecurity assistance to Ukraine; welcomes the initial deployment of experts from the PESCO-funded Cyber Rapid Response Team and calls for full use of the EU cyber sanctions regime against the individuals, entities and bodies responsible for or involved in the various cyberattacks targeting Ukraine;

99. Welcomes the announcement of the creation of a Cyber Resilience Act that would complement a European Cyber Defence Policy, as cyber and defence are closely related; calls for more investments in European cyber defence capabilities and coordination; recommends that the cyber capability-building of our partners be fostered through EU training missions or civilian cyber missions; underlines the need to harmonise and standardise cyber-related training and calls for structural EU funding in that area;

100. Condemns the massive-scale and illicit use of the NSO Group's Pegasus surveillance software by state entities, such as Morocco, Saudi Arabia, Hungary, Poland, Bahrain, the United Arab Emirates and Azerbaijan, against journalists, human rights defenders and politicians; recalls that Pegasus is only one of the many examples of a program that is abused by state entities for illicit mass surveillance purposes against innocent citizens; also condemns other state spying operations targeted against European politicians; urges the Commission to draw up a list of illicit surveillance software and to continuously update this list; calls for the EU and Member States to use this list in order to ensure full human rights due diligence and proper vetting of exports of European surveillance technology and technical assistance and imports to Member States which pose a clear risk to the rule of law; calls, in addition, for the establishment of an EU Citizens' Lab, similar to that established in Canada, comprising journalists, human rights experts and reverse malware engineering experts, which would work to discover and expose the unlawful use of software for illicit surveillance purposes;

⁽²⁰⁾ Proposal for a directive of the European Parliament and of the Council on measures for a high level of cybersecurity across the Union, repealing Directive (EU) 2016/1148 (COM(2020)0823).

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101. Calls for the EU to adopt a robust regulatory framework in this field, both within the EU and at international level; welcomes, in this regard, the decision of the US Commerce Department's Bureau of Industry and Security to blacklist NSO Group Technologies, thereby prohibiting the company from receiving American technologies;

102. Expresses its concern that the EU is cooperating on judicial and law enforcement matters with third countries that have been involved with NSO Group and that have been using the Pegasus spyware to spy on EU citizens; calls for additional safeguards and enhanced democratic scrutiny of such cooperation;

103. Calls on the Commission to review EU investments in NSO Group Technologies and to adopt targeted measures against foreign states using software to spy on EU citizens or persons benefiting from refugee status in EU countries;

104. Is worried that journalists and democracy activists can be illegally kept under surveillance and harassed by the authoritarian regimes they sought to escape, even on EU soil, and considers that this represents a grave violation of the fundamental values of the Union and of the fundamental rights of individuals, as provided for in the Charter, the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights; regrets the lack of legal support provided to the victims of this spy software;

105. Points out the urgent need to reinforce the legislative framework so as to hold accountable those who distribute, use and abuse such software for illicit and unauthorised purposes; refers, in particular, to the sanctions imposed on 21 June 2021 on Alexander Shatrov, CEO of a Belarusian company producing facial recognition software used by an authoritarian regime, for example to identify political opposition protesters; calls on the Commission to prevent any use or funding in the EU of illegal surveillance technologies; calls for the EU and Member States to engage with third-country governments to end repressive cybersecurity and counter-terrorism practices and legislation, under enhanced democratic scrutiny; calls for an investigation by the competent EU authorities into the unlawful use of spyware in the EU and exports of such software from the EU, and for repercussions for Member States and associated countries, including those participating in EU programmes, which have bought and used such spyware and from which it has been exported to illegally target journalists, human rights defenders, lawyers and politicians;

106. Calls for an ambitious revision of the ePrivacy Directive⁽²¹⁾ in order to strengthen the confidentiality of communications and of personal data when using electronic devices, without lowering the level of protection provided by the directive, and without prejudice to Member States' responsibility to safeguard national security; highlights that public authorities should be obliged to disclose vulnerabilities they find in IT devices; calls for the EU and Member States to further coordinate their actions based on the Directive on Attacks against Information Systems⁽²²⁾ in order to ensure that illegal access to information systems and illegal interception are defined as criminal offences and met with appropriate sanctions; recalls that every breach of confidentiality for national security purposes must be carried out lawfully and for explicit and legitimate purposes in a democratic society, on the basis of strict necessity and proportionality, as required by the ECHR and the Court of Justice of the European Union;

Protection of EU Member States, institutions, agencies, delegations and missions

107. Underlines that the EU institutions, bodies, agencies, delegations, mission and operation networks, buildings and staff are a target for all types of hybrid threats and attacks by foreign state actors and should, therefore, be properly protected, paying special attention to the EEAS's assets, premises and activities abroad and the safety of EU staff delegated to non-democratic countries with repressive regimes; calls for a structured response to these threats by CSDP missions, as well as for more concrete support to be provided to those missions through strategic communication; acknowledges the constant increase in state-sponsored attacks against EU institutions, bodies and agencies, including against the EMA, and Member State institutions and public authorities;

⁽²¹⁾ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (OJ L 201, 31.7.2002, p. 37).

⁽²²⁾ Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA (OJ L 218, 14.8.2013, p. 8).

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108. Calls for a thorough and periodical review of all the services, networks, equipment and hardware of EU institutions, bodies, agencies, delegations, missions and operations in order to bolster their resilience to cybersecurity threats and exclude potentially dangerous programmes and devices, such as those developed by Kaspersky Lab; urges the EU institutions and the Member States to ensure proper guidance and secure tools for staff; emphasises the need to raise awareness of the use of secure services and networks within institutions and administrations, including while on mission; notes the trust and security advantages of open-source-based network operating systems, which are widely used by allied military and government agencies;

109. Stresses the importance of efficient, timely and close coordination between different EU institutions, bodies and agencies specialised in cybersecurity, such as CERT-EU, alongside the full development of its operational capabilities, as well as ENISA and the upcoming Joint Cyber Unit, which will ensure a coordinated response to large-scale cybersecurity threats in the EU; welcomes the ongoing structured cooperation between CERT-EU and ENISA; welcomes, too, the establishment of the EU cyber intelligence working group within EU INCEN with a view to advancing strategic intelligence cooperation; appreciates the recent initiatives taken by the Secretaries-General of the EU institutions to develop common information and cybersecurity rules;

110. Looks forward to the Commission's two proposals for regulations setting up a normative framework for information security and cybersecurity in all EU institutions, bodies and agencies, and is of the opinion that these regulations should include capacity and resilience-building; calls on the Commission and Member States to allocate additional funds and resources to the cybersecurity of the EU institutions in order to meet the challenges of a constantly evolving threat landscape;

111. Looks forward to the European Court of Auditors' Cybersecurity Audit Special Report, expected in early 2022;

112. Calls for a thorough investigation of the reported cases of foreign infiltration among the staff of the EU institutions; calls for a review and potential revision of human resources procedures, including pre-recruitment screening, to close loopholes enabling foreign infiltration; calls on Parliament's governing bodies to improve security clearance procedures for staff and tighten rules and checks for access to its premises to prevent individuals closely linked with foreign interests from having access to confidential meetings and information; calls on the Belgian authorities to review and update the domestic anti-espionage framework to enable effective detection, prosecution and sanctioning of offenders; calls for similar actions to be taken in the other Member States to protect the EU institutions and agencies on their soil;

113. Calls for all the EU institutions to raise awareness among their staff through proper training and guidance in order to prevent, mitigate and address cyber and non-cyber security risks; calls for mandatory and regular security and ICT training for all staff (including interns) and MEPs; calls for regular and dedicated mapping and risk assessments of foreign influence within the institutions;

114. Stresses the need for proper crisis management procedures for information manipulation cases, including alert systems between administrative levels and sectors, in order to ensure the provision of mutual information and prevent information manipulation from spreading; welcomes, in this regard, the Rapid Alert System (RAS) and rapid alert procedure established prior to the 2019 European elections and the procedures in place in the Commission and Parliament administrations to warn of possible cases affecting the institutions or EU democratic processes; asks the EU administration to strengthen its monitoring, inter alia through the establishment of a central repository and incident tracking tool, and to develop a shared toolbox to be activated in the event of an RAS alert;

115. Calls for mandatory transparency rules for trips offered by foreign countries and entities to officials of the EU institutions, including MEPs, APAs and group advisors, as well as for national officials, including but not limited to: the name of paying agents, the cost of trips and the stated motives; recalls that such organised trips cannot be considered official Parliament delegations and calls for strict sanctions should this not be respected; stresses that informal friendship groups can undermine the work of the official bodies of Parliament, as well as its reputation and the coherence of its actions; urges Parliament's governing bodies to increase the transparency and accountability of these groups, to enforce current rules and to take the necessary measures when these friendship groups are misused by third countries; asks the Quaestors to develop and maintain an accessible and up-to-date register of friendship groups and declarations;

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Interference through global actors via elite capture, national diasporas, universities and cultural events

116. Condemns all types of elite capture and the technique of co-opting top-level civil servants and former EU politicians used by foreign companies with links to governments actively engaged in interference actions against the EU, and regrets the lack of tools and enforcement needed to prevent these practices; considers that disclosing confidential information acquired during public mandates or when performing civil servant functions, at the expense of the EU and its Member States' strategic interests, should have legal consequences and incur severe sanctions, including immediate dismissal and/or disqualification from future recruitment by the institutions; considers that the income and property declarations of such individuals should be made publicly available;

117. Calls on the Commission to encourage and coordinate actions against elite capture, such as complementing and implementing unexceptional enforcement of the cooling-off periods for EU Commissioners and high-ranking EU civil servants with a reporting duty after the period, in order to end the practice of 'revolving doors', and structured rules to tackle elite capture at EU level; calls on the Commission to evaluate whether existing cooling-off requirements are still fit for purpose; underlines that former EU politicians and civil servants should report instances in which they are approached by a foreign state at a dedicated supervisory body and should receive whistleblower protection; calls on all the Member States to apply and harmonise cooling-off periods for their political leadership and to ensure that they have measures and systems in place requiring public officials to declare their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result;

118. Is concerned about integrated lobbying strategies combining industrial interests and foreign political goals, in particular when they favour the interests of an authoritarian state; calls, therefore, for the EU institutions to reform the Transparency Register, including by introducing more stringent transparency rules, mapping foreign funding for EU-related lobbying, and ensuring an entry which allows for the identification of funding from foreign governments; calls for effective cooperation on this matter among all EU institutions; considers Australia's Foreign Influence Transparency Scheme to be a good practice to follow;

119. Calls on the Member States to consider the establishment of a foreign influence registration scheme and the creation of a government-managed register of declared activities undertaken for, or on behalf of, a foreign state, following the good practice of other like-minded democracies;

120. Is concerned by the attempts to control the diasporas living on EU soil by foreign authoritarian states; points out the crucial role played by China's United Front, which is a department reporting directly to the Central Committee of the Chinese Communist Party and tasked with coordinating the external interference strategy of China through the strict control of Chinese individuals and Chinese companies abroad; points out the experiences of Australia and New Zealand in dealing with the United Front;

121. Strongly condemns the Kremlin's efforts to instrumentalise minorities in EU Member States by implementing so-called compatriot policies, particularly in the Baltic states and the Eastern Neighbourhood countries, as part of the geopolitical strategy of Putin's regime, whose aim is to divide societies in the EU, alongside the implementation of the concept of the 'Russian world', aimed at justifying expansionist actions by the regime; notes that many Russian 'private foundations', 'private enterprises', 'media organisations' and 'NGOs' are either state-owned or have hidden ties with the Russian state; stresses that it is of the utmost importance when engaging in dialogue with Russian civil society to differentiate between those organisations which stay clear of Russian governmental influence and those that have links to the Kremlin; recalls that there is also evidence of Russian interference and manipulation in many other Western liberal democracies, as well as active support for extremist forces and radical-minded entities in order to promote the destabilisation of the Union; notes that the Kremlin makes broad use of culture, including popular music, audiovisual content and literature, as part of its disinformation ecosystem; deplores Russia's attempts not to fully recognise the history of Soviet crimes and instead to introduce a new Russian narrative;

122. Is concerned by the attempts of the Turkish Government to influence people with Turkish roots with the aim of using the diaspora as a relay for Ankara's positions and to divide European societies, in particular via the Presidency for Turks Abroad and Related Communities (YTB); condemns Turkey's open attempts to use its diaspora in Europe to change the course of elections;

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123. Condemns Russia's efforts to exploit ethnic tensions in the Western Balkans in order to inflame conflicts and divide communities, which could lead to the destabilisation of the whole region; is concerned about the attempts by the Orthodox Church in countries such as Serbia, Montenegro, and Bosnia and Herzegovina, especially in its entity Republika Srpska, to promote Russia as a protector of traditional family values and fortify relations between state and church; is alarmed that Hungary and Serbia are helping China and Russia with their geopolitical objectives; recommends convening dialogues with Western Balkan civil society and the private sector to coordinate anti-disinformation efforts in the region, with an emphasis on research and analysis and the inclusion of regional expertise; calls on the Commission to build up the infrastructure required to produce evidence-based responses to both short-term and long-term disinformation threats in the Western Balkans; calls on the EEAS to pivot to a more proactive stance, focusing on building the EU's credibility in the region, rather than defending it, in expanding StratCom monitoring to focus on cross-border disinformation threats emanating from Western Balkan countries and their neighbours;

124. Stresses the need for the EU and its Member States to enhance support to Eastern Partnership countries, in particular through cooperation on building state and societal resilience to disinformation and Russian state propaganda, in order to counter the strategic weakening and fragmentation of their societies and institutions;

125. Is alarmed by the extraterritorial application of coercive measures stemming from Hong Kong's new National Security Law and China's Law on Countering Foreign Sanctions, combined with the extradition agreements that China enjoys with other countries, enabling China to implement large-scale deterrence actions against critical non-Chinese nationals, for example, in a recent case, against two Danish parliamentarians, and the Chinese counter-sanctions against five MEPs, Parliament's Subcommittee on Human Rights, three MPs from EU Member States, the Political and Security Committee of the Council of the EU, two European scholars and two European think tanks in Germany and Denmark respectively; calls on all Member States to resist and refuse extradition and, where appropriate, offer appropriate protection for the individuals concerned to prevent potential human rights violations;

126. Is worried about the number of European universities, schools and cultural centres engaged in partnerships with Chinese entities, including Confucius Institutes, which enable the theft of scientific knowledge and the exercise of strict control over all topics related to China in the field of research and teaching, thus constituting a violation of the constitutional protection of academic freedom and autonomy, and over the choices of cultural activities related to China; is worried that such actions might lead to a loss of knowledge on China-related issues, depriving the EU of the necessary competences; is concerned, for example, by the sponsoring, in 2014, of the China Library of the College of Europe by the State Council Information Office of the Chinese Government⁽²³⁾; is deeply concerned about China's attempts to pressure and censor, for example, the museum of Nantes in relation to the exhibition on Genghis Kahn initially planned for 2020⁽²⁴⁾; invites the Commission to facilitate the exchange of good practices among Member States in order to tackle foreign interference in the cultural and educational sectors;

127. Is concerned about cases of concealed financing of research conducted in Europe, including China's attempts to poach talent through the Thousand Talents Plan and the Confucius Institute Scholarships, and the deliberate blending of military and civil scientific projects through China's civil-military fusion strategy; highlights attempts by Chinese higher education institutions to sign memorandums of understanding with partner institutions in Europe which contain clauses that perpetuate Chinese propaganda or encourage support for Chinese Communist Party standpoints or political initiatives, such as the Belt and Road Initiative, thereby bypassing and undermining official positions taken by the governments of the respective countries; asks cultural, academic and non-governmental institutions to improve transparency as regards China's influence and calls on them to publicise any exchanges and engagements with the Chinese Government and related organisations;

128. Condemns the decision taken by the Hungarian Government to open a Fudan University branch while, at the same time, closing the Central European University in Budapest; is concerned about the increasing financial dependence of European universities on China and other foreign states, given the risk of sensitive data, technologies and research outcomes flowing to foreign states and the implications this dependence could have for academic freedom; stresses the importance of academic freedom to address disinformation and influence operations; encourages these institutions to conduct detailed

⁽²³⁾ <https://www.coleurope.eu/events/official-inauguration-china-library>

⁽²⁴⁾ <https://www.chateaunantes.fr/expositions/fils-du-ciel-et-des-steps/>

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vulnerability assessments before entering into new partnerships with foreign partners; stresses that academic staff should be trained to report covert funding or influence through a dedicated hotline and that those coming forward should always receive whistleblower protection; calls on the Commission and Member States to ensure that funding for research of geopolitical concern at European universities comes from European sources; calls on the Commission to propose legislation on increasing the transparency of the foreign financing of universities, as well as NGOs and think tanks, such as through mandatory donation declarations, due diligence for their funding streams and the disclosure of funding, in-kind contributions and subsidies from foreign parties; calls on Member State authorities to adopt effective rules on foreign funding for higher education institutions, including strict ceilings and reporting requirements;

129. Underlines that similar risks to security and intellectual property theft exist in the private sector, where employees might have access to key technologies and trade secrets; calls on the Commission and Member States to encourage both academic institutions and the private sector to set up comprehensive security and compliance programmes, including specific security reviews for new contracts; notes that heightened limitations on systems and network access, as well as security clearance, may be warranted for some of the professors or employees working on critical research and products;

130. Notes that the revised Blue Card Directive⁽²⁵⁾, which makes it easier for skilled non-EU migrants to come to the EU, enables Chinese and Russian companies established in Europe, for example, to bring over skilled migrants from their respective countries; points out that this could make it more difficult for Member States to exercise control over the influx of these citizens, which might lead to risks of foreign interference;

131. Notes the increasing number of Confucius Institutes established around the world, and in particular in Europe; remarks that the Center for Language Education and Cooperation, formerly known as Confucius Institute Headquarters or Hanban (Office of Chinese Language Council International), which is responsible for the Confucius Institutes programme worldwide, is part of the Chinese party-state's propaganda system; calls on Member States and the Commission to support independent Chinese language courses without the involvement of the Chinese state or affiliated organisations; believes that the recently established National China Centre in Sweden could serve as an important example of how to increase independent China competence in Europe;

132. Considers, in addition, that Confucius Institutes serve as a lobbying platform for Chinese economic interests and for the Chinese intelligence service and the recruitment of agents and spies; recalls that many universities have decided to terminate their cooperation with Confucius Institutes because of the risks of Chinese espionage and interference, as did the universities of Dusseldorf in 2016, Brussels (VUB and ULB) in 2019, and Hamburg in 2020, and all universities in Sweden; calls for more universities to reflect on their current cooperation to ensure that it does not affect their academic freedom; calls on Member States to closely monitor teaching, research and other activities within the Confucius Institutes and, where alleged espionage or interference is substantiated by clear evidence, take enforcement action to safeguard European economic and political sovereignty, including through the denial of funding or the revocation of the licences of associated institutes;

133. Observes that foreign interference can also be pursued through influence in and the instrumentalisation of religious institutes, such as Russian influence in Orthodox churches, in particular in Serbia, Montenegro, Bosnia and Herzegovina, especially in its Republika Srpska entity, Georgia and to some extent in Ukraine, including by sowing division among local populations, developing a biased writing of history and promoting an anti-EU agenda, Turkish Government influence through mosques in France and Germany, and Saudi Arabian influence through Salafi mosques across Europe promoting radical Islam; calls on the Commission and Member States to ensure better coordination on protecting religious institutes from foreign interference and to cap and increase the transparency of funding; calls on Member States to closely monitor activities in religious institutes and, where appropriate and supported by evidence, take action, including through the denial of funding or the revocation of the licences of associated institutes;

134. Calls on the EEAS to produce a study into the prevalence and influence of malicious state actors in European think tanks, universities, religious organisations and media institutions; calls on all EU institutions and Member States to collaborate with and engage in systematic dialogue with stakeholders and experts in order to accurately map and monitor

⁽²⁵⁾ Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC (OJ L 382, 28.10.2021, p. 1).

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foreign influence in the cultural, academic and religious spheres; calls for greater content sharing among European national broadcasters, including those in neighbouring countries;

135. Is concerned by reports of foreign interference in European judicial systems; draws particular attention to the execution of Russian judgments by European courts against Kremlin opponents; calls on Member States to raise awareness among judicial staff and to work with civil society to prevent abuse of international judicial cooperation and European tribunals and courts by foreign governments; calls on the EEAS to commission a study into the prevalence and influence of foreign interference in European court proceedings; notes that, on the basis of this study, it may be necessary to propose changes to transparency and funding requirements for court proceedings;

Deterrence, attribution and collective countermeasures, including sanctions

136. Considers that the sanctions regimes recently set up by the EU, such as the restrictive measures against cyberattacks threatening the Union and its Member States⁽²⁶⁾ and the EU Global Human Rights Sanctions Regime⁽²⁷⁾ (EU Magnitsky Act), adopted on 17 May 2019 and 7 December 2020 respectively, have demonstrated added value in providing the EU with valuable deterrence tools; calls on the Commission to put forward a legislative proposal to adopt a new thematic sanctions regime to address serious acts of corruption; recalls that the cyberattack and human rights sanctions regimes have been used twice, in 2020 and 2021 respectively; urges that the cyber sanctions regime be made permanent and calls on Member States to share all evidence and intelligence gathered in order to feed into the establishment of cyber sanction lists;

137. Calls for the EU and its Member States to take further measures against foreign interference, including large-scale disinformation campaigns, hybrid threats and hybrid warfare, with full respect for the freedoms of expression and of information, including in the form of setting up a sanctions regime; believes that this should include the introduction of a cross-sectoral and asymmetric sanctions framework, as well as diplomatic sanctions, travel bans, asset freezes and the stripping of EU residence permits from foreign individuals and their family members associated with foreign interference attempts, which should target as precisely as possible the decision-makers and bodies responsible for aggressive actions, avoiding a tit-for-tat environment, under Article 29 TEU and Article 215 of the Treaty on the Functioning of the European Union (TFEU) (restrictive measures) and firmly integrated within the Union's common foreign and security policy (CFSP) and CSDP pillars; calls on Member States to make foreign and domestic interference and disinformation a fixed point on the agenda of the Foreign Affairs Council; calls for the EU to define what an internationally wrongful act is and to adopt minimum thresholds for the triggering of countermeasures as a result of this new definition, which should be accompanied by an impact assessment to provide legal certainty; notes that the Council should be able to decide on sanctions related to foreign interference by majority vote, rather than unanimity; is of the opinion that countries engaged in foreign interference and information manipulation with the aim of destabilising the situation within the EU should pay the costs of their decisions and bear the economic and/or reputational and/or diplomatic consequences; calls on the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign and Security Policy to submit concrete proposals in this regard;

138. Insists that, while aiming to preserve democratic processes, human rights and freedoms as defined in the Treaties, a sanctions regime must pay particular attention to the impacts on fundamental rights and freedoms of any sanctions imposed, in order to uphold respect for the Charter, and must be transparent as regards the grounds on which the decision to implement sanctions is taken; stresses the need for greater clarity at EU level regarding the scope and impact of sanctions against associated persons, such as EU nationals and companies;

139. Considers that while the nature of these hybrid attacks varies, their danger to the values, fundamental interests, security, independence and integrity of the EU and its Member States, as well as to the consolidation of and support for democracy, the rule of law, human rights, the principles of international law and fundamental freedoms, may be substantial

⁽²⁶⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL%3A2019%3A129I%3ATO>

⁽²⁷⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2020:410I:TOC>

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in terms of either the scale of the attacks, their nature or their cumulative effect; welcomes the fact that the European Democracy Action Plan envisages that the Commission and the EEAS together develop a toolbox for foreign interference and influence operations, including hybrid operations and the clear attribution of malicious attacks by third parties and countries against the EU;

140. Points out that the understanding that certain foreign interference actions are seriously affecting democratic processes and influencing the exercise of rights or duties is gaining ground internationally; points out, in this regard, the amendments adopted in 2018 in the Australian National Security Legislation Amendment (Espionage and Foreign Interference) Act, which aims to criminalise covert and deceptive activities by foreign actors intending to interfere with political or governmental processes, impact rights or duties, or support the intelligence activities of a foreign government, by creating new offences such as 'intentional foreign interference';

141. Is aware that pursuant to Article 21(3) TEU the Union must ensure consistency among the different areas of its external action and among these and other policies, as defined in the Treaties; points out, in this respect, that foreign interference, such as the threat posed by foreign terrorist fighters and groups who influence individuals remaining in the EU, was also tackled through Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism⁽²⁸⁾;

142. Underlines that, in order to reinforce their impact, sanctions should be imposed collectively, based, where possible, on coordination with like-minded partners, possibly involving international organisations and formalised in an international agreement, considering also other types of reactions to the attacks; notes that candidate and potential candidate countries should also adopt these sanctions in order to align with the EU's CFSP; notes the important work done by NATO in the area of hybrid threats and recalls in this respect the communiqué of the NATO meeting of 14 June 2021, where it was reaffirmed that a decision as to when a cyberattack would lead to the invocation of Article 5 of the NATO Treaty would be taken by the North Atlantic Council on a case-by-case basis, and that the impact of significant malicious cumulative cyber activities might, in certain circumstances, be considered as amounting to an armed attack⁽²⁹⁾; stresses that the EU and NATO should adopt a more forward-looking and strategic approach towards hybrid threats focused on the motives and objectives of adversaries, and should clarify in which instances the EU is better equipped to deal with a threat, as well as the comparative advantages of their capabilities; recalls that several EU Member States are not members of NATO, but nevertheless cooperate with NATO, for instance through its Partnership for Peace (PfP) programme and Partnership Interoperability Initiative (PII), and therefore underlines that any EU-NATO cooperation must be without prejudice to the security and defence policy of the non-NATO EU Member States, including those which have neutrality policies in place; stresses the importance of mutual assistance and solidarity in line with Article 42(7) TEU and Article 222 TFEU and calls for the EU to draw up concrete scenarios for the activation of these articles in the event of a hypothetical cyberattack; calls on the EU and all Member States to link the issue with the other aspects of their relations with the states behind interference and disinformation campaigns, in particular Russia and China;

Global cooperation and multilateralism

143. Acknowledges that many democratic countries all over the world are facing similar destabilisation operations carried out by foreign state and non-state actors;

144. Highlights the need for global, multilateral cooperation between like-minded countries in relevant international forums on these issues of crucial importance, in the form of a partnership based on common understanding and shared definitions, with a view to establishing international norms and principles; underlines the importance of close cooperation with the US and other like-minded states for the modernisation of multilateral organisations; welcomes the Summit for Democracy in that regard and expects it to result in concrete proposals and actions to tackle through collective action the greatest threats faced by democracies today;

145. Considers that, on the basis of common situational awareness, like-minded partners should exchange best practices and identify common responses to global, but also shared domestic, challenges, including collective sanctions, the protection of human rights and democratic standards; calls for the EU to lead the debate on the legal implications of foreign interference, to promote common international definitions and attribution rules and to develop an international framework for responses to interference in elections in order to establish a Global Code of Practice for Free and Resilient Democratic Processes;

⁽²⁸⁾ OJ L 88, 31.3.2017, p. 6.

⁽²⁹⁾ https://www.nato.int/cps/en/natohq/news_185000.htm

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146. Calls for the EU and its Member States to consider the right international formats to allow for such a partnership and cooperation between like-minded partners; calls for the EU and its Member States to initiate a process at UN level to adopt a global convention to promote and defend democracy that establishes a common definition of foreign interference; calls for the EU to propose a global democracy defence toolkit, to be included in the convention, containing joint actions and sanctions to counter foreign interference;

147. Welcomes the NATO statement of 14 June 2021, which recognises the increasing challenge posed by cyber, hybrid and other asymmetric threats, including disinformation campaigns, and by the malicious use of ever-more sophisticated emerging and disruptive technologies; welcomes the progress made on EU-NATO cooperation in the cyber defence field; welcomes Lithuania's establishment of the Regional Cyber Defence Centre involving the US and the Eastern Partnership countries; supports closer cooperation with partner countries in the area of cyber defence, in terms of information sharing and operational work; welcomes the discussions between the US and the EU on multilateral export controls on cyber-surveillance items in the context of the Trade and Technology Council;

148. Welcomes the initiatives already taken, in particular at administrative level, to share knowledge about the state of hybrid attacks, including disinformation operations, in real-time, such as the EEAS-established Rapid Alert System partly opened to like-minded third countries, the G7-established Rapid Response Mechanism, and the NATO Joint Intelligence and Security Division;

149. Underlines that global cooperation should be based on common values reflected in common projects, involving international organisations such as the OSCE and UNESCO, and setting up democratic capacity building and sustainable peace and security in countries facing similar foreign interference threats; calls for the EU to establish a European Democratic Media Fund to support independent journalism in (potential) enlargement and European neighbourhood countries and in candidate and potential candidate countries; highlights the practical needs, such as obtaining technical work equipment, regularly voiced by independent journalists from neighbouring countries;

150. Emphasises the urgent need to address climate mis- and disinformation; welcomes the efforts at COP26 to adopt a universal definition of climate mis- and disinformation and to outline actions to address the matter; calls for models such as the Intergovernmental Panel on Climate Change to be built on to create a global code of conduct on disinformation, a process that would provide the basis for a Paris Agreement on Disinformation;

151. Stresses the importance of providing a clear perspective for candidate and potential candidate countries and of supporting partner and neighbouring countries, such as those in the Western Balkans and the Eastern and Southern Neighbourhoods of the EU, since countries such as Russia, Turkey and China are trying to use these countries as an information manipulation and hybrid warfare laboratory, aimed at undermining the EU; believes that the US is an important partner in countering foreign interference, disinformation campaigns and hybrid threats in those regions; is worried in particular by the role played by Serbia and Hungary in widely disseminating disinformation to surrounding countries; underlines that the EU should support and engage with these countries, as provided for in the NDICI Regulation⁽³⁰⁾; considers that its actions can take the form of promoting the EU's added value and positive impact in the region, financing projects aimed at ensuring media freedom, strengthening civil society and the rule of law, and enhancing cooperation on media, digital and information literacy, while respecting the sovereignty of such countries; calls for increased EEAS capacity in this regard;

152. Encourages the EU and its Member States to deepen cooperation with Taiwan in countering interference operations and disinformation campaigns from malign third countries, including the sharing of best practices, joint approaches to fostering media freedom and journalism, deepening cooperation on cybersecurity and cyber threats, raising citizens' awareness and improving overall digital literacy among the population in order to strengthen the resilience of our democratic systems; supports intensified cooperation between relevant European and Taiwanese government agencies, NGOs and think tanks in the field;

⁽³⁰⁾ Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument — Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No 480/2009 (OJ L 209, 14.6.2021, p. 1).

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153. Calls for Parliament to actively promote an EU narrative, to play a leading role in promoting the exchange of information and to discuss best practices with partner parliaments across the globe, using its vast network of interparliamentary delegations, as well as the democracy initiatives and support activities coordinated by its Democracy Support and Election Coordination Group; underlines the importance of close cooperation with parliamentarians from third countries through tailor-made projects supporting a European perspective for candidate and potential candidate countries;

154. Calls for the EEAS to strengthen the role of the EU delegations and EU CSDP missions in third countries in order to reinforce their ability to detect and debunk disinformation campaigns orchestrated by foreign state actors, and to fund education projects strengthening democratic values and fundamental rights; strongly recommends the creation of a Strategic Communication Hub, initiated by the EEAS, to establish structural cooperation on countering disinformation and foreign interference, which should be based in Taipei; calls, in addition, on EU delegations to contribute to the EU's fight against disinformation by translating relevant EU decisions, such as Parliament's urgency resolutions, into their posted country's language;

155. Calls for the issue of foreign malicious interference to be addressed within the upcoming new Strategic Compass of the EU;

156. Calls for the creation of a permanent institutional arrangement in the European Parliament dedicated to the follow-up of these recommendations, in order to address foreign interference and disinformation in the EU in a systematic way beyond the current mandate of the INGE Special Committee; calls for an improved institutionalised exchange between the Commission, the EEAS and Parliament through this body;

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157. 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.

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P9_TA(2022)0065

Citizenship and residence by investment schemes**European Parliament resolution of 9 March 2022 with proposals to the Commission on citizenship and residence by investment schemes (2021/2026(INL))**

(2022/C 347/08)

The European Parliament,

- having regard to Article 225 of Treaty on the Functioning of the European Union,
- having regard to Article 4(3) and Article 49 of the Treaty on European Union,
- having regard to Article 21(1) and (2), Article 77(2), point (a), Article 79(2), and Articles 80, 82, 87, 114, 311, 337 and 352 of the Treaty on the Functioning of the European Union,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 7, 8 and 20 thereof,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms, in particular Article 8 thereof,
- having regard to Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification ⁽¹⁾ (the ‘Family Reunification Directive’),
- having regard to Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents ⁽²⁾ (the ‘Long-Term Residence Directive’),
- having regard to Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 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 ⁽³⁾,
- having regard to Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC ⁽⁴⁾,
- having regard to the Copenhagen criteria and to the body of Union rules (the *acquis*) that a candidate country must adopt, implement and enforce to be eligible to join the Union, in particular Chapters 23 and 24 thereof,
- having regard to the Commission letters of formal notice of 20 October 2020 to Cyprus and Malta launching infringement procedures with respect to their investor citizenship schemes,
- having regard to the Commission letter to Bulgaria of 20 October 2020 highlighting concerns regarding an investor citizenship scheme and requesting further details,
- having regard to the Commission report of 23 January 2019 entitled ‘Investor Citizenship and Residence Schemes in the European Union’,

⁽¹⁾ OJ L 251, 3.10.2003, p. 12.

⁽²⁾ OJ L 16, 23.1.2004, p. 44.

⁽³⁾ OJ L 303, 28.11.2018, p. 39.

⁽⁴⁾ OJ L 141, 5.6.2015, p. 73.

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- having regard to the Commission presentation on 20 July 2021 of a package of four legislative proposals to strengthen the EU's anti-money laundering and countering the financing of terrorism rules,
 - having regard to its resolution of 16 January 2014 on EU citizenship for sale ⁽⁵⁾, of 26 March 2019 on financial crimes, tax evasion and tax avoidance ⁽⁶⁾, of 18. December 2019 on the Rule of Law in Malta following the recent revelations around the murder of Daphne Caruana Galizia ⁽⁷⁾, of 10 July 2020 on a comprehensive Union policy on preventing money laundering and terrorist financing — the Commission Action Plan and other recent developments ⁽⁸⁾, of 17 December 2020 on the EU Security Union Strategy ⁽⁹⁾ and of 29 April 2021 on the assassination of Daphne Caruana Galizia and the rule of law in Malta ⁽¹⁰⁾,
 - having regard to the study by the European Parliamentary Research Service of 17 October 2018 entitled 'Citizenship by Investment (CBI) and Residency by Investment (RBI) schemes in the EU',
 - having regard to the study by the European Parliamentary Research Service of 22 October 2021 entitled 'Avenues for EU action in citizenship and residence by investment schemes — European added value assessment' (the 'EPRS EAVA Study'),
 - having regard to the study by Milieu Ltd of July 2018 for the Commission entitled 'Factual analysis of Member States Investors' Schemes granting citizenship or residence to third-country nationals investing in the said Member State — Study Overview',
 - having regard to the activities of the Democracy, Rule of Law and Fundamental Rights Monitoring Group (DRFMG), set up under its Committee on Civil Liberties, Justice and Home Affairs, on this matter, in particular its exchanges of views with inter alia the Commission, academics, civil society and journalists on 19 December 2019, 11 September 2020 and 4 December 2020, and its visit to Malta on 19 September 2018,
 - having regard to Rules 47 and 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0028/2022),
- A. whereas Commission President von der Leyen, prior to her confirmation by Parliament, pledged in the Political Guidelines for the next European Commission 2019-2024 ⁽¹¹⁾ to support a right of initiative for Parliament and committed to respond with a legislative act when Parliament adopts resolutions requesting that the Commission submit legislative proposals;
- B. whereas Commission President von der Leyen in her State of the Union address on 16 September 2020 stated 'Be it about the primacy of European law, the freedom of the press, the independence of the judiciary or the sale of golden passports, European values are not for sale.';
- C. whereas several Member States operate citizenship by investment (CBI) and residence by investment (RBI) schemes that confer citizenship or resident status on third-country nationals in exchange for primarily financial considerations in the form of 'passive' capital investments; whereas such CBI/RBI schemes are characterised by having minimal to no physical presence requirements and offering a 'fast track' to citizenship or resident status in a Member State compared to

⁽⁵⁾ OJ C 482, 23.12.2016, p. 117.

⁽⁶⁾ OJ C 108, 26.3.2021, p. 8.

⁽⁷⁾ OJ C 255, 29.6.2021, p. 22.

⁽⁸⁾ OJ C 371, 15.9.2021, p. 92.

⁽⁹⁾ OJ C 445, 29.10.2021, p. 140.

⁽¹⁰⁾ OJ C 506, 15.12.2021, p. 64.

⁽¹¹⁾ 'A Union that strives for more — My agenda for Europe — Political Guidelines for the next European Commission 2019-2024' by candidate for President of the European Commission Ursula von der Leyen, https://ec.europa.eu/info/sites/default/files/political-guidelines-next-commission_en_0.pdf.

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conventional channels; whereas the time used to process applications varies substantially between Member States ⁽¹²⁾; whereas the ease of obtaining citizenship or residence through the use of such schemes contrasts dramatically with the obstacles to seeking international protection, legally migrating or seeking naturalisation through conventional channels;

- D. whereas the existence of CBI schemes affects all Member States because a decision by one Member State to grant citizenship for investment automatically confers rights in relation to other Member States, in particular the right to freedom of movement, the right to vote and stand as a candidate in local and European elections, the right to consular protection if unrepresented outside the Union and the rights of access to the internal market to exercise economic activities; whereas CBI and RBI schemes by individual Member States also generate significant externalities on other Member States, such as corruption and money laundering risks; whereas those externalities warrant regulation by the Union;
- E. whereas Union citizenship is a unique and fundamental status that is conferred upon citizens of the Union complementary to national citizenship and represents one of the foremost achievements of Union integration, conferring equal rights to citizens across the Union;
- F. whereas conferring national citizenship is the prerogative of the Member States, this prerogative must be exercised in good faith, in a spirit of mutual respect, transparently, in accordance with the principle of sincere cooperation and in full compliance with Union law; whereas the Union has enacted measures to harmonise the pathways for legal migration to the Union and the rights attached to residence, such as the Long-Term Residence Directive;
- G. whereas the operation of CBI schemes lead to the commodification of Union citizenship; whereas the commodification of rights violates Union values, in particular equality; whereas pathways for legal migration to the Union and the rights attached to residence are already covered by Union law, such as in the Long-Term Residence Directive;
- H. whereas Bulgaria, Cyprus and Malta currently have legislation in place enabling CBI schemes to operate; whereas the Bulgarian government has tabled legislation to end its CBI scheme; whereas the Cypriot government announced on 13 October 2020 that it would suspend its CBI scheme; whereas the Cypriot government has announced the completion of the examination of all pending applications for Cypriot citizenship received before November 2020; whereas some other Member States also reward big investors with citizenship, using extraordinary procedures;
- I. whereas Bulgaria, Cyprus, Estonia, Greece, Ireland, Italy, Latvia, Luxembourg, Malta, the Netherlands, Portugal and Spain currently operate RBI schemes with minimum investment levels ranging from EUR 60 000 (Latvia) to EUR 1 250 000 (the Netherlands); whereas attracting investment is a usual method of maintaining the well-functioning economies of Member States, but should not pose legal and security risks to Union citizens;
- J. whereas the EPRS EAVA Study estimates that, from 2011 to 2019, 42 180 applications under CBI/RBI schemes were approved and more than 132 000 persons, including family members of applicants from third countries, obtained residence or citizenship in Member States via CBI/RBI schemes with the total investment estimated at EUR 21,4 billion ⁽¹³⁾;
- K. whereas applications under CBI/RBI schemes are often processed with aid from commercial intermediaries who might receive a percentage of the application fee; whereas in some Member States commercial intermediaries have played a role in developing and promoting the CBI/RBI schemes;

⁽¹²⁾ EPRS EAVA Study, table 9, pp. 28-29.

⁽¹³⁾ EPRS EAVA Study.

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- L. whereas the Commission has launched infringement procedures against Cyprus and Malta on the grounds that the granting of Union citizenship for pre-determined payments or investments without any link with the Member States concerned undermines the essence of Union citizenship;
- M. whereas CBI and RBI schemes pose risks to different extents, including risks of corruption, money laundering, security threats, tax avoidance, macro-economic imbalances, pressure on the real estate sector, thereby diminishing access to housing, and the erosion of the integrity of the internal market; whereas it is difficult to substantiate the scale of those risks due to limited information and transparency, and those risks are currently not sufficiently managed, resulting in weak vetting and a lack of due diligence with respect to applicants under CBI/RBI schemes in Member States; whereas all those risks should be properly assessed and transparency with regard to the implementation and consequences of the schemes should be increased;
- N. whereas research suggests that Member States with CBI/RBI schemes are more prone to risks related to financial secrecy and corruption than other Member States;
- O. whereas existing Union law does not provide for the systematic consultation of the Union large-scale IT systems for background checks on applicants under CBI/RBI schemes; whereas the existing Union and national rules do not require any vetting procedures to be performed before granting citizenship or residency under a CBI/RBI scheme; whereas Member States do not always consult databases, apply thorough procedures or share the results of checks and procedures;
- P. whereas the Organisation for Economic Co-operation and Development (OECD) has issued guidelines on limiting the circumvention of the Common Reporting Standard through the abuse of CBI/RBI schemes ⁽¹⁴⁾;
- Q. whereas the Commission initiative to establish a Group of Experts on Investor Citizenship and Residence Schemes was aimed at Member States' representatives agreeing on a common set of security checks but that group did not propose such a common set of security checks; whereas that group has not met since 2019;
- R. whereas some third countries included in Annex II of Regulation (EU) 2018/1806, whose citizens have visa-free access to the Union, operate CBI schemes with low or no residence requirements and weak security checks, particularly with respect to anti-money laundering legislation; whereas such CBI schemes are advertised as 'golden passports' with the express purpose of facilitating visa-free travel to the Union; whereas some candidate countries operate similar schemes with the added expected benefit of future Union membership;
- S. whereas the beneficiaries of CBI/RBI schemes, once granted their new status of residency or citizenship, immediately start to enjoy freedom of movement ⁽¹⁵⁾ within the Schengen area;
- T. whereas the right of third countries to allow their citizens to change their name poses a risk because third-country nationals could acquire citizenship of a third country under a CBI scheme and then change their name and enter the Union under that new name;

⁽¹⁴⁾ Preventing abuse of residence by investment schemes to circumvent the CRS, OECD, 19 February 2018, and Corruption Risks Associated with Citizen- and Resident-by-Investment Schemes, OECD, 2019.

⁽¹⁵⁾ Since Bulgaria, Croatia, Cyprus, Ireland and Romania are not Schengen countries, a third country national holding a residence permit issued by any of those Member States does not automatically enjoy freedom of movement within the Schengen area.

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- U. whereas on 15 October 2021 the Cypriot authorities announced that they would revoke the citizenship of 39 foreign investors and six members of their families who had become Cypriot citizens under a CBI scheme; whereas just over half of the 6 779 passports issued by Cyprus under that scheme between 2007 and 2020 were issued without having carried out sufficient background checks on the applicants⁽¹⁶⁾;
- V. whereas in 2019 the Commission concluded that clear statistics on CBI/RBI applications received, accepted and rejected are missing or insufficient;
- W. whereas RBI schemes are highly specific in nature; whereas any changes to Union law introduced for applicants under RBI schemes should target that particular type of residency status and should not adversely affect the rights of applicants for other types of residency statuses, such as students, workers and family members; whereas higher levels of security checks for applicants under RBI schemes should not be applicable to those who apply for residency in the Union under residency schemes already covered by Union law;
- X. whereas the Montenegrin government has not decided to discontinue its CBI scheme, although it had signalled the importance of phasing out that CBI scheme fully and effectively as soon as possible; calls upon the Montenegrin government to do so without delay;
1. Considers that schemes granting nationality on the basis of a financial investment (CBI schemes), also known as 'golden passports', are objectionable from an ethical, legal and economic point of view and pose several serious security risks for Union citizens, such as those stemming from money-laundering and corruption; considers that the lack of common standards and harmonised rules governing schemes granting residence on the basis of a financial investment (RBI schemes) may also pose such security risks, affect the free movement of persons within the Schengen area and contribute to undermining the integrity of the Union;
2. Recalls its position that CBI/RBI schemes inherently present a number of serious risks and should be phased out by all Member States⁽¹⁷⁾; reiterates that ever since its resolution of 16 January 2014 on EU citizenship for sale, insufficient action has been taken by the Commission and the Member States to counter those schemes;
3. Considers that CBI schemes undermine the essence of Union citizenship, which represents one of the foremost achievements of Union integration, granting a unique and fundamental status to Union citizens and including the right to vote in European and local elections;
4. Considers that Union citizenship is not a commodity that can be marketed or sold and has never been conceived as such in the Treaties;
5. Acknowledges that regulating the acquisition of nationality is primarily a Member State competence but stresses that that competence needs to be exercised in good faith, in a spirit of mutual respect, transparently, with due diligence and proper scrutiny, in accordance with the principle of sincere cooperation and in full compliance with Union law⁽¹⁸⁾;

⁽¹⁶⁾ <https://agenceurope.eu/en/bulletin/article/12814/25>.

⁽¹⁷⁾ Resolutions of the European Parliament of 18 December 2019 on the Rule of Law in Malta following the recent revelations around the murder of Daphne Caruana Galizia, of 10 July 2020 on a comprehensive Union policy on preventing money laundering and terrorist financing — the Commission Action Plan and other recent developments, of 17 December 2020 on the EU Security Union Strategy and of 29 April 2021 on the assassination of Daphne Caruana Galizia and the rule of law in Malta.

⁽¹⁸⁾ See the reasoning used in the Commission infringement procedures against Malta and Cyprus with respect to their investor citizenship schemes (https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1925) and the case law of the Court of Justice of the European Union: Judgment of the Court of 7 July 1992, *Mario Vicente Micheletti and others v Delegación del Gobierno en Cantabria*, C-369/90, ECLI:EU:C:1992:295; Judgment of the Court of 11 November 1999, *Belgian State v Fatna Mesbah*, C-179/98, ECLI:EU:C:1999:549; Judgment of the Court of 20 February 2001, *The Queen v Secretary of State for the Home Department, ex parte: Manjit Kaur*, C-192/99, ECLI:EU:C:2001:106; Judgment of the Court of 2 March 2010, *Janko Rottman v Freistaat Bayern*, C-135/08, ECLI:EU:C:2010:104; and Judgment of the Court of 12 March 2019, *M.G. Tjebbes and Others v Minister van Buitenlandse Zaken*, C-221/17, ECLI:EU:C:2019:189.

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considers that where Member States do not act in full compliance with those standards and principles, a legal ground for Union action arises; considers that a Union competence could arguably also arise on the basis of Article 21(1) of the Treaty on the Functioning of the European Union (TFEU) with respect to certain aspects of Member State nationality law⁽¹⁹⁾;

6. Believes that the advantageous conditions and fast-track procedures set for investors under CBI/RBI schemes, when compared to the conditions and procedures for other third-country nationals wishing to obtain international protection, residence or citizenship, are discriminatory, lack fairness and risk undermining the consistency of the Union asylum and migration *acquis*;

7. Considers that CBI schemes need to be distinguished from RBI schemes because of the difference in the severity of the risks they pose and, hence, necessitate tailored Union legislative and policy approaches; acknowledges the link between RBI schemes and citizenship because acquired residence may ease access to citizenship;

8. Notes that three Member States have legislation in place enabling CBI schemes, namely Bulgaria (although a legislative proposal has been tabled by the Bulgarian government to end its CBI scheme), Cyprus and Malta, and that 12 Member States have RBI schemes, all with diverging amounts and options of investment and with diverging standards of checks and procedures; regrets that that divergence could trigger a competition for applicants among Member States and risks creating a race to the bottom in terms of lowering vetting standards and decreasing due diligence to increase the uptake of the schemes⁽²⁰⁾;

9. Considers that the role of intermediaries in developing and promoting CBI/RBI schemes, as well as in preparing individual applications, often in the absence of transparency or accountability, represents a conflict of interest prone to abuse, and that a strict and binding regulation of such intermediaries, beyond mere self-regulation and codes of conduct is therefore required; asks for the cessation of the services of intermediaries in the case of CBI schemes;

10. Deplores the lack of comprehensive security checks, vetting procedures and due diligence in Member States that have CBI/RBI schemes in place; notes that Member States do not always consult the available Union databases or exchange information on the outcome of such checks and procedures, allowing for successive applications for CBI/RBI schemes across the Union; calls on the Member States to do so; considers that Member States' authorities must have in place adequate processes for vetting CBI/RBI applicants as granting residency and citizenship rights is the responsibility of the State, and Member States' authorities must not rely on background checks and due diligence procedures carried out by intermediaries and other non-state actors, although Member States may use relevant information from independent non-state actors; expresses concern regarding some Member States where applications for citizenship were reported to be accepted even where the applicants did not meet the security requirements;

11. Regrets that the Group of Experts on Investor Citizenship and Residence Schemes, composed of Member State representatives, has not agreed on a common set of security checks as it was mandated to do by the end of 2019; finds that that failure to agree on a common set of security checks shows the limits of adopting an intergovernmental approach as regards the matter and underlines the need for Union action;

⁽¹⁹⁾ EPRS EAVA Study, pp. 43-44.

⁽²⁰⁾ EPRS EAVA Study, p. 57; Preventing abuse of residence by investment schemes to circumvent the CRS, OECD, 19 February 2018.

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12. Deplores the fact that residency requirements to qualify under the RBI/CBI schemes of Member States do not always include continuous and effective physical presence and are difficult to monitor, thereby potentially attracting bad faith applicants who purchase national citizenship purely for the access it grants to the Union territory and its internal market without any attachment to the Member State in question;

13. Calls on the Member States to effectively enforce the necessary physical residence for third-country nationals wishing to obtain long-term residence status under the Long-Term Residence Directive without the five years of continuous and legal residence that is a requirement under that Directive;

14. Welcomes the infringement procedures launched in October 2020 by the Commission against Cyprus and Malta concerning their CBI schemes; calls on the Commission to advance those procedures, as they could further clarify how CBI schemes may be tackled in addition to the legislative action proposed here, and to initiate further infringement procedures against Member States for RBI schemes, where justified; calls on the Commission to carefully monitor, report and take action on all CBI/RBI schemes across the Union;

15. Considers that Union anti-money laundering law is a crucial element in countering the risks posed by CBI/RBI schemes; welcomes the fact that the Commission's package of legislative proposals of 20 July 2021 on anti-money laundering and on countering the financing of terrorism addresses RBI schemes, most notably by promoting the inclusion of intermediaries on the list of obliged entities; considers, however, that gaps will still remain, such as the fact that public entities that process CBI/RBI applications will not be included on the list of obliged entities;

16. Notes that applications under CBI/RBI schemes are particularly difficult to monitor and assess where they concern joint applications that include different family members; notes that under certain national RBI schemes residency rights may be granted based on family, personal or other ties to the main applicants; notes that family reunification rights under the Family Reunification Directive apply after obtaining residency status in a Member State, thus allowing family members to enter the Union without further specific checks normally required under RBI schemes;

17. Notes that a risk stems from third countries that have CBI schemes and that benefit from visa-free travel to the Union ⁽²¹⁾ because third-country nationals can purchase citizenship of those third countries with the sole purpose of being able to enter the Union without any additional screening; stresses that risks are exacerbated for Union candidate countries that have CBI/RBI schemes ⁽²²⁾ because the expected benefits of future Union membership and visa-free travel within the Union area may be a factor;

18. Considers that, in light of the particular risks posed by CBI schemes and their inherent incompatibility with the principle of sincere cooperation, as acknowledged by the Commission's ongoing infringement procedures against two Member States, CBI schemes should be phased out fully across the Member States and requests that the Commission submit, before the end of its current mandate, a proposal for an act to that end that could be based on Article 21(2), Article 79(2), Article 114 or Article 352 TFEU;

19. Considers that the phasing out of CBI schemes will require a transitional period and believes that, as CBI/RBI schemes constitute free-riding and produce severe consequences for the Union and the Member States, a financial contribution to the Union budget is warranted for both CBI schemes and RBI schemes, for CBI schemes until they are

⁽²¹⁾ Antigua and Barbuda, Dominica, Grenada, Saint Kitts and Nevis and Saint Lucia.

⁽²²⁾ Serbia, Albania, Turkey, Montenegro and North Macedonia.

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completely phased out, as a concrete expression of solidarity following from, *inter alia*, Article 80 TFEU; requests, therefore, that the Commission in 2022, on the basis of Article 311 TFEU, submit a proposal for the establishment of a new category of the Union's own resources, consisting of a 'CBI & RBI Adjustment Mechanism' that would place a levy of a meaningful percentage on the investments made in Member States as part of CBI/RBI schemes, reasonably estimated on the basis of all negative externalities for the Union as a whole identified with respect to the schemes;

20. Considers that the contribution of CBI/RBI schemes to the Member States' real economy is limited in terms of job creation, innovation and growth and that considerable amounts of investment are made directly into the real estate market or into funds; considers that the large investments associated with CBI/RBI schemes could impact financial stability, particularly in small Member States where inflows could represent a large share of GDP or foreign investment ⁽²³⁾; requests that the Commission submit, in 2022, on the basis of Article 79(2) and Articles 80, 82, 87 and 114 TFEU, a proposal for an act that would include Union-level rules on investments under RBI schemes in order to strengthen their added value to the real economy and provide links to the priorities for the economic recovery of the Union;

21. Requests that the Commission submit, before the end of its current mandate, a proposal for a regulation, possibly complemented by other legislative measures where needed, which could be based on Article 79(2) and Articles 80, 82, 87 and 114 TFEU, that would comprehensively regulate various aspects of RBI schemes with the aim of harmonising standards and procedures and strengthening the fight against organised crime, money laundering, corruption and tax evasion, covering, *inter alia*, the following elements:

- (a) increased due diligence and rigorous background checks of the applicants and, where necessary, their family members, including the sources of their funds, mandatory checks against the Union large-scale justice and home affairs IT systems and vetting procedures in third countries;
- (b) the regulation, proper certification and scrutiny of intermediaries as well as limitation of their activities and, in the case of CBI schemes, the cessation of their services;
- (c) harmonised rules and obligations on Member States to report to the Commission regarding their RBI schemes and applications thereunder;
- (d) minimum physical residence requirements and minimum active involvement in the investment, quality of investment, added value and contribution to the economy as conditions for acquiring residence under RBI schemes;
- (e) a monitoring mechanism for the *ex post* control of successful applicants' continued compliance with the legal requirements of RBI schemes;

22. Requests the Commission to ensure and uphold the high regulatory standards for both CBI and RBI schemes in case a comprehensive regulation would apply to RBI schemes before the complete phase-out of CBI schemes;

23. Welcomes the commitment announced by the Member States to take measures to limit the sale of citizenship to Russians connected to the Russian government; calls upon all Member States to stop operating their CBI and RBI schemes for all Russian applicants with immediate effect; urges Member States to reassess all approved applications from Russian nationals over the past few years, exploiting all possibilities under national and Union law to ensure that no Russian individual with financial, business or other links to the Putin regime retains his or her citizenship and residency rights or that such individuals are temporarily blocked from exercising those rights; calls on the Commission to verify such reassessments carried out by Member States and to urgently present a legislative proposal to completely ban CBI schemes and to ban RBI schemes for Russian nationals subject to targeted measures;

⁽²³⁾ EPRS EAVA Study, pp. 36-39.

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24. Requests that the Commission include in its proposal targeted revisions of existing Union legal acts that could help to dissuade Member States from establishing harmful RBI schemes by strengthening legal acts in the field of anti-money laundering and by strengthening relevant provisions in the Long-Term Residence Directive;

25. Requests that the Commission exert as much pressure as possible to ensure that third countries that have CBI/RBI schemes in place and that benefit from visa free travel under Annex II to Regulation (EU) 2018/1806 abolish their CBI schemes and reform their RBI schemes to bring them in line with Union law and standards, and that the Commission submit in 2022, on the basis of Article 77(2), point (a), TFEU, a proposal for an act that would amend Regulation (EU) 2018/1806 in that regard; notes that under the revised Union enlargement methodology, issues linked to CBI/RBI schemes are considered to be complex and are dealt with across various negotiating clusters and chapters; underlines the importance of gradual and diligent alignment to Union law of such schemes by candidate and potential candidate countries; proposes that cessation of CBI schemes and regulation of RBI schemes be included in the accession criteria;

26. Reminds the Commission President of her commitment to Parliament's right of initiative and of her pledge to follow Parliament's own-initiative legislative reports up with a legislative act, in line with principles of Union law, contained in the Political Guidelines for the next European Commission 2019-2024; expects, therefore, the Commission to follow this resolution up with concrete legislative proposals;

27. Instructs its President to forward this resolution and the accompanying proposals to the Commission and the Council.

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ANNEX TO THE RESOLUTION:

PROPOSALS FOR A COMPREHENSIVE LEGISLATIVE PACKAGE

Proposal 1: a Union-wide gradual phasing out of CBI schemes by 2025

- A Union-wide notification system, with measurable targets, strictly applicable to the existing programmes only and thus not allowing for new programmes to be legitimised by this system, for the maximum number of citizenships to be granted under CBI schemes across the Member States should be established with the number to be gradually lowered each year, reaching zero in 2025, thereby leading to the complete phasing out of CBI schemes. Such a gradual phasing out will allow the Member States that maintains CBI schemes to find alternative means of attracting investment and sustain their public finances. Such a phasing out is in line with the previous position of Parliament expressed in several resolutions and is necessary in light of the profound challenge that CBI schemes pose to the principle of sincere cooperation under the Treaties (Article 4(3) TEU).
- This proposal could be based on Article 21(2), Article 79(2) and, because CBI schemes affect the internal market, Article 114 TFEU.

Proposal 2: a comprehensive regulation covering all RBI schemes in the Union

- To address the specificities and widespread occurrence of RBI schemes across the Member States, a dedicated Union legal framework in the form of a regulation is necessary. Such a regulation will ensure Union harmonisation, limit the risks posed by RBI schemes and make RBI schemes subject to Union monitoring, thereby enhancing transparency and governance. It is also a means to discourage Member States from establishing harmful RBI schemes.
- The regulation should contain Union-level standards and procedures for increased due diligence and rigorous background checks for applicants and for the source of their wealth. In particular, all applicants should be structurally crosschecked against all relevant national, Union and international databases by the Member State authorities while respecting fundamental rights standards. There should be an independent verification of documents submitted, a full background check of all police records and involvement in previous and current civil and criminal litigation, in-person interviews with the applicants and a thorough verification of how the applicant's wealth was accumulated and is related to the reported income. The procedure should allow sufficient time for the proper due diligence process and should foresee the possibility to annul positive decisions retroactively in cases of substantiated misrepresentation or fraud.
- The practice of joint applications, where a main applicant and family members can be part of the same application, should be prohibited: only individual applications subject to individual and rigorous checks should be allowed, while taking into account the links between applicants. Rigorous checks should also apply when residency rights can be pursued by family members of successful applicants under family reunification rules or other similar provisions.
- An important element of the regulation, possibly complemented by other legislative measures, where needed, should be the regulation of intermediaries. The following should be included:
 - (a) a Union-level licensing procedure for intermediaries containing a thorough procedure with due diligence and auditing of the intermediary company, its owners and its related companies. The license should be subject to renewal every second year and be featured in a public Union register for intermediaries. Where intermediaries are involved in applications, Member States should be allowed to process such applications only where prepared by Union-licensed intermediaries. Applications for licensing should be made to the Commission, to be supported by the relevant Union bodies, offices and agencies in carrying out the checks and procedure;
 - (b) specific rules for the activities of intermediaries. Those rules should include detailed rules concerning the background checks, due diligence and security checks that the intermediaries are to carry out on applicants.

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- (c) a Union-wide prohibition on marketing practices for RBI schemes that use the Union flag or any other Union-related symbols on any materials, website or documents or that associate the RBI schemes to any benefits linked to the Treaties and the *acquis*;
 - (d) clear rules on transparency of intermediaries and their ownership;
 - (e) anti-corruption measures and best due diligence practices to be adopted within the intermediary, including on appropriate staff remuneration, the two-person rule (that every step is checked by at least two persons) and provisions for a second opinion when preparing applications and carrying out checks on applications, and a rotation of staff members across the countries of origin of applicants under RBI schemes;
 - (f) a prohibition on combining the consultation of governments on the establishment and maintenance of RBI schemes with involvement in the preparation of applications. Such a combination creates a conflict of interest and provides the wrong incentives. Furthermore, intermediaries should not be allowed themselves to implement RBI schemes for Member State authorities but should only be allowed to act as intermediaries in individual applications and only when being approached by individual applicants. General public affairs activities of intermediaries should be organisationally separated from their other activities and should comply with all legal requirements and codes of conduct at Union and national level regarding transparency;
 - (g) a monitoring, investigations and sanctions framework to ensure that intermediaries comply with the regulation. The relevant law enforcement authorities should be able to conduct undercover investigations, including by posing as potential applicants. Sanctions should include dissuasive fines and should, where infringements are established twice, lead to the revocation of the Union license to operate.
- A duty for Member States to report to the Commission regarding their RBI schemes should be introduced. The Member States should submit detailed annual reports to the Commission on the overall institutional and governance elements of their schemes, as well as on the monitoring mechanisms in place. They should also report on individual applications, including on rejections and approvals of applications, and the reasons for approvals or for rejections, such as non-compliance with anti-money laundering provisions. Statistics should include a breakdown of the applicants by the country of origin and information on family members and dependents who have gained rights via an applicant under a RBI scheme. The Commission should publish those annual reports, where needed redacted in line with data protection regulations and the Charter of Fundamental Rights of the European Union, and should publish alongside those annual reports its assessment of them.
- A system, managed at Union level, for prior notification to and consultation with all other Member States and the Commission, prior to granting residence under an RBI scheme, should be set up. If Member States do not object within 20 days, that should mean that they have no objection to the granting of residence⁽¹⁾. That would allow all Member States to detect double or subsequent applications and to conduct checks in national databases. Within those 20 days, the Commission should also carry out, in cooperation with the relevant Union bodies, offices and agencies (including through their liaison officers in third countries), Union-level final checks of applications against the relevant Union and international databases and further security and background checks. On that basis, the Commission should issue an opinion to the Member State. The competence to grant residence or not under RBI schemes should remain with the Member States. The Commission should provide any relevant information to help highlight where the same individuals have made several unsuccessful applications.
- Member States should be required to effectively check physical residence, including by using the option of establishing minimum physical presence requirements, on their territory and to keep a record of it, which the Commission and Union agencies can consult. That should include at least biannual in-person reporting appointments and on-site visits to the domicile of the individuals concerned.

⁽¹⁾ Similar to the system set out in Article 22 of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15.9.2009, p. 1).

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- To combat tax avoidance, specific Union measures to prevent and tackle the circumvention of the Common Reporting Standard through RBI schemes, in particular the enhanced exchange of information between tax authorities and Financial Intelligence Units (FIUs), should be introduced ⁽²⁾.
- Rules on the types of investments required under RBI schemes should be introduced. A significant majority of the required investment should consist of productive investments in the real economy, in line with the priority areas of the green and digital economic activity. Investment in real estate, in investment funds or trust funds or in government bonds or as payments directly into the Member State budget should be limited to a minor part of the invested amount. Furthermore, any payments directly into the Member State budget should be limited so as not to create budgetary dependence on this source, and the Commission should request Member States to assess such payments in the context of the European Semester.
- The regulation could be based on Article 79(2) and Articles 80, 82, 87 and, because RBI schemes affect the internal market, 114 TFEU.
- In case a regulation or any other legislative act concerning RBI schemes comes into force before the complete phase-out of CBI schemes, all rules applicable to RBI schemes should apply to CBI schemes as well in order to avoid less strict controls for CBI schemes than for RBI schemes.

Proposal 3: a new category of the Union's own resources, consisting of a 'CBI and RBI adjustment mechanism'

- As all Member States and the Union institutions are confronted with the risks and costs of the CBI and RBI schemes operated by some Member States, a common mechanism, based on appropriate data and information, to offset the negative consequences of CBI and RBI schemes to the Union as a whole is justified. Moreover, the value of selling Member State citizenship or visas is inherently linked to the Union rights and freedoms that come with it. By establishing a CBI and RBI adjustment mechanism, the negative consequences borne by all Member States are compensated through a fair contribution to the Union budget. It is a matter of solidarity between the Member States operating CBI and RBI schemes and the other Member States and Union institutions. In order for that mechanism to be effective, the levy payable to the Union should be set at a meaningful percentage of the investments made in Member States as part of CBI/RBI schemes, reasonably estimated on the basis of all negative externalities identified in the schemes;
- The mechanism could be established under Article 311 TFEU, which stipulates that 'the Union shall provide itself with the means necessary to attain its objectives and carry through its policies', including the possibility to 'establish new categories of own resources or abolish an existing category'. Further implementing measures could be adopted in the form of a regulation. Something similar was done for the Plastics Own Resource that has been in place since 1 January 2021. That option does involve a rather lengthy process of formal adoption of an own resources decision, linked to the respective national constitutional requirements for approving it. It could be combined with the legal basis of Article 80 TFEU which stipulates 'the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States', including in the area of immigration.

⁽²⁾ See Preventing abuse of residence by investment schemes to circumvent the CRS, OECD, 19 February 2018; 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 (OJ L 359, 16.12.2014, p. 1).

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Proposal 4: a targeted revision of legal acts in the area of anti-money laundering and countering the financing of terrorism

- The Commission has made a welcome step by including RBI schemes prominently in its package of legislative proposals of 20 July 2021 to revise legal acts in the area of anti-money laundering and countering the financing of terrorism, especially where it concerns intermediaries. Three further elements should be included:
 - (a) public authorities engaged in processing applications under RBI schemes to be included on the list of obliged entities under legal acts in the area of anti-money laundering and countering the financing of terrorism, specifically in Article 3, point (3), of the proposal for a regulation on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing (2021/0239(COD));
 - (b) a greater exchange of information on applicants under RBI schemes between the Member State authorities under legal acts in the area of anti-money laundering and countering the financing of terrorism, specifically between the FIUs;
 - (c) enhanced due diligence measures as recommended by the OECD to mitigate the risks posed by RBI schemes to be foreseen for all obliged entities involved in the RBI process.

Proposal 5: a targeted revision of the Long-Term Residence Directive

- The Commission should, when it comes forward with its expected proposals for the revisions of the Long-Term Residence Directive, limit the possibility of third-country nationals who have obtained residence under an RBI scheme benefitting from more favourable treatment under that Directive. That could be achieved by amending Article 13 of the Long-Term Residence Directive to narrow its scope of application by expressly excluding beneficiaries of RBI schemes.
- The Commission should take the steps necessary to ensure that the legal and continuous residence of five years, required by Article 4(1) of the Long-Term Residence Directive, is not circumvented through RBI schemes, including by ensuring that the Member States enforce stronger controls and reporting obligations on applicants under RBI schemes.

Proposal 6: ensuring that third countries do not administer harmful RBI/CBI schemes

- Third-country CBI schemes should be included in Regulation (EU) 2018/1806 as a specific element to take into account when deciding on whether to include a particular third country in the annexes to that Regulation, i.e. as a factor when deciding on the third countries whose nationals are exempt from visa requirements. That element should also be embedded in the visa suspension mechanism set out in Article 8 of that Regulation and in the planned monitoring.
- A new article should be added to Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)⁽³⁾ on cooperation with third countries on phasing out their CBI schemes and bringing their RBI schemes in line with the new Regulation proposed under proposal 2 above.
- For candidate countries and potential candidate countries, the complete phase-out of CBI schemes and the strict regulation of RBI schemes should be a prominent and integral part of the accession criteria.

⁽³⁾ OJ L 243, 15.9.2009, p. 1.

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Engaging with citizens: the right to petition and refer to the European Ombudsman, the European Citizens' Initiative

European Parliament resolution of 9 March 2022 on engaging with citizens: the right to petition, the right to refer to the European Ombudsman and the European Citizens' Initiative (2020/2275(INI))

(2022/C 347/09)

The European Parliament,

- having regard to Articles 10 and 11 of the Treaty on European Union (TEU),
 - having regard to Articles 24 and 227 of the Treaty on the Functioning of the European Union (TFEU), which reflect the importance the Treaty attaches to the right of EU citizens and residents to bring their concerns to the attention of Parliament,
 - having regard to Article 228 TFEU on the role and functions of the European Ombudsman,
 - having regard to the Council measure setting up the Revised EU-level Framework Required by Article 33.2 of the UN Convention on the Rights of Persons with Disabilities (CRPD),
 - having regard to Articles 11, 41, 42, 43 and 44 of the Charter of Fundamental Rights of the European Union ('the Charter') concerning the right to petition the European Parliament,
 - having regard to the provisions of the TFEU relating to the infringement procedure and, in particular, to Articles 258 and 260 TFEU,
 - having regard to its resolutions stemming from the conclusions of the Committee on Petitions' deliberations,
 - having regard to Rules 222, 230 and 216 of its Rules of Procedure,
 - having regard to Article 10(3) TEU,
 - having regard to Article 20 TFEU concerning the right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the languages of the Treaties and to obtain a reply in the same language,
 - having regard to Decision 94/262/ECSC, EC, Euratom of the European Parliament of 9 March 1994 on the regulations and general conditions governing the performance of the Ombudsman's duties ⁽¹⁾,
 - having regard to its previous resolutions on the European Ombudsman's activities,
 - having regard to Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative ⁽²⁾,
 - having regard to Regulation (EU) 2020/1042 of the European Parliament and of the Council of 15 July 2020 laying down temporary measures concerning the time limits for the collection, the verification and the examination stages provided for in Regulation (EU) 2019/788 on the European citizens' initiative in view of the COVID-19 outbreak ⁽³⁾,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Constitutional Affairs,
 - having regard to the report of the Committee on Petitions (A9-0018/2022),
- A. whereas Article 10(3) TEU provides that '[e]very citizen shall have the right to participate in the democratic life of the Union' and that '[d]ecisions shall be taken as openly and as closely as possible to the citizen';

⁽¹⁾ OJ L 113, 4.5.1994, p. 15.

⁽²⁾ OJ L 130, 17.5.2019, p. 55.

⁽³⁾ OJ L 213, 17.7.2020, p. 7.

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- B. whereas the Committee on Petitions plays a 'protection role' in order to ensure the EU's compliance with the CRPD within policymaking and legislative actions at EU level; whereas Parliament's Committee on Petitions has been identified to form the EU Framework together with the European Ombudsman, the EU Agency for Fundamental Rights and the European Disability Forum in the Revised EU-level Framework as adopted by the Council at its 3513th meeting held on 16 January 2017;
- C. whereas improving citizens' participation and transparency at EU level is the key to closing the perceived gap between the EU and its citizens, and representative organisations;
- D. whereas the right to petition the European Parliament is one of the fundamental rights of EU citizens, enshrined in Article 44 of the Charter;
- E. whereas the number of petitions has remained modest in relation to the total population of the EU, confirming the need for major efforts and tailored measures to increase public awareness and achieve significant improvements concerning the exercise of the right to petition; whereas on average around 1 200 petitions are submitted to the European Parliament each year;
- F. whereas the number of petitions submitted to the European Parliament peaked in 2013 and is now falling; whereas a great many European citizens remain unaware of the right to petition;
- G. whereas the eligibility criteria for petitions are laid down in Article 227 TFEU and Rule 226 of Parliament's Rules of Procedure, which require that petitions must be submitted by EU citizens or residents directly affected by matters falling within the EU's fields of activity;
- H. whereas Parliament has the most open and transparent petitions process in the EU, allowing petitioners to participate in its activities, including debates in committee and hearings;
- I. whereas its Committee on Petitions examines and processes each petition and is the only committee that maintains a daily dialogue with citizens;
- J. whereas the right to petition is often exercised by individuals;
- K. whereas enhancing the right to petition can only be achieved by improving the capacity of the EU institutions and the Member States to arrive at timely and effective solutions to issues raised by petitioners, while ensuring the full protection of citizens' fundamental rights;
- L. whereas some petitions are declared inadmissible due to the lack of information or to confusion among citizens about the competences of the European Union;
- M. whereas the Commission has still failed to provide comprehensive information on the number of petitions that have led to the initiation of an infringement procedure or to any other legislative or non-legislative action;
- N. whereas a revision of Parliament's Rules of Procedure is necessary to improve the relevant rules concerning the petition process with a view to enhancing the visibility and follow-up of petitions, including in Parliament's plenary activities, in order to integrate the issues raised through petitions more effectively into the priorities of the EU's political agenda;
- O. whereas the Commission based its strategy to deal with petitions on its 2016 communication entitled 'EU law: Better results through better application', which has no provisions establishing administrative procedures or practices concerning petitions;
- P. whereas the TFEU reinforces citizenship of the Union and further enhances the democratic functioning of the Union by providing, inter alia, that every citizen has the right to participate in the democratic life of the Union through a European citizens' initiative (ECI);
- Q. whereas emphasis should be placed on the importance of the ECI in shaping EU policy initiatives and developments;

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- R. whereas EU citizens have the right to apply to the Commission directly to ask it to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties;
- S. whereas the EU must guarantee citizens, with particular regard to the special needs of persons with disabilities, the right to participate actively in the democratic activities of the European Union in any of the official languages of the EU in order to avoid any kind of discrimination and to promote multilingualism;
- T. whereas the ECI thereby helps strengthen the democratic functioning of the Union through the participation of citizens in its democratic and political life; whereas the ECI should be regarded as one of the ways in which citizens can bring certain issues to the attention of the EU institutions and approach them to legislate on issues that are within the EU's competences and affect citizens, alongside dialogue with representative associations and civil society, stakeholder consultations, the right to petition and the right to submit complaints to the European Ombudsman;
- U. whereas Regulation (EU) 2019/788, which entered into force on 1 January 2020, has made the ECI more accessible and easier to implement for organisers, in particular by means of the translation of initiatives into all official EU languages;
- V. whereas the Commission has listed a number of problems relating to the implementation of Regulation (EU) No 211/2011 ⁽⁴⁾ and whereas the new Regulation (EU) 2019/788 aims to address those issues in detail with regard to the effectiveness of the ECI as an instrument, and to bring improvements to the way it operates; whereas its implementation needs to be assessed effectively and in a timely manner; whereas in any case, a formal report should be presented by the Commission no later than 1 January 2024, and every four years thereafter;
- W. whereas, in order to achieve those objectives and realise the full potential of the ECI, the procedures and conditions required for the ECI should ensure that initiatives which are valid in the sense of Article 14(1) of Regulation (EU) 2019/788 are considered and responded to appropriately by the Commission; whereas the Commission is legally obliged to state the action it intends to take on a valid ECI, if any, and to state the reasons for taking or not taking action, which it should do in a clear, comprehensible and detailed manner; whereas at least one million signatures from at least a quarter of the Member States are required for an ECI to be valid and to be submitted to the Commission; whereas Regulation (EU) 2020/1042 has made the time limits for the collection, verification and examination stages more flexible in response to the COVID-19 pandemic through the introduction of temporary measures; whereas the application of those measures has been extended through Commission implementing acts; whereas this regulation is only temporary in nature and applicable only until the end of 2022, which is also the date by which the individual online collection systems provided for by Article 11 of Regulation (EU) 2019/788 will be phased out;
- X. whereas organising and supporting an ECI is a political right for the citizens of the Union and a unique instrument for setting the priorities for participatory democracy in the EU, allowing the public to play an active role in the projects and processes that affect them; whereas there have been six valid ECIs to date, all of which received a response from the Commission, most recently the Minority SafePack and End the Cage Age initiatives; whereas these initiatives were the first ECIs to have been debated in Parliament after the entry into force of the new Regulation (EU) 2019/788 and in accordance with the newly introduced Rule 222(8) of Parliament's Rules of Procedure; whereas the subsequent resolutions were adopted by Parliament in December 2020 and June 2021 respectively, with overwhelming majorities of 76 % and 82 % of the votes cast;
- Y. whereas the Committee on Petitions received 107 requests to launch an ECI, of which 83 were deemed eligible and qualified for registration, and of which six were successful;
- Z. whereas one of the EU's priority objectives must be to strengthen the democratic legitimacy of its institutions and to ensure the full transparency of the EU decision-making processes, as well as to effectively protect citizens' fundamental rights and enhance citizens' involvement in shaping the EU's political agenda through instruments of citizen participation which are strengthened and more effective and transparent;

⁽⁴⁾ Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative (OJ L 65, 11.3.2011, p. 1).

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- AA. whereas Articles 20, 24 and 228 TFEU and Article 43 of the Charter empower the European Ombudsman to receive complaints concerning instances of maladministration in the activities of the Union institutions, bodies, offices or agencies, with the exception of the Court of Justice of the European Union acting in its judicial role;
- AB. whereas the Ombudsman's inquiries focus chiefly on transparency and accountability, a culture of service, proper use of discretion and respect for procedural rights;
- AC. whereas the 25th anniversary of the establishment of the European Ombudsman was celebrated in 2020; whereas, since it opened, the Ombudsman's office has dealt with 57 000 complaints, leading to over 7 600 inquiries;
- AD. whereas the right to petition, the right to refer to the European Ombudsman and the ECI are participatory tools that foster transparency, participatory democracy and active European citizenship;

The right to petition

1. Points out that the right to petition is the oldest instrument involving the direct participation of citizens at EU level and that it is the easiest and most direct way for citizens to contact the EU institutions, express their views on the legislation adopted and the policy choices made at EU level, as well as lodge complaints about loopholes and poor implementation; recalls that the number of received petitions vis-à-vis the EU population remains modest and that significant differences exist between Member States, regions and languages when it comes to exercising the right to petition; believes that targeted information campaigns and civic education about EU citizenship rights can reach a wider population and bring tangible results in awareness raising about citizens' rights at EU level; underlines that the Committee on Petitions has a wide range of instruments at its disposal, namely the drafting of reports and resolutions, public hearings, thematic workshops and fact-finding missions, with which to respond to citizens' concerns and to induce the European Parliament, the other European institutions and national authorities to take action; calls for the Committee on Petitions to step up its collaboration with national parliaments and to create a partnership allowing the exchange of best practices;
2. Recalls that the way in which the issues raised in petitions are treated has a decisive impact on citizens as regards the effective respect for the right to petition enshrined in the EU Treaties, as well as on citizens' opinion of the institutions of the Union;
3. Regrets that the Commission's refusal to take action on issues raised in individual petitions constitutes a breach of the current EU Treaties' provisions related to the right to petition, as it is not limited to issues of strategic importance or reflecting structural problems;
4. Calls on the Commission to revise its current strategic approach in handling petitions in a timely manner, as it results in leaving untreated, inter alia, issues concerning serious violations of EU law detrimental to the protection of citizens' rights;
5. Urges Parliament and the Commission to adopt a binding interinstitutional agreement on the handling of petitions in order to ensure a clear, predictable and transparent legal framework aimed at consistently implementing the right to petition established in the EU Treaties and effectively protecting citizens' fundamental rights;
6. Underlines that the right to petition is a key element of participatory democracy; calls, in this context, on the Council and the Commission to recognise the right to petition as a vital tool for communication between citizens and the EU institutions, as well as an essential element of democratic and transparent governance at EU level;
7. Recalls that many European citizens are being deprived of their right to petition, as their platforms do not comply with accessibility standards and the requirements set out in Article 33.2 of the UN CPRD;
8. Notes that major improvements, within the boundaries set by the EU Treaties, are needed to meet citizens' expectations when they exercise the right to petition in order to solve individual problems, so as to prevent situations in which the public feel disappointed in the EU institutions; calls for more information to be provided to citizens on the right to petition and for cooperation with Member States' authorities to be enhanced in order to fully protect citizens' rights arising from EU law; calls for the EU institutions to provide clear information regarding the right to petition and to systematically encourage recourse to this instrument;

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9. Takes the view that it is important to diversify the means of communication and to raise citizens' awareness, in close cooperation with national and local associations, by means of information campaigns and an ongoing public debate on the Union's policy areas; believes that interactive online forums should be developed where citizens can obtain information, exchange views and express themselves freely, particularly with a view to targeting young people;

10. Points out that petitioners' frustration at the lack of real solutions to their problems can result in detachment from the EU institutions, as well as a feeling of Euroscepticism due to the lack of answers;

11. Calls for common criteria when dealing with the different petitions in order to guarantee the standardised and coherent treatment of the petitions and to avoid the arbitrary or partisan use of citizens' requests; stresses that the lack of homogeneity in the treatment of petitions can cause confusion among petitioners and result in a limited will among citizens more generally to exercise the right to petition;

12. Points out, with that in mind, that an overly narrow or inconsistent interpretation of Article 51 of the Charter alienates citizens from the EU; asks the Commission to come forward with measures that will ensure a coherent and extensive application of the provisions of Article 51 and calls on the Conference on the Future of Europe to address this issue;

13. Draws attention to the potential that the right to petition has when it comes to warning the EU institutions about possible loopholes in Union law, or breaches or poor implementation thereof, both systemically and as regards specific cases; insists on the potential of individual petitions as a tool for the application and improvement of EU law; calls on the Commission, as guardian of the Treaties, to pay closer attention to the issues raised in petitions, including individual ones, and to ensure that they give rise to proper inquiries so that genuine improvements can be made in the correct application of EU law throughout the Union; emphasises that, in cases where the Commission does not have legislative powers, it must effectively use the possibility to act by providing coordination or support in order to offer a diligent response to the problems and needs of the petitioners;

14. Observes that many petitions on COVID-19 have been dealt with by the Committee on Petitions, chiefly under the urgent procedure; congratulates the Committee on Petitions on its rapid and effective handling of petitions in times of major crisis, which is a prerequisite for citizens' trust in the EU institutions;

15. Points out that the right to petition is an essential part of EU citizenship; deeply regrets the fact that the Commission communication on the 2020 EU citizenship report and the European action plan for democracy do not mention the right to petition; sees this as a missed opportunity to raise the profile of one of the strands of EU citizenship; calls on the Commission to cover the right to petition in its policy papers;

16. Calls for the implementation of a detailed analysis that would reveal the reasons why the number of registered petitions in recent years has decreased; calls on the Commission to coordinate with the Committee on Petitions to carry out a study to detect the main obstacles encountered when exercising the right to petition, as well as any communication problems that may exist; calls for the implementation of the necessary mechanisms in order to sort out the potential shortcomings and problems uncovered by the study;

17. Criticises the Commission for its lack of a proper system to collect information on petitions and how they link with infringement procedures or EU acts, also confirmed by the shortcomings in the Commission's annual reports on monitoring the application of EU law, which refer to petitions in a very general way;

18. Calls on the Commission to monitor, assess and report annually on the petitions dealt with and to ensure that this assessment feeds into political decision-making at Commission level; calls on the Commission to reduce the time necessary to respond to the Parliament's requests regarding petitions;

19. Calls on the Council and the Member States to show an active involvement and participate in discussions and debates on petitions and to provide responses to questions raised by petitioners at EU level, in particular by sending the petitions to the relevant and competent authorities, ensuring adequate follow-up and participating in parliamentary debates;

20. Points out the need to ensure an adequate follow-up to petitions in parliamentary and legislative work; recalls that petitions could be considered as a strategic tool to foster the right of legislative initiative of the European Parliament enshrined in Article 225 TFEU, thereby addressing the loopholes and inconsistencies of EU law highlighted through petitions in order to ensure that citizens' rights are fully protected;

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21. Calls for the EU institutions and Parliament's committees, as well as the Member States, to better cooperate with the Committee on Petitions in order to answer petitioners efficiently and satisfy their requests; considers it essential to ensure the presence and involvement of Member State representatives during discussions of petitions in committee; in this context, urges the Commission to avoid general answers and to provide targeted and tailored responses to the petitioners and their requests;

22. Calls on civil society as a whole to tap the full potential of the right to petition when it comes to effecting policy and legislative changes at EU level; encourages civil society organisations to make better use of petitions as instruments of direct democracy in order to convey their concerns, as well as possible non-compliance with Union law, to the European institutions;

23. Calls on the Conference on the Future of Europe to reflect and hold a debate on the right to petition, and, along with members of the public, to look at ways to improve knowledge of and access to the right to petition, in order to turn it into a more democratic and useful instrument for citizens and residents in the EU putting them in direct contact with the EU institutions and transmitting their complaints; calls on the Conference on the Future of Europe to provide suggestions to improve the implementation of the right to petition at EU level;

24. Calls for the position of the Committee on Petitions to be strengthened within Parliament and in its interinstitutional relations, as it is the only committee that communicates directly with citizens; emphasises that more staff and resources need to be allocated to the Committee on Petitions, given the extent of its work;

25. Calls on the other committees to contribute in a timely manner to Parliament's efforts to respond more rapidly and effectively to citizens' concerns and to take into account, in ongoing legislative work, the issues raised by petitioners; calls on the other committees to take into account the petitions related to their areas of competence in Parliament's day-to-day legislative activities, and to respond formally and specifically to the expectations raised by citizens' petitions;

26. Takes the view that the petitions network is a necessary tool in facilitating the follow-up of petitions as part of parliamentary and legislative business, as well as in promoting the exchange of information and best practices among its members, at both technical and political level; believes that this network should enhance dialogue and cooperation with the Commission and other EU institutions;

27. Given that, according to the Guidelines ⁽⁵⁾, when asked for its opinion, a committee will weigh the importance of the right to petition and its legislative workload before deciding whether or not to give an opinion, and that this rule pre-dates the Lisbon Treaty and reflects an old perception of the importance of petitions in parliamentary work, calls for an update of the Guidelines to provide the Committee on Petitions and other committees with the necessary authority to carry out their work effectively;

28. Calls for a Eurobarometer survey to be carried out to gauge how much EU citizens know about the right to petition the European Parliament, with the aim of collecting data to use as a basis for a strong and accessible awareness-raising campaign; takes the view that regular EU-wide surveys, based on cross-border polls, help raise the European institutions' awareness of citizens' concerns;

29. Calls for a common database to be set up between Parliament and the Commission in order to share, in a transparent and cooperative way, information on all the Commission's follow-up actions taken on petitions, including EU Pilots and infringement procedures, legislative proposals and any other EU act;

30. Calls for more active promotion of the right to petition and of Parliament's Petitions Web Portal through social media, awareness-raising campaigns and training for journalists, and for the portal to be linked to popular petitions portals used by the public to gain support at EU and national level;

⁽⁵⁾ Conference of Committee Chairs of the European Parliament, Guidelines on the treatment of petitions by the standing committees, 14 July 1998, PE225.233.

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31. Calls on the Council and the Commission to link their websites, and that of the Conference on the Future of Europe, to the Petitions Web Portal, and to promote the portal via their channels, including Commission representations in the Member States, which should be encouraged to cooperate with Parliament's liaison offices;

32. Calls for the Petitions Web Portal to be improved to make it more visible to the public, more user-friendly, easier and more intuitive to navigate and accessible to all citizens, especially to persons with disabilities; calls for an improved data analysis function in the ePetition database to facilitate the retrieval of previous petitions on the same subject from ePetition; calls for a simplified process for citizens to support a petition submitted via the online portal, which would enable better use to be made of their right to petition;

33. Observes that petitioners do not have real-time access to information on the status of their petitions; calls, therefore, for more information to be made public and available on the Petitions Web Portal, including, for example, the progress of the petition and inquiries launched with other institutions in this regard; calls for greater synergy between the portal and Parliament's internal database in order to promote greater transparency in the treatment of petitions;

34. Calls for more information to be collected on the profile of petitioners, while ensuring full compliance with data protection rules, in order to identify groups that are under-represented when it comes to exercising the right to petition, and for those groups to be targeted by means of appropriate outreach campaigns;

The function of the European Ombudsman

35. Points out the importance of the right of any EU citizen and any natural or legal person residing in the EU to complain to the European Ombudsman about instances of maladministration within the EU institutions; takes the view that citizens' complaints to the Ombudsman represent an essential element of participatory democracy and of the legitimacy of the Union's decision-making process; points out that the right to refer a matter to the Ombudsman increases citizens' engagement with and trust in the EU institutions, as it promotes transparency and good administration in the EU institutions and bodies;

36. Emphasises the development of the role of the Ombudsman, who can use own-initiative powers to help to tackle systemic problems in EU administration and make efforts to promote good administration, i.e. ensuring the institutions, bodies, offices and agencies of the Union meet the very highest standards; with that in mind, considers the role of the Ombudsman to be more important than ever in view of the fact that the administration of the EU, via its agencies, is taking on an increasingly important role in citizens' lives when it comes to issues such as the environment, migration and health;

37. Recalls that the European Ombudsman is empowered to make recommendations, proposals for solutions and suggestions for improvement with a view to resolving a problem relating to various cases of maladministration; observes that where a complaint falls outside their mandate, the Ombudsman may advise the complainant to refer it to another authority or to the Committee on Petitions; notes that in 2020 the Ombudsman received more than 1 400 complaints which did not fall within her mandate, mainly because they did not concern activities related to administration at the EU level;

38. Calls on the Ombudsman to look more closely at the manner in which EU funds and the EU budget are spent, and to check that the Union's interests are not undermined by breaches of the rule of law, any infringement of the EU's principles and values, corruption or conflicts of interest, especially in the context of Next Generation EU, the European recovery plan; emphasises that respect for the rule of law is an essential condition for access to EU funds; takes the view that this conditionality concerning respect for the rule of law and the fact that the European Union does not compromise on its values are factors that strengthen citizens' trust in the Union and show the EU's firm commitment to democratic quality throughout its territory;

39. Recalls that relations with the Ombudsman are one of the responsibilities conferred by Parliament's Rules of Procedure on the Committee on Petitions;

40. Welcomes the recent changes made to the Statute of the European Ombudsman, which bring the exercise of the Ombudsman's functions into line with the Lisbon Treaty and will further enhance the right of EU citizens and residents to complain about maladministration, in particular in the areas of whistleblower protection, harassment and conflicts of

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interest at the EU's institutions, bodies and agencies; recalls that the Ombudsman's new Statute also clarifies the conditions under which the Ombudsman may conduct own-initiative enquiries, reiterating that the Ombudsman may cooperate with the authorities of the Member States and with the EU institutions, bodies and agencies; in this context, strongly believes that the Ombudsman should be allocated an increased budget, providing her with the necessary resources to effectively handle the increased workload and to continue to work competently at the service of European citizens; urges the European institutions, bodies and agencies to follow the Ombudsman's recommendations regarding transparency and other ethical issues;

41. Recalls that EU citizens have the right to access the EU institutions' documents; congratulates the Ombudsman on the remarkable work she has done on the accessibility of EU documents, in particular the application of the fast-track procedure to deal with such requests; invites the co-legislators to follow the recommendations of the Ombudsman in relation to Regulation (EC) No 1049/2001⁽⁶⁾ on public access to documents and to encourage its revision; considers the revision of Regulation (EC) No 1049/2001 to be a priority, in order to guarantee full transparency and full public access to the documents held by the EU institutions; stresses the importance of the Ombudsman's transparency-related tasks for European democracy, in particular those concerning the accessibility of documents for European citizens, in order to enable them to fully exercise their right to information and to increase citizens' confidence in the European project; calls on the Ombudsman to continue her efforts in this direction, because timely access to documents in the EU's 24 official languages is essential to ensure the proper engagement of citizens and civil society in the decision-making process;

42. Congratulates the Ombudsman for the work done in promoting multilingualism for citizens and for publishing a set of recommendations to the EU administration on the use of official EU languages when communicating with the public, recommendations that give guidance on how and when to communicate in which languages in order to safeguard the EU's linguistic diversity;

43. Recalls that one of the ways to improve the perception of the EU by citizens is by making it more understandable and transparent to them; considers that the Council should continue work on improving its transparency and invites it to implement some of the recommendations issued repeatedly by Parliament and by the Ombudsman;

44. Considers it very important to continue to properly inform EU citizens about the Ombudsman's role and the scope of the activities carried out by the Ombudsman, and of the Ombudsman's influence on the development of the EU institutions; calls on the Ombudsman to continue to disseminate information about the outcomes of inquiries that have resulted in EU trade negotiations becoming more transparent, to make public the results of clinical trials of medicines evaluated in the EU, to set up complaints mechanisms for asylum seekers, and to tighten ethics rules for European Commissioners;

45. Calls on the Ombudsman to further strengthen the European Network of Ombudsmen in order to promote the right to refer matters to an Ombudsman at both national and European level and in order to remain connected with and keep abreast of the national realities of citizens; believes it necessary to step up interactions and exchanges of best practices between national and regional ombudsmen and the European Ombudsman to ensure that citizens are better informed about their rights and have better guidance when making complaints;

The European Citizens' Initiative

46. Emphasises that the ECI is a unique instrument of participatory democracy and a fundamental tool; stresses that the ECI represents an exceptional opportunity for the citizens of the Union to identify and to put the issues or matters that they are concerned by onto the European political agenda, to articulate their aspirations and to call for the EU to act and legislate, and that its use must be encouraged and supported by all available means; recalls, to that effect, the obligations incumbent on the Commission and the Member States under Regulation (EU) 2019/788, in particular to raise awareness among the citizens of the Union about the existence, objectives and functioning of the ECI, and to provide assistance and practical support to ECI organisers; considers, in this regard, that Parliament's contribution to the Commission's communication obligations should be clarified;

⁽⁶⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

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47. Calls on the Commission to better engage with the valid ECIs, and remedy the lack of legislative follow-up, so as to achieve the goal of enhancing the democratic legitimacy of the Union through the enhanced participation of citizens in its democratic and political life; believes, therefore, that the Commission should show genuine consideration and commitment to meeting citizens' expectations in relation to valid ECIs;

48. Recalls that only a few successful ECIs have received adequate follow-up by the Commission;

49. Considers it essential for European democracy that citizens be able to contribute to the exercise of the legislative prerogatives of the Union and be directly involved in the initiation of legislative proposals; calls on the Commission, therefore, to carry out a thorough assessment of the proposals of each valid ECI, and to comply fully with its legal obligation to set out its reasons for taking or not taking action, which it should do in a clear, comprehensible and detailed manner; recalls Parliament's obligation to assess each valid ECI and the measures taken by the Commission in line with Article 16 of Regulation (EU) 2019/788 and Rule 222(9) of Parliament's Rules of Procedure, particularly when the Commission fails to put forward any such proposals or fails to implement them;

50. Calls for Parliament's role to be further enhanced and for its links with civil society organisations to be enhanced with regard to specific valid ECIs and their implementation by the Commission; believes that in the specific cases in which the Commission fails to publish its intentions within the given deadline in accordance with Article 15 of Regulation (EU) 2019/788, or set outs in a communication that it intends not to take action on an ECI which has met the procedural requirements, namely that the initiative respects EU primary law and is not contrary to the values of the Union as set out in Article 2 TEU and the rights enshrined in the Charter, Parliament could decide to follow up on the ECI with a legislative own-initiative report (INL) in accordance with Rule 222 of its Rules of Procedure; urges the Commission to commit to submitting a legislative proposal following Parliament's adoption of any such INL; believes that if such a case were to occur, the Commission should carry out a thorough re-evaluation of its initial response and thereby fully respect Parliament's INL; asks that Regulation (EU) 2019/788 be amended to incentivise the Commission to table a proposal for a legal act provided that the ECI submission meets the relevant requirements;

51. Calls on the Commission to clearly inform the public about the division of competences between the Union and the Member States to make sure that ECIs concern subjects and issues that fall within the remit of the Commission's competences to propose legal acts, as well as to provide practical and timely advice to the organisers on the drafting of ECIs and make adequate use of the possibility to partially register an ECI; emphasises that recent ECIs have called for the EU to take more action, more quickly, particularly in the fields of environmental protection, health, animal welfare and civil and political rights, such as the Minority SafePack and End the Cage Age initiatives which received very large support; reiterates the need, therefore, to apply the broadest possible interpretation to the framework of the Commission's powers to propose a legal act;

52. Applauds the Commission for having held information seminars and for having organised a European Citizens' Initiative Week in 2020, which brought together representatives of institutions, members of civil society and organisers of past and current initiatives, with the aim of reflecting on how to improve this instrument; considers, however, that the ECI remains little known; calls on the Commission, therefore, to increase the media visibility of this participatory tool, in accordance with Article 18 of Regulation (EU) 2019/788;

53. Asks the Commission to fully evaluate the temporary measures in Regulation (EU) 2020/1042, with particular regard to the extension of the collection periods and its impact on organisers' ability to mobilise support for their ECIs, in order to inform, inter alia, the review process of Regulation (EU) 2019/788; considers that if this evaluation results in positive evidence, an extension of these temporary measures could be envisaged for a longer period;

54. Calls on the Commission to improve the ECI tool to make citizens' participation more accessible, given the low number of ECIs that have ultimately been successful in leading to the initiation of legal acts; in this regard, highlights the measures outlined in Regulation (EU) 2019/788 to improve the way in which the citizens of the Union can exercise their right to support an ECI, and calls for the implementation of these measures to be assessed; calls on the Commission to carry out a thorough assessment of the exercise of this right in its next EU citizenship report and to outline legislative and non-legislative measures which could be introduced to further improve the exercise of this right;

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55. Is of the opinion that the way in which official replies by the Commission to successful citizens' initiatives are formulated may significantly influence how the instrument is evaluated by citizens and that greater effort and more prudent examination is required in the case of each successful initiative to ensure the Commission gives adequate thought to citizens' proposals;

56. Stresses the need for permanent participatory mechanisms that enable citizens to participate in EU decision-making;

57. Highlights the need to establish a proper follow-up mechanism for unsuccessful ECIs in order to assess citizens' input seriously and effectively, including redirecting citizens to the Committee on Petitions, as the lack of impact could lead to disengagement; underlines the strengthened role that the Committee on Petitions must play throughout hearing processes; calls on the Commission to collaborate in a timely manner with Parliament after an ECI is deemed valid, to enable Parliament to make full use of the three-month period to organise the public hearing by the relevant committees, and to prepare the plenary debates and resolutions on valid ECIs; insists that the objective of the longer time frame under Regulation (EU) 2019/788 by which the Commission should respond to valid ECIs is fundamental to enable the Commission to take full account of the views and positions on the ECIs expressed during the examination phase and to take the possible options for the proposals for legal acts into due account;

58. Welcomes the Commission's commitment to improving and strengthening the European Citizens' Initiative Forum, which is also a legal obligation stemming from Regulation (EU) 2019/788; insists that the forum should provide practical guidance and legal support to the organisers and serve as a capacity-building tool to launch, support and sustain ECIs in the collection phase and promote the ECI as a tool for citizens' involvement in the democratic life of the Union;

59. Calls on the Conference on the Future of Europe to give a direct voice to the citizens of the Union to discuss the effectiveness of the implementation of the ECI and its current legal framework, and to promote the ECI as a useful tool to enable citizens to participate in the implementation of the public policies of the Union;

60. Emphasises that the Conference on the Future of Europe is an opportunity to better understand the need to participate in the EU agenda and could therefore also be an opportunity to discuss how to improve and enforce the process of public participation; underlines the fact that the conference will bring a fresh impetus to the European discussion on strengthening democracy, in particular with regard to ECIs; calls on the Commission to encourage citizens who make suggestions during the Conference on the Future of Europe that are not included in the Commission's proposals to use all the instruments at their disposal, including ECIs;

Conclusions

61. Emphasises the role of the three participatory instruments, which is to facilitate and encourage the engagement of citizens and residents of the EU, thereby achieving a concrete direct impact on the EU's political agenda; calls for the establishment and promotion of a large-scale, one-stop, accessible interinstitutional EU citizens' website (and application, which should be easy to use) to provide information on all the rights and democratic instruments that enable the public to participate directly in and influence decision-making at EU level; takes the view that such a one-stop platform would not only make citizens more aware of their rights, but also promote complementarity between the different instruments;

62. Stresses that regular information gathering on topics of interest to citizens and recurring issues which are raised in petitions, the European Ombudsman's enquiries and ECIs would help in finding solutions more quickly, while ensuring the coherence of the EU's policies for its citizens;

63. Considers it essential to analyse the communication problems between the European institutions and the citizens that cause citizen participation mechanisms to be underused by Europeans; calls for the necessary resources be put in place to disseminate information about the existence and functioning of these tools among the general public;

64. Calls for public awareness of these three participatory instruments to be raised, particularly among young people, to ensure that they become effective and useful tools for democratic participation; emphasises that all the European institutions should maximise their communication efforts at local, regional and national level to ensure that as many

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citizens as possible know about, and are encouraged to participate and be engaged in the three instruments, namely the ECI, complaints to the European Ombudsman and the right to petition; stresses the importance of providing citizens with assistance, both at European and local level, through the Europe Direct information centres and Houses of Europe ⁽⁷⁾, in submitting petitions, ECIs and complaints to the European Ombudsman;

65. Underlines the crucial educational role that academic stakeholders must play in providing European civic education; urges the Member States to teach pupils in primary and secondary schools and universities about the EU's three participatory instruments in order for them to be aware of the EU decision-making process and of how to participate actively; asks the Commission to strengthen the Erasmus+ programme's targets on young people's active participation in democratic life, particularly by means of learning activities to develop civic skills and an understanding of European policies; points out that civic engagement among young people is vital for the future of all democracies;

66. Underlines the importance of giving full access to persons with disabilities to all the different instruments that the EU provides to citizens, particularly through systematic interpretation and translation into Sign language and Easy-to-Read language;

67. Calls on the EU institutions to address the challenges faced by vulnerable groups of people who are underrepresented and unable to have their issues addressed, and to involve them in decision-making;

68. Calls on the Commission to include the three participatory instruments in the implementation of the Youth Strategy 2019-2027 'Engaging, Connecting and Empowering young people: a new EU Youth Strategy', in particular under the action areas 'Engage' and 'Connect';

69. Recalls that the EU's multilingual communication policy and the publication of information and documents in all the official languages of the EU is a crucial element in communicating with and engaging citizens from all Member States, which needs to be strengthened; highlights its importance in all communication channels, including social media, in order to better connect with citizens, with particular regard to the special needs of persons with disabilities; welcomes the guidelines published by the Ombudsman instructing the institutions on how to develop their language policy in the most citizen-friendly manner;

70. Insists on the need for Parliament to discuss the role and the size of the Committee on Petitions; points out that giving greater consideration to citizen's demands can only be achieved if a competent body takes charge of the follow-up; highlights that currently the Committee on Petitions is neither large enough nor has sufficient powers to satisfy the demand among citizens for its assistance;

71. Stresses the need to address the shortcomings of the EU petition system, taking into account the special needs of persons with disabilities, in order to ensure its full democratic potential and agenda-setting role; calls for the EU institutions to use their resources to increase the attractiveness of this tool and promote citizens' participation in EU law-making; in this regard, stresses the need for more EU funding to be allocated to the promotion of the participatory mechanisms;

72. With a view to improving public participation, emphasises the need for citizens to have clear guidance to help them choose the most appropriate participatory tool to respond to their concerns; takes the view that there is a need to understand and overcome the obstacles citizens, particularly Europeans with disabilities, encounter when they are drawing up petitions to Parliament, complaints to the Ombudsman and initiatives for the Commission;

73. Emphasises, furthermore, that where ECIs and petitions have an impact — especially involving mass media coverage or consideration by the Commission or Parliament — they should be examined to pinpoint successful strategies and best practices that could be used as learning tools in the future;

74. Emphasises how important transparency is in the process of dealing with citizens' initiatives and complaints; calls on the Commission to take the necessary steps to guarantee full transparency; expresses its support for the European Ombudsman's efforts to make all the EU institutions and bodies much more transparent and accountable to EU citizens;

⁽⁷⁾ 'Maison de l'Europe' in French, <https://www.maisons-europe.eu/>

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75. Strongly believes that citizens' access to the documents of the European institutions is the basis of participatory democracy; stresses, in this regard, the need for the transparency and accountability of the institutions to citizens;

76. Stresses that the debate on the future of the EU should result in the improvement of the instruments for citizens' participation that will make it possible to achieve a Union which is more democratic, transparent and open to its citizens;

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77. Instructs its President to forward this resolution to the Council, the Commission, the European Ombudsman, the governments and parliaments of the Member States, and their ombudsmen or similar competent bodies.

Thursday 10 March 2022

P9_TA(2022)0068

A new EU strategic framework on health and safety at work post 2020

European Parliament resolution of 10 March 2022 on a new EU strategic framework on health and safety at work post 2020 (including better protection of workers from exposure to harmful substances, stress at work and repetitive motion injuries) (2021/2165(INI))

(2022/C 347/10)

The European Parliament,

- having regard to Article 3 of the Treaty on European Union,
- having regard to Articles 153 and 168 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 3 of the European Social Charter of the Council of Europe,
- having regard to Article 3 of the Charter of Fundamental Rights of the European Union,
- having regard to the International Labour Organization (ILO) conventions and recommendations in the field of health and safety at work,
- having regard to the United Nations' 2030 Sustainable Development Goals (SDGs), in particular target 8.8 entitled 'Protect labour rights and promote safe working environments',
- having regard to the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) to which the EU and all its Member States are parties,
- having regard to the report of the UN Intergovernmental Panel on Climate Change (IPCC) entitled 'AR6 Climate Change 2021: the Physical Science Basis',
- having regard to the World Health Organization (WHO) European Framework for Action on Mental Health 2021-2025 ⁽¹⁾,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ⁽²⁾,
- having regard to the Commission communication of 3 February 2021 entitled 'Europe's Beating Cancer Plan' (COM(2021)0044),
- having regard to the Commission communication of 28 June 2021 entitled 'EU Strategic Framework on Health and Safety at Work 2021-2027 — Occupational safety and health in a changing world of work' (COM(2021)0323),
- having regard to the opinion of the Commission's Expert Panel on effective ways of investing in health of 23 June 2021 entitled 'Supporting mental health of health workforce and other essential workers',
- having regard to the European Pillar of Social Rights, in particular principles 5 to 10 thereof, proclaimed jointly on 17 November 2017 by Parliament, the Council and the Commission (the Pillar),
- having regard to the Commission's European Pillar of Social Rights action plan of 4 March 2021,

⁽¹⁾ Draft resolution on the WHO European framework for action on mental health 2021-2025, seventy-first Regional Committee for Europe, 13-15 September 2021.

⁽²⁾ OJ L 303, 2.12.2000, p. 16.

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- having regard to the European Council Porto Declaration of 8 May 2021,
- having regard to the Council conclusions of October 2019 on ‘the Economy of Wellbeing’, underlining the crucial importance of promoting mental health in the workplace,
- having regard to the opinion of the European Economic and Social Committee of 20 October 2021 entitled ‘Health & Safety at Work — EU Strategic Framework (2021-2027)’,
- having regard to the EU framework for action on mental health and well-being, adopted at the final conference on the Joint Action on Mental Health and Wellbeing of 21-22 January 2016 ⁽³⁾,
- having regard to the EU strategy for the rights of persons with disabilities 2021-2030,
- having regard to the first joint report on the implementation of the European Social Partners Framework Agreement on Digitalisation (2021),
- having regard to the European Agency for Safety and Health at Work (EU-OSHA) guidelines of 24 April 2020 entitled ‘COVID-19: back to the workplace — adapting workplaces and protecting workers’,
- having regard to the EU-OSHA report of 22 October 2021 entitled ‘Telework and health risks in the context of the COVID-19 pandemic: evidence from the field and policy implications’,
- having regard to its resolution of 11 September 2018 on pathways for the reintegration of workers recovering from injury and illness into quality employment ⁽⁴⁾,
- having regard to its resolution of 19 June 2020 on European protection of cross-border and seasonal workers in the context of the COVID-19 crisis ⁽⁵⁾,
- having regard to its resolution of 17 December 2020 on a strong social Europe for Just Transitions ⁽⁶⁾,
- having regard to its resolution of 21 January 2021 with recommendations to the Commission on the right to disconnect ⁽⁷⁾,
- having regard to its resolution of 16 September 2021 on fair working conditions, rights and social protection for platform workers — new forms of employment linked to digital development ⁽⁸⁾,
- having regard to its resolution of 20 October 2021 with recommendations to the Commission on protecting workers from asbestos ⁽⁹⁾,
- having regard to Rule 54 of its Rules of Procedure,
- having regard to the report of the Committee on Employment and Social Affairs (A9-0023/2022),

⁽³⁾ https://ec.europa.eu/research/participants/data/ref/h2020/other/guides_for_applicants/h2020-SC1-BHC-22-2019-framework-for-action_en.pdf

⁽⁴⁾ OJ C 433, 23.12.2019, p. 9.

⁽⁵⁾ OJ C 362, 8.9.2021, p. 82.

⁽⁶⁾ OJ C 445, 29.10.2021, p. 75.

⁽⁷⁾ OJ C 456, 10.11.2021, p. 161.

⁽⁸⁾ Texts adopted, P9_TA(2021)0385.

⁽⁹⁾ Texts adopted, P9_TA(2021)0427.

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- A. whereas a high level of human health protection must be ensured in the definition and implementation of all Union policies and activities;
- B. whereas according to the Constitution of the WHO, 'health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity' ⁽¹⁰⁾;
- C. whereas according to the WHO, 'mental health is a state of well-being in which an individual realises his or her own abilities, can cope with the normal stresses of life, can work productively and is able to make a contribution to his or her community' ⁽¹¹⁾;
- D. whereas there were more than 3 300 fatal accidents and 3,1 million non-fatal accidents in the EU-27 in 2018; whereas more than 200 000 workers die each year from work-related illnesses ⁽¹²⁾; whereas this data does not include all accidents caused by undeclared work, making it plausible to assume that the true numbers greatly exceed the official statistics ⁽¹³⁾; whereas in 2017, according to the European Foundation for the Improvement of Living and Working Conditions (Eurofound), 20 % of jobs in Europe were of 'poor quality' and put the physical or mental health of workers at increased risk; whereas 14 % of workers have been exposed to a high level of psychosocial risks ⁽¹⁴⁾; whereas 23 % of European workers believe that their safety or their health is at risk because of their work; whereas in 2015, the European Working Conditions Survey (EWCS) found that 21 % of jobs in Europe were 'high flying jobs' ⁽¹⁵⁾; whereas the fieldwork of the EWCS was put on hold in 2020 due to the outbreak of the COVID-19 pandemic but was relaunched in July 2021 with a view to publication by the end of 2022;
- E. whereas the risk of work-related injury is more than three times higher for workers who have been working at their job for under four weeks than for those who have been working at their job for more than a year ⁽¹⁶⁾;
- F. whereas downward trends in the number of workplace accidents and fatalities are not the same in all countries;
- G. whereas Europe's Beating Cancer Plan aims to reduce the cancer burden for patients, their families and health systems; whereas cancer is the leading cause of work-related deaths, accounting for 52 % of all work-related deaths in the EU; whereas carcinogens contribute to an estimated 100 000 occupational cancer deaths in the workplace every year ⁽¹⁷⁾; whereas between 50 and 70 substances or groups of substances have been identified by different agencies, stakeholders and the WHO in priority lists of workplace carcinogens, mutagens and reprotoxic substances for which binding limit values are needed; whereas in the workplace, workers can be exposed to a cocktail of substances which can increase health risks, cause adverse effects on their reproductive systems including impaired fertility or infertility, and have a negative impact on foetal development and lactation;

⁽¹⁰⁾ <https://www.who.int/about/governance/constitution>

⁽¹¹⁾ WHO fact sheet entitled 'Mental health: strengthening our response', March 2018. <https://www.who.int/news-room/fact-sheets/detail/mental-health-strengthening-our-response>

⁽¹²⁾ European Commission press release on occupational safety and health in a changing world of work, 28 June 2021. https://ec.europa.eu/commission/presscorner/detail/en/IP_21_3170

⁽¹³⁾ Eurostat, accidents at work statistics, November 2020.

⁽¹⁴⁾ Eurofound, *Sixth European Working Conditions Survey — Overview report (2017 update)*, Publications Office of the European Union, Luxembourg, 2017.

⁽¹⁵⁾ Patterns in job quality suggest that the picture is more nuanced than a straightforward polarisation between high and low quality jobs. The analysis groups workers into five job quality profiles: 'high flying' jobs (comprising 21 % of workers); 'smooth running' jobs (25 %); 'active manual' jobs (21 %); 'under pressure' jobs (13 %); and 'poor quality' jobs (20 %). The pattern of the job quality scores between the profiles is dissimilar, reinforcing the premise that job quality comprises different dimensions.

⁽¹⁶⁾ <https://www.safetyandhealthmagazine.com/articles/14053-new-workers-higher-risk>

⁽¹⁷⁾ EU-OSHA, *An international comparison of the cost of work-related accidents and illnesses*, 2017.

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- H. whereas exposure to asbestos claims around 88 000 lives in Europe annually, accounting for 55-75 % of lung cancers developed at work, and whereas asbestos is the main cause of lung cancer, responsible for 45 % of cases ⁽¹⁸⁾; whereas it is estimated that mortality rates from this exposure will continue to increase into the late 2020s and the 2030s ⁽¹⁹⁾; whereas although asbestos has been banned in the EU since 2005, it is still often present in administrative buildings, schools, housing, infrastructure, public-transport facilities and water supply networks; whereas 80 % of occupational cancers recognised in the Member States are asbestos-related;
- I. whereas factors such as radiation, stress, work organisation and working conditions have all been linked to work-related cancer; whereas cases of skin cancer as one of the most wide-spread occupational diseases are increasing due to various factors such as climate change, while only a very small proportion of skin tumours that are work-related are recognised as occupational diseases; whereas outdoor workers, in particular those working in the agriculture, forestry, construction and tourism sectors, face a significant risk of developing non-melanoma skin cancer (NMSC) due to elevated levels of ultraviolet radiation (UVR) exposure; whereas workers in the healthcare and emergency sector, who play a fundamental role in emergency preparedness and response, such as firefighters and nurses, also face similar exposures as well as additional stress due to an increased workload which can increase psychosocial risks; whereas there is not yet a common European approach towards prevention of UVR exposure ⁽²⁰⁾; whereas there is currently a lack of reliable and comparable EU-level data on workplace exposure to cancer risk factors ⁽²¹⁾; whereas 2 % of the EU cancer burden can be attributed to ionising radiation and that indoor exposure to radon and its decay products is the second-leading cause of lung cancer in Europe ⁽²²⁾ ⁽²³⁾;
- J. whereas climate change has already had and will continue to have detrimental effects on human health, safety at work and working conditions; whereas according to the latest IPCC report, working conditions will be increasingly affected by significant changes in weather patterns such as heatwaves and heavy rainfall; whereas increased exposure to high temperatures in the workplace exacerbate the risks of heat stroke, dehydration, fatigue, lack of concentration and complications of chronic diseases; whereas work-related diseases linked to biological agents are also affected by climate change, as increasing temperatures, for example, can affect the geographical distribution of the vectors of biological agents (ticks, mosquitoes), thereby facilitating the spread of diseases that are new to a region; whereas it is essential to adapt working practices to take account of the effects of climate change ⁽²⁴⁾;
- K. whereas a good psychosocial working environment enhances workers' mental and physical well-being; whereas psychosocial risks can arise from poor work design, organisation and management, as well as poor social context of work, and can result in negative psychological, physical and social outcomes such as stress, anxiety, burnout and depression, which belong to the second-largest group of self-reported work-related health problems ⁽²⁵⁾; whereas work-related stress can significantly increase the risk of triggering or exacerbating musculoskeletal disorders (MSDs), heart disease, autoimmune diseases or rheumatic/chronic inflammatory diseases ⁽²⁶⁾; whereas, according to Eurofound and EU-OSHA, 25 % of workers in Europe experience excessive work-related stress; whereas 51 % of EU workers say

⁽¹⁸⁾ Takala, J., working paper *Eliminating occupational cancer in Europe and globally*, 2015, p. 6.

⁽¹⁹⁾ 'Global Asbestos Disaster', *International Journal of Environmental Research and Public Health*, 2018.

⁽²⁰⁾ <https://www.euractiv.com/section/health-consumers/infographic/the-economic-impact-of-non-melanoma-skin-cancer-on-the-society-and-the-welfare-system/>

⁽²¹⁾ EU-OSHA, worker survey on exposure to cancer risk factors, 20 May 2020.

⁽²²⁾ WHO fact sheet entitled 'Radon and health', 2 February 2021. <https://www.who.int/news-room/fact-sheets/detail/radon-and-health>

⁽²³⁾ European Parliament, DG IPOL, *Strengthening Europe in the fight against cancer — Going further, faster*, July 2020. [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/642388/IPOL_STU\(2020\)642388_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/642388/IPOL_STU(2020)642388_EN.pdf)

⁽²⁴⁾ IPCC, sixth assessment report, regional fact sheet — Europe. https://www.ipcc.ch/report/ar6/wg1/downloads/factsheets/IPCC_AR6_WGI_Regional_Fact_Sheet_Europe.pdf

⁽²⁵⁾ Eurostat, self-reported work-related health problems and risk factors — key statistics, September 2021.

⁽²⁶⁾ EU OSHA, *Musculoskeletal disorders: association with psychosocial risk factors at work*, 2021.

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stress is common in their workplace and nearly 80 % of managers are concerned about work-related stress ⁽²⁷⁾, which shows that psychosocial risks are of concern to a majority of companies ⁽²⁸⁾; whereas over half of all working days lost in the EU are caused by work-related stress ⁽²⁹⁾; whereas approaches to and legislation on psychosocial risks vary significantly in different Member States; whereas the mental health and well-being of the European population can be positively affected by paying attention to strategies implemented in the workplace; whereas preventing mental health problems and promoting mental health would also contribute to reducing associated health risk behaviours such as alcohol, drug and tobacco use, physical inactivity and poor diet; whereas improved levels of psychological and physical well-being are directly associated with better workplace performance;

- L. whereas workplaces can play an important role in public health, according to their logistical resources, by promoting healthy lifestyles, encouraging the practice of sports and physical activities and promoting health in all its aspects more widely among employees;
- M. whereas health literacy plays a fundamental role in preparing and mitigating the impact of health threats and contributing to a better understanding on the part of the population of the countermeasures and risk assessment of different threats to health;
- N. whereas the COVID-19 pandemic has rendered evident the need to ensure the safety and protection of workers, including of their mental health; whereas it has highlighted the importance of investing in public health; whereas the COVID-19 pandemic has caused a rapid increase in teleworking, with nearly half of all employees in the EU working at least part of their working time from home ⁽³⁰⁾ during lockdowns, while taking on increased care responsibilities; whereas remote working is proven to have a strong impact on the organisation of working time by increasing flexibility and workers' constant availability ⁽³¹⁾, frequently resulting in work-life conflict; whereas it is expected that the uptake of remote working and teleworking will remain higher than before the COVID-19 crisis or that it will even increase further ⁽³²⁾; whereas remote working served as a buffer during the crisis and preserved jobs that might otherwise have been lost ⁽³³⁾; whereas telework also provides workers with the freedom to adapt their working hours and schedules to meet their own personal and family needs ⁽³⁴⁾; whereas some studies suggest that perceptions of remote working have substantially improved since the beginning of the pandemic, which in turn has translated into a generalised preference for hybrid work arrangements ⁽³⁵⁾;
- O. whereas people who regularly work from home are more than twice as likely to work more than 48 hours per week and are at risk of resting for less than 11 hours between working days; whereas almost 30 % of teleworkers report working in their free time every day or several times a week, compared to less than 5 % of 'office-based' workers, and they are more likely to work irregular hours; whereas psychosocial risks are the most prevalent health risks associated with teleworking ⁽³⁶⁾; whereas a higher prevalence of teleworking has also resulted in a higher prevalence of physical problems such as MSDs in connection with sedentary behaviour, poor ergonomic conditions, long working hours and work-related stress;

⁽²⁷⁾ Eurofound and EU-OSHA, *Psychosocial risks in Europe: Prevalence and strategies for prevention*, Publications Office of the European Union, Luxembourg, 2014.

⁽²⁸⁾ EU-OSHA, *Psychosocial risks and stress at work*. <https://osha.europa.eu/en/themes/psychosocial-risks-and-stress>

⁽²⁹⁾ EU OSHA, *OSH figures: stress at work — facts and figures*, 2009.

⁽³⁰⁾ Eurofound, *Living, working and COVID-19*, Publications Office of the European Union, Luxembourg, 2020.

⁽³¹⁾ Eurofound and the International Labour Office, *Working anytime, anywhere: The effects on the world of work*, Publications Office of the European Union, Luxembourg, and the International Labour Office, Geneva, 2017.

⁽³²⁾ European Trade Union Institute, *Teleworking in the aftermath of the Covid-19 pandemic: enabling conditions for a successful transition*, 2021.

⁽³³⁾ Eurofound and European Commission Joint Research Centre, *What just happened? COVID-19 lockdowns and change in the labour market*, Publications Office of the European Union, Luxembourg, 2021.

⁽³⁴⁾ Eurofound, *Telework and ICT-based mobile work: Flexible working in the digital age*, *New forms of employment series*, Publications Office of the European Union, Luxembourg, 2020.

⁽³⁵⁾ Microsoft Work Trend Index, 'The next great disruption is hybrid work — are we ready?', 2021.

⁽³⁶⁾ EU-OSHA, *Telework and health risks in the context of the COVID-19 pandemic: evidence from the field and policy implications*, Publications office of the European Union, Luxembourg, 2021.

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- P. whereas a changing labour market can have potential impacts on occupational health and safety and on working conditions through demographic developments, the introduction of new technologies such as nano-technologies and artificial intelligence, as well as generations of existing tools or machinery, the presence of new substances and chemical products and new types of jobs; whereas more workers are moving into platform work, non-traditional work or atypical employment;
- Q. whereas the COVID-19 crisis has exposed the vulnerability of non-standard workers, including those who work via digital labour or platforms and the self-employed; whereas the share of platform work in the labour market is highly likely to continue growing; whereas self-employed workers are excluded from the scope of application of the strategic framework for health and safety at work, as they are not covered by EU legislation on occupational health and safety; whereas platform workers may be subjected to increased health and safety risks which are not limited to physical health but can also affect psychosocial health with unpredictable working hours, intensity of work, competitive environments, information overload and isolation; whereas algorithmic management presents new challenges for the future of work which can generate excessive speed and efficiency pressure for workers; whereas this style of management can put the road safety of platform workers in the transport and delivery sector at risk, particularly cyclists as vulnerable road users, as well as endangering the safety of other road users; whereas female platform workers, in particular female drivers and women providing cleaning and care services in private residences, can face an increased risk of being victims of sexual harassment and violence and might refrain from reporting such occurrences because of a lack of reporting tools or contact with a human manager, or for fear of receiving bad ratings and losing future work; whereas sexual harassment and violence are under-reported in platform work ⁽³⁷⁾;
- R. whereas the COVID-19 pandemic has shown that workplaces can be major centres for spreading contagion; whereas the precariousness of the working and living conditions of seasonal workers in Europe, in particular in the agriculture sector, were already well documented before COVID 19-crisis ⁽³⁸⁾; whereas disturbing reports regarding breaches of cross-border and seasonal workers' rights in terms of working and living conditions have shown that their situation deteriorated even further during the pandemic; whereas workers on short-term assignment often live in group accommodation where social distancing is difficult and which increases their risk of infection; whereas large outbreaks of COVID-19 infections have occurred in industries such as food processing; whereas precarious forms of employment such as interim work, false self-employment or work in subcontracting chains regularly exclude workers from occupational safety and health (OSH) services and training; whereas the objective of the European Labour Authority (ELA) is to ensure fair labour mobility by assisting Member States and the Commission in the effective application and enforcement of Union law related to labour mobility and the coordination of social security systems within the EU, including reporting on suspected irregularities such as breaches of working conditions and health and safety rules, if they learn about such irregularities while performing their tasks;
- S. whereas prevention, awareness raising, well-being activities and the promotion of health and safety culture at work can lead to positive outcomes in improving the health of employees as well as providing new employment or volunteering opportunities;
- T. whereas labour inspections play an important role in the implementation of occupational health and safety policies at regional and local level; whereas the ILO recommendation advocates one labour inspector per 10 000 workers in order to carry out effective and timely inspections designed to stamp out all forms of abuse; whereas according to EU-OSHA research, 88 % of employers state that complying with the legislation is the main reason why they manage occupational health and safety ⁽³⁹⁾;

⁽³⁷⁾ International Labour Organization, World Employment and Social Outlook 2021, The role of digital labour platforms in transforming the world of work. <https://www.ilo.org/global/research/global-reports/weso/2021/lang-en/index.htm>
<https://eige.europa.eu/publications/gender-equality-index-2020-digitalisation-and-future-work>

⁽³⁸⁾ European Trade Union Confederation, Briefing note entitled 'National measures targeting seasonal workers to address labour shortages (particularly in the agricultural sector)', 29 May 2020. https://www.etuc.org/sites/default/files/publication/file/2020-05/Covid-19%20Briefing%20Seasonal%20Workers%20Final_updated%2029%20May%202020.pdf

⁽³⁹⁾ EU-OSHA, *Third European Survey of Enterprises on New and Emerging Risks (ESENER 3)*, 2019; <https://www.enshpo.eu/pdfs/news01.pdf>

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- U. whereas the COVID-19 pandemic has placed extraordinary demands on healthcare workers; whereas a demanding work environment and fears for personal and family safety have led to a negative psychological impact; whereas healthcare professionals are experiencing higher levels of stress, anxiety and depression compared to professionals in other sectors ⁽⁴⁰⁾; whereas the European Union must learn from the COVID-19 crisis and put in place an effective system for coordinating the response to any kind of future threat to public health, including prevention, preparedness and response planning at work;
- V. whereas the COVID-19 pandemic has shed light on and aggravated gender inequalities; whereas a majority of frontline essential workers in the health, social, education and care sectors are women; whereas during the peak of the pandemic these female workers faced long working hours and reported troubles reconciling work and private life; whereas although considered essential, these professions are still some of the most undervalued and under-paid jobs in the EU; whereas women have been at particularly high risk from the COVID-19 crisis and are more severely affected by the economic and social fallout resulting from it ⁽⁴¹⁾;
- W. whereas it is important to apply a gender perspective to health and safety at work as workers can be more exposed and more vulnerable to different types of substances or risks depending on their gender; whereas gender aspects should be addressed in the context of the right to disconnect;
- X. whereas tackling exposure to dangerous substances and other risk factors in the workplace is particularly relevant to addressing health inequalities, as some categories of workers who are among the most vulnerable can also suffer increased exposure to such risk factors; whereas persons with disabilities, young people and the elderly are particularly vulnerable in the context of the COVID-19 crisis; whereas they are likely to suffer disproportionately and to have particular support needs that must be taken into account in an OSH strategy when responding to the pandemic; whereas persons with disabilities or chronic diseases, or those recovering from injury or illness, can request individualised support and adaptation of the workplace if they wish to participate in the labour market; whereas research shows that these groups are at high risk of developing mental health problems; whereas a lack of provision for workplace adjustments and reasonable accommodation, including emergency evacuation procedures, particularly for workers with disabilities, can result in physical, mental and psychological strains that can put the health and safety of these workers at risk, especially when full accessibility of work-related digital tools for persons with disabilities has not yet been achieved;
- Y. whereas the United Nations Convention on the Rights of Persons with Disabilities, which entered into force in the EU in 2011, states that 'States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life', and 'recognizes the right of persons with disabilities to work, on an equal basis with others, including the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities';
- Z. whereas EU citizens, according to Eurofound ⁽⁴²⁾, are unequal in their ability to return to work during or after an injury or illness; whereas only one in three workers in the EU whose daily activities are severely or somewhat limited by a chronic disease report that their workplace has been adapted to accommodate their health problems; whereas

⁽⁴⁰⁾ da Silva Neto, AM et al, 'Psychological effects caused by the COVID-19 pandemic in health professionals: A systematic review with meta-analysis', *Progress in neuro-psychopharmacology & biological psychiatry*. 10 January 2021.

⁽⁴¹⁾ European Parliament infographic, 'Understanding Covid-19's impact on women', 1 March 2021. <https://www.europarl.europa.eu/news/en/headlines/society/20210225STO98702/understanding-the-impact-of-covid-19-on-women-infographics>; European Institute for Gender Equality. <https://eige.europa.eu/covid-19-and-gender-equality/essential-workers>

⁽⁴²⁾ Eurofound, news article entitled 'Just one in three workers with limiting chronic disease in adapted workplace', 15 October 2019, <https://www.eurofound.europa.eu/news/news-articles/just-one-in-three-workers-with-limiting-chronic-disease-in-adapted-workplace>

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Eurofound also pointed out that workers with low educational attainment and those in low-skilled occupations are not only more likely to have a chronic disease and experience limitations in their daily activities but are also less likely to benefit from workplace accommodation;

- AA. whereas scientific knowledge about the exposure to various hazards has grown remarkably over recent years; whereas the EU list of occupational diseases should therefore be updated; whereas Commission Recommendation 2003/670/EC of 19 September 2003 concerning the European Schedule of Occupational Diseases ⁽⁴³⁾ recommends that Member States introduce, as soon as possible, regulations or administrative provisions concerning occupational diseases for compensation into their national laws; whereas Member States should guarantee in their national laws that every worker has the right to compensation in respect of occupational diseases if he or she is suffering from an ailment which can be proved to be occupational in origin and nature; whereas the existing lack of harmonisation on the recognition of occupational diseases may lead to discrimination of some workers in the EU, whose countries have either higher or lower levels for the recognition of occupational diseases;
- AB. whereas high occupational health and safety standards, work-life balance, an age-appropriate working environment, lower quantitative demands and working time autonomy could enable and encourage older people to voluntarily stay in the labour market; whereas specific attention needs to be paid to the needs of workers in very physically or psychologically demanding jobs;
- AC. whereas work-related motor vehicle road crashes occur at the workplace and in driving associated with work, mostly involving a company vehicle; whereas fatal work-related accidents and deaths on the roads are reported differently among Member States, making comparisons of work-related crash statistics difficult; whereas it is estimated that work-related crashes contribute to between one quarter and over one third of all work-related deaths; whereas there is no standardised EU definition of a work-related road death; whereas several Europe-wide targets exist to reduce mortality from road crashes, but none directly concern work-related road accidents;
- AD. whereas traditional health risks such as the manual handling of heavy loads, noise, uncomfortable work postures and repetitive hand and arm movements remain a threat to many workers and were highlighted as such in the fifth working conditions survey of Eurofound ⁽⁴⁴⁾; whereas risk factors for rheumatic and musculoskeletal diseases (RMDs) in the workplace include vibration, heavy lifting, work with display screen equipment, use of machinery and heavy equipment; whereas of all occupational conditions, RMDs cause the highest productivity loss ⁽⁴⁵⁾;
- AE. whereas work-related cardiovascular and respiratory disease are the second-biggest contributor to work-related deaths; whereas high psychological demands, job strain, long working hours, mental disorders, job insecurity and physical inactivity are directly associated with them ⁽⁴⁶⁾;
- AF. whereas health and safety at work must be considered an ethical and social duty as well as a strict statutory requirement to be met by entrepreneurs;

1. Welcomes the Commission's strategic framework and, in particular, the introduction of the 'vision zero' approach to work-related accidents and diseases including the forthcoming new social scoreboard indicator on fatal accidents at work; expresses its regret, however, that the level of ambition of the OSH strategy does not correspond to its vision zero objective and calls on the Commission to put forward proposals matching this ambition; calls for the establishment of a roadmap for

⁽⁴³⁾ OJ L 238, 25.9.2003, p. 28.

⁽⁴⁴⁾ Eurofound, European working conditions survey 2021, <https://www.eurofound.europa.eu/surveys/2021/european-working-conditions-survey-2021>

⁽⁴⁵⁾ https://eular.org/myUploadData/files/eular_vision_paper_on_eu_health_policy_branded.pdf

⁽⁴⁶⁾ Niedhammer I, Bertrais S, Witt K (2021), Psychosocial work exposures and health outcomes: a meta-review of 72 literature reviews with meta-analysis, *Scand J Work Environ Health* 2021; 47(7):489-508.

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the reduction of accidents and deaths at work, with adequate EU and national funding for Member States to complete the transition towards zero fatalities; stresses that vision zero should not lead to under-reporting of work-related accidents and diseases; calls on the Commission to cover all injuries and accidents as well as physical and mental attrition in the vision zero approach; calls on the Commission and the Member States to significantly increase their focus on prevention strategies such, for example by strengthening labour inspectorates, national health and safety services and social partner dialogue to ensure that all employees, regardless of the type or size of the employer, have a right to the highest level of health and safety protection possible; calls for the ambitious implementation and monitoring of the new strategic framework on safety and health at work 2021-2027, also in the light of the impact of the COVID-19 pandemic; calls for regular updates to the strategic framework and for the improvement of current national strategies in line with the evolution of labour markets and the twin digital and green transitions; believes that strong cooperation with social partners and legislative action are needed on several aspects of EU policy related to occupational health and safety to complement the variety of soft measures envisaged in order to make vision zero a reality; calls for a clear focus on workers' participation and for the strengthening of consultation with social partners in the vision zero approach; welcomes the fact that the OSH summit in 2023 will focus especially on the progress of the vision zero approach;

2. Calls on the Commission to increase its ambitions on combating work-related cancer in the Europe's Beating Cancer Plan; calls for Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work⁽⁴⁷⁾ to be updated on a continual basis and in an ambitious timeframe, including by setting up occupational exposure limit values for at least 25 additional priority substances in the directive without delay, following the presentation of the action plan and by end of 2022, after consultation with the Advisory Committee for Health and Safety at Work; stresses in that regard the need for the Commission to secure sufficient staffing, including in the relevant units and authorities; stresses that establishing comprehensive national registers for all Member States could enable Europe-wide data collection on all relevant carcinogens; calls for close cooperation between the EU institutions and relevant agencies, Member States and relevant stakeholders, and for the strong involvement of the social partners in actively using the data collected to follow up with the necessary legislative and non-legislative measures to combat work-related cancers; calls on the Member States to ensure that all workers have the right to stop work when facing imminent danger and exceptionally hazardous working conditions, in accordance with national practices;

3. Welcomes the Commission's commitment in Directive 2004/37/EC to revise the exposure limit values for lead as well as its compounds and diisocyanates; notes that, while the European Chemical Agency's (ECHA) Committee for Risk Assessment (RAC) recommends the atmospheric limit value on 4 µg/m³ and a biological limit value of 150 µg of lead per litre of blood, establishing a step in the right direction, the proposed biological limit value does not protect women and especially pregnant women properly⁽⁴⁸⁾; calls on the Commission to ensure that any proposal for revised exposure limit values for lead and its compounds should establish equal protection for all workers regardless of gender; welcomes the commitment by the Commission to add endocrine disruptors as a category of substance of very high concern under Regulation (EC) No 1907/2006⁽⁴⁹⁾ (REACH Regulation) as well as to classify them under Regulation (EC) No 1272/2008⁽⁵⁰⁾ (CLP Regulation); stresses that workers should be protected against exposure to endocrine disruptors by EU legislation; points out that the automation and robotisation of certain activities could significantly reduce the risk of workers being exposed to carcinogens in workplaces; highlights the need for further action to prevent, detect and better recognise occupational cancers related to night shift work; calls on the Commission to give particular attention to groups that are particularly exposed to hazardous chemicals such as workers in the chemical and agriculture industries, or particularly vulnerable workers such as pregnant or breastfeeding women;

⁽⁴⁷⁾ Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (OJ L 158, 30.4.2004, p. 50).

⁽⁴⁸⁾ European Trade Union Institute, *Occupational Exposure Limits (OELs) for lead and lead compounds & equality of treatment of women and men at work*, 14 December 2020.

⁽⁴⁹⁾ 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) (OJ L 396, 30.12.2006, p. 1).

⁽⁵⁰⁾ 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 (OJ L 353, 31.12.2008, p. 1).

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4. Welcomes the Commission's commitment to present a legislative proposal to further reduce workers' exposure to asbestos in 2022; calls on the Commission to step up its ambition and present a European strategy for the removal of all asbestos in line with Parliament's resolution with recommendations to the Commission on protecting workers from asbestos; calls on the Commission to be ambitious in its endeavours to achieve the removal of all asbestos and to revise Directive 2009/148/EC ⁽⁵¹⁾ with regard to minimum requirements for certified training of workers exposed to asbestos, and, as a matter of priority, to update the exposure limit for asbestos, which should be set at 0.001 fibres/cm³ (1 000 fibres/m³); calls on the Commission to put forward a proposal for an EU framework directive for national asbestos removal strategies; calls on the Commission to update Directive 2010/31/EU ⁽⁵²⁾ for the mandatory screening of buildings and subsequent removal of asbestos and other dangerous substances before renovation works can start, thereby prohibiting the sealing and encapsulation of asbestos-containing materials which can technically be removed; calls on the Commission to present a legislative proposal that takes into account existing national regulations as well as an impact assessment of the most efficient models for the mandatory screening of buildings, consisting of a surface diagnosis of the presence of asbestos by a professional entity with appropriate qualifications and permits before the selling or renting out of buildings, and setting out minimum requirements for asbestos certificates for buildings constructed before 2005 or before the year of an equivalent national asbestos ban; calls on the Commission and the Member States to ensure better recognition and compensation of asbestos-related diseases to all exposed workers in order to protect the health of construction and other workers in the green transition; calls for the use, where possible, of analytical transmission electron microscopy (ATEM) or similarly advanced methods for fibre counting;

5. Believes that Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽⁵³⁾ may not prove effective enough for the world of work in the 21st century and the latest developments in labour markets, including the assessment and management of psychosocial risks; believes, therefore, that it should be complemented to strengthen this aspect; recalls its request for the Commission to include the right to disconnect in the strategic framework for occupational safety and health and, explicitly, to develop new psychosocial measures as part of the framework; calls on the Commission, in this regard, to step up the ambition of the strategic framework for occupational safety and health; calls on the Commission to propose, in consultation with the social partners, a directive on psychosocial risks and well-being at work aimed at the efficient prevention of psychosocial risks in the workplace, such as anxiety, depression, burnout and stress, including risks caused by structural problems such as work organisation (i.e. poor management, poor work design or not properly matching workers' knowledge and abilities with the assigned tasks); calls on the Commission and the Member States to establish mechanisms for the prevention of such risks and the reintegration into the workplace of affected employees, and to shift from individual-level actions to a work organisation approach in line with the general principles of hierarchy of prevention included in Directive 89/391/EEC; calls on the Commission to prepare guidelines as regards the minimum number of personnel providing occupational health services that are required to ensure adequate occupational health surveillance ⁽⁵⁴⁾; considers that protection and promotion of mental health should be an integral part of OSH preparedness plans for future health crises; stresses that specific attention should be paid to the mental health of healthcare workers and of other essential workers; welcomes, in this regard, the contribution of the expert panel on effective ways of investing in health (EXPH) in its opinion on supporting the mental health of the health workforce and other essential workers; calls on the Commission and the Member State to ensure adequate follow-up and implementation of these recommendations;

6. Stresses the importance of ensuring proper compensation claim options for workers in cases of occupational diseases; calls on the Commission, in consultation with the social partners, to revise the 2003 Commission Recommendation concerning the European Schedule of Occupational Diseases with additions such as work-related musculoskeletal disorders, work-related mental-health disorders, in particular depression, burnout, anxiety and stress, all asbestos-related diseases and skin cancers and rheumatic and chronic inflammation; calls on the Commission to transform this recommendation, after consulting the social partners, into a directive creating a minimum list of occupational diseases and setting out minimum requirements for their recognition and adequate compensation for individuals concerned;

⁽⁵¹⁾ Directive 2009/148/EC of the European Parliament and of the Council of 30 November 2009 on the protection of workers from the risks related to exposure to asbestos at work (OJ L 330, 16.12.2009, p. 28).

⁽⁵²⁾ Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ L 153, 18.6.2010, p. 13).

⁽⁵³⁾ OJ L 183, 29.6.1989, p. 1.

⁽⁵⁴⁾ ILO Recommendation No. 171 on Occupational Health Services. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312509

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7. Stresses the fact that female workers face increased challenges to occupational health and well-being, particularly in the health and care sectors; welcomes the fact that the Commission is strengthening the gender-responsive approach to occupational safety and health; calls on the Commission and the Member States to mainstream the gender perspective and take account of gender differences throughout occupational health and safety measures; calls on the Commission to base the forthcoming legislative initiative on preventing and combatting gender-based violence against women and domestic violence on the framework agreement on harassment and violence at work; calls on the Commission and the Member States to ensure that the preventive and protective measures aimed at eradicating violence, discrimination and harassment in the world of work, including third-party violence and harassment (i.e. by customers, clients, visitors or patients), where applicable, apply regardless of the reason and the cause of the harassment and that they are not limited to cases based on discriminatory grounds; calls on the Member States to ratify ILO Convention No. 190 and Recommendation No.206 on violence and harassment and to put in place the necessary laws and policy measures to prohibit, prevent and address violence and harassment in the world of work;

8. Calls on the Commission and the Member States to develop strategies to prepare for an ageing workforce, a higher prevalence of employees with chronic diseases and the need to adapt the workplace to the needs of employees with disabilities, actively support reintegration and non-discrimination, and adapt working conditions for persons with disabilities or chronic diseases, and those recovering from disease; stresses the need to define and implement tailored and individualised strategies to facilitate workers' recovery and rehabilitation processes; underlines that such strategies should include the promotion of education, training and lifelong learning for persons of all ages, as well as a better work-life balance and the promotion of intergenerational exchanges in the workplace; stresses that special attention should also be paid to caregivers;

9. Calls on the Commission, in the framework of the strategy for the rights of persons with disabilities 2021-2030, to offer clear and ambitious guidelines to Member States and employers on the provision of workplace adjustments and reasonable accommodation in the workplace for persons with disabilities; calls on the Commission to undertake an ambitious revision of Directive 2000/78/EC on equal treatment in this regard; insists that it is equally important to pay attention to the situation of workers with chronic diseases;

10. Calls on the Commission and the Member States to pay particular attention to young workers in their OSH strategies, with a special focus on under-18-year-old workers; recalls that statistics show that 18 to 24-year-olds are more likely to have a serious accident at work than older adults due to insufficient experience, training and supervision, poor awareness of their rights and employers' duties, lack of recognition of their needs by employers and exposure to precarious working conditions, thereby leading to the development of occupational illnesses while still young or later in life ⁽⁵⁵⁾;

11. Recalls that platform workers may be subjected to increased health and safety risks for both on-location and online platform work; stresses that these risks are not limited to physical health but can also affect psychosocial health with unpredictable working hours, intensity of work, competitive environments, information overload and isolation as emergent risk factors; welcomes the Commission's proposal for a directive on improving working conditions in platform work to improve the working conditions of platform workers; stresses that all platform workers should be entitled to receive compensation in the event of work accidents and occupational diseases, and be provided with social protection, including sickness and invalidity insurance cover, by the introduction of a rebuttable presumption of an employment relationship for platform workers, in accordance with national definitions as set out in Member States' respective legislation or collective agreements; reiterates, in this regard, its recommendations formulated in its resolution of 16 September 2021 on fair working conditions, rights and social protection for platform workers — new forms of employment linked to digital development;

⁽⁵⁵⁾ <https://osha.europa.eu/en/themes/young-workers>

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12. Calls on the Commission and the Member States to ensure that all workers who have an employment contract or employment relationship as defined by national law, collective agreements or practice, including non-standard workers ⁽⁵⁶⁾, as well as the genuine and bogus self-employed, and mobile workers, are covered by OSH legislation and policies; stresses the critical role of collective bargaining to ensure the highest occupational health and safety standards; stresses that European and international human rights guarantee all workers the right to organise, form and join a trade union, engage in collective bargaining, take collective action to defend their rights and enjoy protection under collective agreements, regardless of their employment status ⁽⁵⁷⁾;

13. Calls on the Commission to include health and safety in all relevant EU strategies and policies on the green and digital transitions, including those on artificial intelligence (AI); stresses that AI solutions in the workplace must be ethical and human-centric, transparent, fair and avoid any negative implications for workers' health and safety; calls on the Commission to consider presenting a legislative initiative, after consulting social partners, to clarify OSH liabilities and responsibilities in relation to AI systems and new ways of working; stresses that education and training for workers and measures to ensure effective OSH strategies are needed for the introduction and use of AI by workers in the workplace; highlights that AI and digitalisation plausibly facilitate human-machine synergies and offer economic and societal benefits as well as new opportunities for businesses, as well as OSH concerns such as the emergence of new forms of monitoring and management of workers based on the collection of large amounts of real-time data that can lead to legal, regulatory and ethical questions; calls, in particular, for the introduction of safeguards against the adverse impacts of algorithmic management on the health and safety of workers; stresses that algorithms deployed in the areas of work must be transparent, non-discriminatory and ethical, and that algorithmic decisions must be accountable, contestable and, where relevant, reversible, and consequently must be subject to human oversight; stresses the role of the social partners in anticipating emerging occupational risks that arise from the development of disruptive technologies;

14. Recalls that climate change has direct health impacts on workers; recalls that intensification of extreme weather events will lead to more physical injuries and that climate change could also increase the risk of skin cancer, dust exposure and psychosocial risks; insists that inadequate organisation of work may also aggravate the situation; stresses the role of the social partners in anticipating emerging occupational risks due to climate change; recalls that health and safety of workers is an EU competence and that in line with Directive 89/391/EEC, workers should be protected from any risks, including emerging risks; calls on the Commission to thoroughly and urgently assess the new and emerging risks of climate change on occupational health and safety in order to better protect workers from exposure to higher temperatures, natural UV radiation and other related and safety hazards;

15. Calls for the strengthening of protection against exposure to UV radiation at EU level, especially in the framework of occupational health and safety legislation for outdoor workers; calls on the Commission, therefore, to revise Directive 2006/25/EC on the exposure of workers to risks from physical agents (artificial optical radiation) ⁽⁵⁸⁾ and to include solar radiation in its scope; calls on the Commission to assess the implementation and effectiveness of current measures to protect workers exposed to ionising radiation such as airline crews, nuclear power plant workers, workers in relevant industrial settings, researchers and healthcare and veterinarian professionals working in the radiology, radiotherapy or nuclear medicine sectors, and to review them where necessary in order to set proportionate measures;

16. Calls on the Commission to establish an early alert mechanism within the current inter-institutional structure to detect where adjustments and revisions are needed to existing OSH directives dealing with areas in a constant state of change, and which may be influenced, for example, by new scientific data on hazardous products or the evolution of labour

⁽⁵⁶⁾ <https://www.ilo.org/global/topics/non-standard-employment/lang-en/index.htm>

⁽⁵⁷⁾ Article 23 of the Universal Declaration of Human Rights states that 'everyone has the right to form and to join trade unions for the protection of his interests'; ILO Convention No. 87 on freedom of association and protection of the right to organise, 1948; and ILO Convention No. 98 on the right to organise and collective bargaining.

⁽⁵⁸⁾ Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation) (OJ L 114, 27.4.2006, p. 38).

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markets and working conditions within the twin digital and green transitions; underlines the particular need to involve sectoral social partners in this mechanism since they are the first to be confronted with changing situations;

17. Calls on Member States to develop national policies safeguarding occupational health and safety as a fundamental part of public procurement;

18. Calls on the Commission to promote the broader issue of decent work in future EU trade agreements and to ensure that occupational health and safety standards are properly taken into account as part of binding commitments on labour and social standards; calls on the Commission to support candidate countries in aligning their legal frameworks with the EU *acquis* on OSH; calls on the Commission and the Member States to closely cooperate with the ILO and the WHO to promote the right to safe and healthy working conditions within the framework of ILO core labour principles and rights and to safeguard respect for these principles by actors in global supply chains; welcomes the Commission's intention to propose an EU-wide ban on products made by forced labour;

19. Welcomes the aim of strengthening engagement with the EU's partner countries, regional and international organisations and other international forums to raise occupational health and safety standards globally; calls for the Commission's active engagement in supporting the integration of the right to safe and healthy working conditions into the ILO framework of fundamental principles and rights at work;

20. Considers that in cross-border regions, joint cross-border training and sharing of best practices for healthcare staff and public health staff should be promoted;

Preparedness plan for future health crises: lessons learned from the COVID-19 pandemic and its impact on work

21. Stresses that it is essential to draw lessons from the COVID-19 pandemic and to increase preparedness for potential future health crises; supports the call on the Member States to draw up preparedness plans for future crises in their national OSH strategies, in consultation with national social partners, including for the implementation of EU guidelines and tools; stresses the need for effective EU mechanisms to coordinate these plans; considers that enhancing the communication of verified information should be at the core of any health preparedness plan; considers that protection and promotion of mental health should be an integral part of OSH preparedness plans for future health crises, and stresses that specific attention should be paid to the mental health of healthcare workers and of other essential workers; welcomes the Commission's intention to launch an in-depth assessment of the effects of the pandemic and the efficiency of the EU and national OSH frameworks in order to develop emergency procedures and guidance for the rapid deployment, implementation and monitoring of measures in potential future health crises, in close cooperation with public health actors; calls on the Member States to pay particular attention to cross-border regions with a view to enhancing cooperation; considers that the declaration of an EU public health emergency situation, as provided for by the future regulation⁽⁵⁹⁾ on serious cross-border threats to health, should trigger the implementation and EU coordination of the measures provided for in the national OSH preparedness plans of the Member States;

22. Recalls the commitment by the Commission to assess the need for further actions to improve the functioning of the existing EU regulatory framework for health and safety and the need to amend Directive 2000/54/EC on Biological Agents at work; calls on the Commission to conduct, without delay, a targeted revision of this Directive by drawing on the lessons learned from the Covid-19 pandemic with a view to better preparedness, response planning and increasing resilience in health crises in all workplaces; stresses that the revision should ensure that the directive is fit to respond to pandemic situations, facilitates establishment of national emergency plans in case of a pandemic outbreak and written instructions in different languages by the employer on OSH risks, sanitary measures and work organisation to all workers in the case of such an outbreak; welcomes the intention of the Commission to include COVID-19 in the Recommendation concerning the European schedule of occupational diseases;

⁽⁵⁹⁾ Commission proposal of 11 November 2020 for a regulation of the European Parliament and of the Council on serious cross-border health threats and repealing Decision No 1082/2013/EU (COM(2020)0727). Parliament adopted amendments to the proposal on 14 September and 11 November 2021 (Texts adopted, P9_TA(2021)0377 and P9_TA(2021)0449).

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23. Calls on the Commission and the Member States to strongly prioritise and adequately fund the strengthening of research and data collection at both EU and national level on occupational health and safety, in particular on the causes of and impacts on mental health, psychosocial, ergonomic risks and musculoskeletal disorders, occupational circulatory diseases, work-related cancer, chronic inflammatory diseases across sectors and to conduct a detailed assessment of problems, as well as impact of changing world of work including opportunities and challenges, related to health and safety associated with remote-work and teleworking and the right to disconnect, with a view to analysing the impact of gender, age and disability; calls on the Commission to follow up on such research with both legislative and non-legislative measures to protect workers' health and safety after consulting social partners;

24. Calls on the Commission to conduct an additional research on the economic costs of health and workplace exclusion;

25. Calls on the Commission to propose a legislative framework with a view to establishing minimum requirements for telework across the Union while not negatively affecting employment conditions of teleworkers; notes that this framework should be developed in consultation with Member States and the European social partners, with full respect for national labour market models and taking into consideration the social partners framework agreements on telework and on digitalisation; stresses that such a framework should clarify working conditions, including regarding the provision and use of and liability for equipment, covering existing and new digital tools, and that it should ensure that such work is carried out on a voluntary basis and that the rights, work-life balance, workload and performance standards of teleworkers are equivalent to those of comparable on-site workers; stresses that this legislative initiative should be based on a comprehensive assessment, including of the psychosocial risks associated with digital and remote working practises and permeable work environments; calls on the Commission and the Member States to ensure measures on accessibility and inclusive technology for persons with disabilities who are in the transition to teleworking and/or are undergoing remote vocational training;

26. Calls on the Commission to propose, in consultation with the social partners, a directive on minimum standards and conditions to ensure that all workers are able to exercise effectively their right to disconnect and to regulate the use of existing and new digital tools for work purposes in line with its resolution of 21 January 2021 with recommendations to the Commission on the right to disconnect and taking into consideration the social partners framework agreement on digitalisation;

27. Welcomes the Commission's commitment to modernise the OSH legislative framework by reviewing Directive 89/654/EEC ⁽⁶⁰⁾ and Directive 90/270/EEC ⁽⁶¹⁾ laying down minimum safety and health requirements for the workplace and work with display screen equipment; calls on the Commission to be more ambitious in this regard and to propose a broader and more comprehensive directive on the prevention and management of work-related musculoskeletal disorders and rheumatic diseases without further delay and on the Member States to step up their research and data collection; calls on the Commission to ensure that all work-related risks which may result in rheumatic/chronic inflammatory and musculoskeletal diseases are covered in the directive, such as heavy lifting, repetitive movements, vibration or standing/sitting for long periods of time; recalls that female workers are more likely to be affected by MSDs; reminds the Commission that a proposal on work-related musculoskeletal disorders must include a strong gender dimension in the assessment, prevention and treatment of these diseases; calls on the Commission and the Member States to consider the introduction of flexible work schedules for workers suffering from musculoskeletal disorders or rheumatic/chronic inflammatory conditions; calls on the Commission and the Member States to address occupational risks related to circulatory diseases;

28. Calls on the Commission and the Member States to encourage companies to act for the promotion of workers' health, using the logistical resources at their disposal, by making recommendations on healthy lifestyles, encouraging the practice of physical activity by providing access to dedicated areas on the premises or by facilitating access to dedicated external structures, encouraging the creation of internal sports teams, providing bike garages, encouraging the consumption of good nutrition through the provision of healthy, balanced and varied dishes in the company canteen and natural drink

⁽⁶⁰⁾ Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (OJ L 393, 30.12.1989, p. 1).

⁽⁶¹⁾ Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health requirements for work with display screen equipment (OJ L 156, 21.6.1990, p. 14).

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dispensers, distributing signs inviting employees to keep the areas around common entrances and exits free from harmful substances such as cigarette smoke, and with any other educational measures that might serve this end, such as the promotion of the European Code Against Cancer; stresses the positive impact of proper education and training of managers and workers with responsibility for personnel to prevent psychosocial risks and harassment at work; calls on the Commission and the Member States to ensure that managers and workers with responsibility for personnel receive or have completed relevant training, including training in psychosocial risk prevention and anti-harassment courses, prior to taking up their duties at the workplace; calls on the Member States and the social partners to take initiatives to upgrade the health and safety training of representatives and managers in accordance with national law and practices; calls on the Member States to support the active involvement of employees in implementing preventive OSH measures and ensuring that health and safety representatives are able to receive training beyond the basic modules;

29. Recalls the many cases of breaches of workers' rights during the COVID-19 pandemic, especially the rights of mobile workers, including cross-border, seasonal and migrant workers, who were exposed to unhealthy or unsafe living and working conditions such as poor or overcrowded accommodation, and who were not provided with adequate information on their rights; repeats its call on the Commission to take urgent action to improve the employment, working and health and safety conditions of mobile and migrant workers, such as cross-border, posted and seasonal workers, including by reviewing the role of temporary work agencies, recruiting agencies, other intermediaries and subcontractors with a view to identifying protection gaps in the light of the principle of equal treatment and the particular health and safety challenges faced by mobile and migrant workers such as access to adequate equipment and facilities, quality accommodation, safe transport and decent meals ⁽⁶²⁾, and addressing the need to revise the existing legislative framework in order to close the gaps identified as well as to ensure pandemic-proofing, taking into consideration the lessons learned from the COVID-19 pandemic; calls on the Commission and the Member States to ensure that workers' accommodation, when arranged by the employer, is safe, decent and meets minimum standards; stresses the role of the ELA in assisting Member States and the Commission in the effective application and enforcement of EU law related to labour mobility and the coordination of social security systems within the EU; stresses the need to consider revising the ELA's mandate in the context of the evaluation due in 2024, to include occupational health and safety provisions; calls on EU-OSHA and the ELA to work together to support the Commission and the Member States in improving the occupational health and safety of mobile and migrant workers; calls on the Commission to investigate how digital tools can help to strengthen the cross-border enforcement of occupational safety and health standards for all mobile workers, including self-employed and mobile non-EU nationals who are covered by EU rules on intra-EU labour mobility; calls on the Commission, in close cooperation with the ELA and after a proper assessment, to put forward a legislative proposal for a European social security pass for all mobile workers and non-EU nationals who are covered by EU rules on intra-EU mobility, which would provide the relevant national authorities and social partners with an instrument to improve the enforcement of EU rules on labour mobility and social security coordination in the labour market in a fair and effective way in order to ensure a level playing field in the EU, including with regard to the protection of the health and safety of mobile workers, as per Parliament's resolution of 25 November 2021 on the introduction of the European social security pass for improving the digital enforcement of social security rights and fair mobility ⁽⁶³⁾;

30. Underlines the need to ensure the mainstreaming of OSH into public procurement and calls on the Member States in this regard to table national policies to safeguard this; calls on the Commission to share best practices on how to mainstream OSH in public procurement rules and how to include OSH clauses in national legislation in line with the Public Procurement Directive;

Implementation and enforcement

31. Underlines the essential role of national labour inspectorates in securing compliance with health and safety legislation and preventing work-related disease and injuries; calls on the Member States to ensure adequate funding for national labour inspectorates and to implement the ILO recommendation of one labour inspector per 10 000 workers, with a view to conducting prompt and effective inspections and ending all forms of abuse; calls on the Commission to conduct and disseminate the results of a study on how national labour inspectorates conduct their inspections and on the scope and content of these inspections, including with respect to the number of infractions detected and the imposition of effective, proportionate and dissuasive penalties, in order to map their ability to enforce existing rules on OSH with the aim of ensuring a level playing field for sufficient protection; calls on the Commission to establish a dedicated tripartite working

⁽⁶²⁾ https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_075505/lang-en/index.htm

⁽⁶³⁾ Texts adopted, P9_TA(2021)0473.

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party on enforcement within the remit of the Advisory Committee for Safety and Health at Work to follow this study; calls on the Commission and the Member States to streamline occupational health and safety standards in all policies, as well as to improve preventive measures and the enforcement of existing occupational health and safety rules and legislation; underlines the role of the social partners and national health and safety services in this regard; calls on the Commission and the Member States to ensure greater coordination, cooperation and training at European level;

32. Calls on the Commission and the Member States to secure adequate funding and access for all workers to health and safety training and learning facilities in order to combat accidents and illnesses at work; stresses the need for close cooperation with the social partners in this regard;

33. Calls on the Commission to tackle disparities between national health and safety at work legislation, which lead to unfair competition, not only on the internal market but also in relation to non-EU countries;

34. Calls on the Commission to initiate an assessment of the work of health and safety services and the lessons learned in the area of external health and safety service provision since the introduction of the provisions of Article 7(3) of Directive 89/391/EEC; urges the Commission to draw up recommendations for strengthening the national provision of external health and safety services with the aim of improving risk prevention in the workplace;

35. Calls on the Member States to report back on the targets set in their national OSH strategies and to secure adequate funding to support their implementation; stresses that the social partners should be fully involved in the implementation of national OSH plans or the follow-up processes to them; stresses the need to recognise and involve social partners and workplace health and safety representatives in the design, implementation and enforcement of the OSH legislative framework; calls on the Commission to start research into concepts and practises that enable better participation of workers and their representatives in trade unions and works councils in all phases of risk assessment and OSH policies at company level, and to launch funded programmes for the improvement of workers' participation in companies' OSH activities; calls on the Member States to remove any national legislation that hampers collective bargaining, including by ensuring that trade unions have access to workplaces for the purposes of organisation, information sharing and consultation, strengthening worker's representation and thereby securing proper health and safety standards in the workplace;

36. Highlights that the mobility package and its initiatives, including the Commission's guidelines on driving and rest time rules, can improve occupational health and safety; calls on the Member States to increase road oversight and ensure compliance with these rules, including making sure that employers ensure drivers proper schedules to prevent excessive workloads, thereby increasing road safety; calls on the Commission and on the Member States in their national road safety strategies to set clear targets on road death reduction for work-related accidents; calls on the Commission to present similar initiatives to improve health and safety for workers in the aviation and maritime industries; calls on the Commission to ensure that Member States report and provide statistics on work-related accidents on the road;

37. Stresses that all workers should be adequately protected no matter the size of the enterprise and that support should be provided in particular to micro enterprises and SMEs to help them in the correct application of OSH rules; highlights the role of EU-OSHA in providing micro-enterprises and SMEs with the tools and standards they need to assess the risks to their workforce and implement adequate prevention measures; considers that EU-OSHA should be strengthened in order to better promote healthy and safe workplaces across the Union and further develop initiatives to improve workplace prevention in all sectors of activity;

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

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P9_TA(2022)0072

Gender mainstreaming in the European Parliament — annual report 2020**European Parliament resolution of 10 March 2022 on gender mainstreaming in the European Parliament — annual report 2020 (2021/2039(INI))**

(2022/C 347/11)

The European Parliament,

- having regard to Articles 2 and 3 of the Treaty on European Union and to Articles 8, 10 and 19 of the Treaty on the Functioning of the European Union,
- having regard to Articles 21 and 23 of the Charter of Fundamental Rights of the European Union,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which entered into force on 1 August 2014,
- having regard to the Commission communication of 5 March 2020 entitled ‘A Union of Equality: Gender Equality Strategy 2020-2025’ (COM(2020)0152),
- having regard to the Commission proposal of 2 July 2008 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 — the horizontal anti-discrimination directive),
- having regard to the Commission proposal of 14 November 2012 for a directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures (COM(2012)0614 — the women on boards directive),
- having regard to Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU ⁽¹⁾ (the work-life balance directive),
- having regard to the European Court of Auditors report of 2021 entitled ‘Gender mainstreaming in the EU budget: time to turn words into action — Special report No 10, 2021’,
- having regard to the European Ombudsman’s report of 17 December 2018 on dignity at work in the EU institutions and agencies,
- having regard to the European Parliamentary Research Service (EPRS) study of 2021 entitled ‘Gender mainstreaming in the European Parliament: state of play’,
- having regard to the 2021 study commissioned by Parliament’s Policy Department for Citizens’ Rights and Constitutional Affairs at the request of the Committee on Women’s Rights and Gender Equality (FEMM) entitled ‘Gender equality: economic value of care from the perspective of the applicable EU funds’,
- having regard to the Women in the European Parliament brochure of 2021,

⁽¹⁾ OJ L 188, 12.7.2019, p. 79.

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- having regard to the workshop of 16 March 2021 requested by FEMM entitled ‘Applying gender mainstreaming in the EU recovery package’,
- having regard to its resolution of 13 March 2003 on gender mainstreaming in the European Parliament ⁽²⁾,
- having regard to its resolution of 18 January 2007 on gender mainstreaming in the work of the committees ⁽³⁾,
- having regard to its resolution of 22 April 2009 on gender mainstreaming in the work of its committees and delegations ⁽⁴⁾,
- having regard to its resolution of 7 May 2009 on gender mainstreaming in EU external relations and peace-building/nation-building ⁽⁵⁾,
- having regard to its resolution of 15 January 2019 on gender mainstreaming in the European Parliament ⁽⁶⁾,
- having regard to its resolution of 24 November 2016 on the EU accession to the Istanbul Convention on preventing and combating violence against women ⁽⁷⁾,
- having regard to its resolution of 28 November 2019 on the EU’s accession to the Istanbul Convention and other measures to combat gender-based violence ⁽⁸⁾,
- having regard to its resolution of 26 October 2017 on combating sexual harassment and abuse in the EU ⁽⁹⁾,
- having regard to its resolution of 11 September 2018 on measures to prevent and combat mobbing and sexual harassment at workplace, in public spaces, and political life in the EU ⁽¹⁰⁾,
- having regard to its resolution of 21 January 2021 on the EU Strategy for Gender Equality ⁽¹¹⁾,
- having regard to its resolution of 17 December 2020 on the need for a dedicated Council configuration on gender equality ⁽¹²⁾,
- having regard to its resolution of 26 November 2020 on stocktaking of European elections ⁽¹³⁾,
- having regard to its resolution of 21 January 2021 on the gender perspective in the COVID-19 crisis and post-crisis period ⁽¹⁴⁾,
- having regard to Rule 54 of its Rules of Procedure,
- having regard to the report of the Committee on Women’s Rights and Gender Equality (A9-0021/2022),

⁽²⁾ OJ C 61 E, 10.3.2004, p. 384.

⁽³⁾ OJ C 244 E, 18.10.2007, p. 225.

⁽⁴⁾ OJ C 184 E, 8.7.2010, p. 18.

⁽⁵⁾ OJ C 212 E, 5.8.2010, p. 32.

⁽⁶⁾ OJ C 411, 27.11.2020, p. 13.

⁽⁷⁾ OJ C 224, 27.6.2018, p. 96.

⁽⁸⁾ OJ C 232, 16.6.2021, p. 48.

⁽⁹⁾ OJ C 346, 27.9.2018, p. 192.

⁽¹⁰⁾ OJ C 433, 23.12.2019, p. 31.

⁽¹¹⁾ OJ C 456, 10.11.2021, p. 208.

⁽¹²⁾ OJ C 445, 29.10.2021, p. 150.

⁽¹³⁾ OJ C 425, 20.10.2021, p. 98.

⁽¹⁴⁾ OJ C 456, 10.11.2021, p. 191.

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- A. whereas gender equality is a core principle of the EU; whereas gender mainstreaming is a globally recognised strategy to ensure the integration of a gender perspective when designing, implementing and evaluating all policies, programmes and measures in order to promote gender equality and combat discrimination; whereas gender issues are present everywhere, including in areas that have not been the focus of attention, such as taxation, trade and the green transition; whereas gender equality must be achieved using a cross-cutting approach that integrates all areas of work within Parliament;
- B. whereas despite gender equality progress in some areas, women still suffer gender-based discrimination in the public and private spheres and much room remains for improvement, including on the fragmented implementation of gender mainstreaming across policy areas and institutions at the EU and national level;
- C. whereas gender discrimination often intersects with other types of discrimination on other grounds, which leads to multiple and compounding forms of discrimination against specific groups, which operate and interact with each other at the same time in such a way as to be inseparable;
- D. whereas gender-mainstreaming measures include, among others, quotas, work-life balance measures, anti-harassment policies, gender-responsive recruitment procedures, gender impact assessments, gender indicators, gender budgeting and gender-responsive evaluations to adopt gender-responsive legislation, the use of gender-neutral language and gender-responsive communication;
- E. whereas the OECD defines gender balance as ‘an equitable distribution of life’s opportunities and resources between women and men, and/or the equal representation of women and men’;
- F. whereas the European Institute for Gender Equality (EIGE) defines horizontal segregation as the ‘concentration of women and men in different sectors and occupations’;
- G. whereas the progress in addressing sexual harassment and sexual violence after four years of the #MeToo movement is not sufficient and much remains to be done within the EU institutions and beyond; whereas research shows that harassment is more widespread than commonly believed and is significantly under-reported;
- H. whereas gender mainstreaming must also be applied in the budgetary process; whereas gender-responsive budgeting does not just consist of funding explicit gender equality initiatives, but also understanding the impact of budgetary and policy decisions on gender equality and adjusting public expenditure and revenue accordingly; whereas budgetary resources and the provision of services should be allocated according to the data-driven identification of needs, including qualitative data on gender impacts;
- I. whereas the European Court of Auditors has pointed out that the EU’s budget cycle has not adequately taken gender equality into account; whereas the Court of Auditors has recommended that the Commission assess and report on whether Member States’ recovery and resilience plans address gender equality;
- J. whereas all EU institutions are guided by the Treaties and the 2020-2025 EU gender equality strategy; whereas Parliament should be a leader for other parliamentary bodies in its promotion of gender equality, learn from the best practices of other parliamentary bodies in gender mainstreaming its structures and processes and take into account good examples of gender-mainstreaming implementation in the public and private sectors and civil society; whereas

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gender mainstreaming is still not yet fully integrated into Parliament's practices and rules ⁽¹⁵⁾; whereas in the hearings organised by most of Parliament committees between the beginning of the current term and November 2020, women accounted for under 50 % of those present; whereas for the Committees on Agriculture and Rural Development, Fisheries, Petitions and Employment and Social Affairs, among others, the proportion was below 25 %;

- K. whereas work-life balance in Parliament has been greatly affected by the COVID-19 pandemic, and, facilitated by digital tools, has often resulted in longer working hours for both Members and staff; whereas working from home is not a substitute for childcare; whereas Parliament, as an employer and institution that functions as a role model for society as a whole, can benefit from a motivated workforce and healthy environment and employees should have access to work-life balance throughout their entire careers;

General remarks

1. Reaffirms its strong commitment to gender equality and endorses gender mainstreaming as one of its official policy approaches to ensure it; regrets the fragmented implementation of gender mainstreaming across policy areas and institutions at the EU level; stresses that gender equality is a joint responsibility that requires action by all EU institutions, Member States and agencies, in partnership with civil society, women's organisations, social partners and the private sector;
2. Underlines that women represent half of the population and are, therefore, diverse exposed to intersecting forms of discrimination; stresses that measures to ensure gender equality need to incorporate an intersectional approach with the aim of leaving no one behind and eliminating all forms of discrimination, including intersecting forms; stresses the need to also create participatory processes that involve all relevant actors and combine top-down and bottom-up approaches;
3. Welcomes the increasing number of women involved in politics, but stresses that we are far from reaching gender parity and that women with a public profile, such as politicians and activists, are often the target of harassment with the intention to discourage their presence in public life and decision-making spheres; stresses that no feminist legislation or policies that aim to achieve gender equality in all areas can be designed without the presence of women in the decision-making process; recalls the importance of having a gender-responsive working environment to improve the representation of women at all levels of Parliament, including in political groups and MEPs' offices;
4. Notes the lack of quantitative and qualitative data on gender mainstreaming within the EU institutions beyond data on the number of women in different positions; calls, therefore, for the compiling of comprehensive gender statistics and commits to creating qualitative indicators on gender equality to collect additional gender-disaggregated data in order to continue improving gender equality;
5. Welcomes the EIGE's 'Gender-sensitive parliaments' toolkit that focuses on five key areas to be addressed: equal opportunities to enter the parliament, equal opportunities to influence the parliament's working procedures, adequate space on the parliamentary agenda for women's interests and concerns, the production of gender-sensitive legislation and compliance with the symbolic function of the parliament;
6. Welcomes the adoption of gender action plans by all Parliament committees; notes, however, the lack of monitoring and implementation of these plans; calls therefore on the committees to monitor their gender action plans in order to measure progress and ensure their implementation; emphasises that Parliament's Gender Mainstreaming Network is responsible for mainstreaming a gender inclusive approach into the environment and work of committees and delegations;

⁽¹⁵⁾ Ahrens, P., 'Working against the tide? Institutionalizing Gender Mainstreaming in the European Parliament', *Gendering the European Parliament: Structures, Policies, and Practices*, eds. P. Ahrens and A. L. Rolandsen, Rowman & Littlefield International, 2019, pp. 85-101.

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7. Welcomes the new provision of Parliament's Rules of Procedure, adopted in 2019, that establishes the obligation to adopt a gender action plan aimed at incorporating a gender perspective into all Parliament's activities at all levels and stages; welcomes the adoption of a gender action plan in July 2020 and a roadmap for its implementation in April 2021; requests the preparation of reports regularly monitoring the progress made in implementing the gender action plan; regrets that the gender action plan and roadmap are not publicly available and that most of the measures included are formulated as principles without clear targets and obligations, which indicates a lack of political engagement with their implementation;

8. Calls for an even stronger structured cooperation between all EU institutions in applying gender mainstreaming in order to better achieve gender equality; believes that Parliament and the political groups should join forces to improve gender equality and fight against anti-feminist and anti-gender movements, which are also always anti-democratic, both in Europe and worldwide;

Opportunities to enter Parliament

9. Notes that the percentage of women Members has slightly decreased since the end of last term from about 39,6 % to 39,1 %; welcomes Parliament's leadership in this area, nevertheless, including its progress on female political representation, which is higher than the 30,4 % average across the national parliaments of the Member States and is significantly higher than the worldwide average of 25,2 % for national parliaments; welcomes that some Member States and political parties have introduced rules to ensure gender balance in their electoral lists and insists on the need to ensure gender balance through zipped lists or other equivalent methods in the upcoming revision of the EU electoral law ⁽¹⁶⁾, so that female and male candidates have an equal chance to be elected;

10. Encourages the Member States to take account of the need for gender inclusive parliaments when drafting revisions to their electoral laws; further encourages national political parties to introduce quotas when deciding on electoral candidates, even if the law does not provide for it; calls for support mechanisms and best practices to be shared with political parties to that end; stresses that in order to ensure the presence of women candidates, internal party organisation and procedures must be gender responsive by including measures such as, explicitly addressing gender equality in party rules, establishing gender quotas for decision-making roles and ensuring the existence of well-functioning forums for lobbying, advocacy and discussion, including women's wings and committees;

11. Regrets the lack of gender-responsive recruitment procedures in Parliament and asks that Parliament's services and political groups advance these procedures in order to avoid discrimination and increase the presence of women in areas where they are under-represented, both in the administration and political groups; requests the adoption of concrete measures to bridge the gap;

Opportunities to influence Parliament's working procedures

12. Welcomes the fully gender-balanced Bureau of Parliament with 8 female Vice-Presidents out of 14 and 2 female Quaestors out of 5; notes, however, that only 3 out of 7 of Parliament's political groups have women as chairs or co-chairs, 8 out of 25 committees are currently chaired by women and 15 out of 43 delegation chairs are women; calls for gender balance in the leadership of committees, delegations and political groups to be improved; welcomes the amendment to Rule 213(1) of Parliament's Rules of Procedure requiring the bureau of each committee to be gender balanced; regrets, however, that this amendment will enter into force only at the opening of the first part-session following Parliament's next elections, due to be held in 2024;

13. Calls for gender balance to be ensured at all levels of plenary, committee and delegation work, including when appointing coordinators, rapporteurs and shadow rapporteurs and when distributing speaking time;

⁽¹⁶⁾ In accordance with Article 223 TFEU and the electoral law of the EU as it is laid down in the 1976 Electoral Act concerning the election of the representatives of the European Parliament by direct universal suffrage of 1976, as amended in 2002 (OJ L 278, 8.10.1976, p. 5).

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14. Requests that measures to tackle horizontal segregation be put in place to ensure gender balance in different committees and put an end to the gendered concentration of portfolios, whereby areas with a higher proportion of women are less valued;

15. Calls on the political groups and their secretariats to establish internal rules and other relevant measures, such as codes of conduct and gender-mainstreaming tools, trainings and monitoring to ensure gender equality in their internal functioning, especially as regards appointments and the distribution of roles and responsibilities; calls for best practice guides and advice, including trainings for staff and Members on gender mainstreaming, to be made available to political groups so that they can better understand and implement the concept of gender mainstreaming in their internal functioning;

16. Calls on the relevant Directorates-General to ensure that the selection of study authors is gender balanced;

17. Notes that despite all the progress and efforts made, gender equality at all management levels of Parliament's administration has not yet been achieved; welcomes the fact that, at directors level, parity has been reached, but regrets that women represent only 23,1 % of Directors-General and 39,3 % of Heads of Unit; commends, in this regard, Parliament's administration's target to have women make up 50 % of middle and senior manager positions and 40 % of top manager positions in the administration by 2024; calls for women to be prioritised for recruitment when they are under-represented and the respective merits of the candidates are equal; stresses the need to build and strengthen gender expertise at the management level; calls for mentorship programmes to be implemented;

18. Requests the collection of data on vertical and horizontal representation of the staff of the political groups and of anonymised data on pay gaps for Members' assistants and group and administrative staff to ensure pay transparency;

19. Requests that gender-disaggregated data on the proportion of parliamentary staff who are working part-time be gathered in a regular manner; calls for action to be taken on the basis of existing data ⁽¹⁷⁾ in order to address the significant imbalances and assess how Parliament can provide additional support should staff wish to return to full-time work;

20. Stresses that workplace harassment constitutes a serious attack on a person's psychological and physical health and can make them feel insecure at work and, in some cases, prevent them from doing their work; notes that women are far more likely to be exposed to sexual harassment than men; considers that, despite all efforts taken so far to ensure a zero-harassment policy, there are still cases of sexual harassment in Parliament and efforts to prevent sexual harassment should be increased; reiterates, therefore, its calls to implement the following measures in order to improve anti-harassment policies:

- (a) publish the external assessment carried out on the Advisory Committee dealing with harassment complaints concerning Members;
- (b) carry out, by external and transparently chosen auditors, an independent evaluation of Parliament's existing Anti-Harassment Committee dealing with complaints about sexual harassment among staff with regard to its effectiveness and, if necessary, any modifications to be proposed as soon as possible and before the end of this legislative term in order to ensure independence from political influence and gender balance and avoid conflicts of interest in the existing structures;
- (c) ensure a more comprehensive and holistic analysis of complaints and remedies and change the composition of the Advisory and Anti-Harassment Committees to ensure that independent experts with proven expertise in tackling harassment issues in the workplace, including doctors, therapists and legal experts, are formal members with full voting rights;
- (d) introduce mandatory anti-harassment training for all Members and make it easily accessible, including through making the training available in all official languages or with interpretation and targeting outreach activities at individual delegations and political groups;

⁽¹⁷⁾ As compiled in the Women in the European Parliament brochure of 2021.

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- (e) introduce compulsory training on Parliament's zero-harassment policy for all people working on Parliament's premises on a regular basis, which will provide them with the tools to recognise and report all forms of harassment, including and in particular, sexual harassment, as well as with tailored information about available support structures, which will make these support structures more widely known and easily accessible;

21. Commits to guaranteeing a good work-life balance for Members, group staff, accredited parliamentary assistants and administrative staff, such as by adopting working hours conducive to work-life balance and engaging with the Commission and the Council to establish a common solution for meetings involving the three institutions; requests a revision of the work-life balance measures in order to improve and strengthen the current framework, while taking into consideration, inter alia, the effects of teleworking in the aftermath of the COVID-19 pandemic and balancing flexible working structures with the requirements of a well-functioning and strong Parliament;

22. Calls for increased non-transferrable maternity and paternity leave for Parliament's staff after welcoming a child, for a total of six months for each parent to be taken during the first year; stresses that the six months of parental leave should be available within the first three years of a child's life; regrets that when taking parental leave, staff of EU institutions only receive a fixed allowance rather than 100 % of their salary, which is a major disincentive to using this leave; calls for parental leave to be fully remunerated; welcomes the allowances that are available to the families of Parliament employees;

23. Demands, in particular, that maternity, paternity and parental leave be recognised for Members of Parliament through an amendment to the Statute for Members of the European Parliament; requests, in addition, the implementation of solutions that guarantee Members the ability to continue working while on maternity, paternity or parental leave, such as maintaining the possibility of remote voting while on leave or exploring the possibility of a temporary replacement, which would ensure that constituents would not be unrepresented while their Member is on leave and that Members would not be under pressure to return to work immediately; stresses that the decision to make use of a temporary replacement would be the choice of the relevant Member;

24. Calls for Parliament's services to examine the impact that menopause has on the working life of Parliament employees; stresses that this should be evidence-based and include guidance on medical and lifestyle management of midlife and menopausal symptoms using national and international guidelines; calls for menopause to be considered in sickness and attendance management policies;

Prominence of the gender perspective in parliamentary activities

25. Welcomes the work of FEMM, the High-Level Group on Gender Equality and Diversity and the Gender Mainstreaming Network as leading bodies in ensuring gender mainstreaming in Parliament; calls, however, for closer and more structured cooperation and coordination between these bodies, especially in extraordinary circumstances such as the COVID-19 crisis and its aftermath, through regular meetings to share information and issue joint thematic reports;

26. Welcomes a new initiative of the Conference of Delegation Chairs to invite all delegations to appoint members to be in charge of gender mainstreaming and commends the cooperation between the Gender Mainstreaming Network and the Members responsible for gender and diversity in the delegations;

27. Calls for the inclusion of the Gender Mainstreaming Network in the Rules of Procedure to reflect its role promoting gender mainstreaming in the activities of parliamentary committees and delegations; requests that the necessary resources to carry out its functions and produce relevant recommendations be put in place; calls for the inclusion of a standing discussion item in the agendas of committee meetings;

28. Welcomes the EIGE training session for Members on gender impact assessments and gender budgeting, which was tailored for Parliament; encourages closer work with the EIGE by delivering regular trainings on gender mainstreaming for Members, group staff, parliamentary assistants, parliamentary services and staff of committee secretariats; recalls the importance of offering programmes adapted to the concrete needs and knowledge both at the political and the administrative levels;

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29. Points out that FEMM, as a fully fledged committee in charge of women's rights and gender equality, works on many horizontal issues that often touch the work of other committees; notes that the inclusion of FEMM's suggestions in the form of opinions or amendments varies across other committees; welcomes the roadmap's commitment to collecting, through the relevant services and bodies, clear indicators to measure whether the input from FEMM is being incorporated into the work of other committees and the final position of Parliament; calls for the systematic, transparent and accountable monitoring of the integration of FEMM's suggestions, which is essential to ensure that the principles of gender equality and gender mainstreaming are properly implemented;

30. Stresses the importance of the amendments that FEMM produces in its opinions to ensure gender mainstreaming; requests, in the context of own-initiative reports, the improvement of cooperation between committees in establishing the timetable to ensure sufficient time between when the draft report of the leading committee is available and the committee vote in order to allow FEMM to produce its position in the form of amendments to the draft report; stresses that Members in the Gender Mainstreaming Network are responsible for including gender-mainstreaming measures in their committees; regrets that this work is very ad hoc thus far and believes that it should be implemented on a more structured basis;

31. Calls for all committee and delegation missions to be gender balanced and for the gender equality and women's rights dimensions to be examined; calls, in addition, for the inclusion of meetings with organisations promoting gender equality in mission programmes;

32. Welcomes the commitment in the gender action plan and roadmap to ensure that all committees and other bodies organising hearings, workshops and conferences include gender-balanced panels and experts qualified to examine the gender equality and women's rights dimensions of the specific area of focus; asks for the establishment of clear targets to implement this provision;

33. Praises Gender Equality Week, which took place for the first time in 2020 at Parliament, in which all parliamentary committees and delegations were invited to hold events addressing gender equality in their areas of competence; welcomes the continuation of this successful initiative and the fact that 16 committees and 6 delegations participated in and 21 events were organised for the 2021 edition; calls for all bodies of Parliament, including the committees and delegations who have not yet done so, to join and contribute to this initiative, which raises awareness and reinforces cooperation, on a regular basis;

34. Asks the Gender Mainstreaming Network, the High-Level Group on Gender Equality and Diversity, FEMM and the Committees on Budgets and Budgetary Control to develop and adopt dedicated guidelines to implement gender mainstreaming and gender budgeting;

35. Welcomes the EPRS study on gender mainstreaming in Parliament; notes, however, that the EPRS needs to repeat this study regularly and on the basis of quantitative and qualitative gender statistics and data disaggregated by gender, which should be collected systematically and made available by Parliament's services under its gender action plan and roadmap;

36. Welcomes the translation of the gender-neutral language guidelines into all official EU languages; regrets the lack of implementation of these guidelines and requests additional awareness-raising actions and specific trainings for Parliament's lawyer-linguists; requests a regular revision of the guidelines and their translations in order to guarantee that they reflect developments in each language and remain accurate;

37. Commits to ensuring the allocation of enough funds and human resources to gender mainstreaming and improving the cooperation and coordination between the various bodies working on gender equality and diversity in Parliament;

Delivering legislation with a gender perspective

38. Stresses the importance of gender impact assessments for the design of legislative proposals and gender-responsive evaluations of legislative initiatives; regrets that gender impacts are rarely addressed as part of the Commission's impact assessments and that the Commission's impact assessment guidelines for the 2021-2027 multiannual financial framework

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(MFF) recommend that gender equality should be taken into account in policymaking, only when it is 'proportionate' to do so; asks the Commission to change its approach, carry out and publish a gender impact assessment for each legislative proposal and include explicitly gender-related objectives and performance indicators in its proposals; commits to carrying out a gender impact assessment for each legislative own-initiative report with the aim of including a gender perspective; commits to researching new methods and tools for improving gender mainstreaming in the legislative process;

39. Regrets that, overall, gender mainstreaming has not yet been applied across the EU budget and the budget's contribution to achieving gender equality has not been adequately monitored; calls for a systematic implementation of gender mainstreaming in the EU budget; underlines that a gender perspective must be integrated at all levels of the budgetary process in order to use revenues and expenditures to achieve gender equality goals; welcomes the actions envisaged in Parliament's gender action plan and roadmap on gender budgeting and requests the implementation of them as soon as possible;

40. Commends Parliament's negotiators on the inclusion of gender mainstreaming as a horizontal principle in the 2021-2027 MFF; welcomes, in particular, the Commission's commitment to put in place a methodology to measure the relevant expenditure of programmes funded through the 2021-2027 MFF by the end of 2022 at the latest; calls on the Commission to improve accountability and budgetary transparency, apply the new methodology to all EU funding programmes and implement gender budgeting in the midterm review of the current MFF; urges the Commission to act on the recommendations of the European Court of Auditors in this regard;

41. Welcomes that the general objective of mitigating the social and economic impact of the COVID-19 crisis, in particular on women, and the requirement to include an explanation of how the measures in the national recovery and resilience plans would contribute to gender equality, were included in the Recovery and Resilience Facility Regulation⁽¹⁸⁾; regrets, however, that FEMM's call to include a specific chapter on gender equality in national plans was not included; highlights that gender-responsive reporting and gender-mainstreaming measures cannot be replaced by social tracking and social investments alone; believes that gender equality deserves its own mainstreaming methodology as part of the Recovery and Resilience Facility and recalls that the EIGE has developed a suitable methodology;

42. Calls on the Commission to closely monitor the implementation of the Recovery and Resilience Facility, in particular as regards the existing provisions linked to gender equality, and to include relevant indicators in the recovery and resilience scoreboard to monitor the impact of national plans on gender equality and the amount of funds allocated and spent to support this goal; highlights the need to mainstream gender equality into the architecture of the EU's economic governance and the European Semester;

43. Regrets that several EU funding programmes with significant potential to contribute to gender equality such as the European structural and investment funds, the common agricultural policy and Erasmus did not take gender equality effectively into account;

44. Stresses that social dialogue is a key instrument for all parties involved in decision-making processes and is thus essential for improving gender equality across the EU institutions;

45. Calls on the Commission to strengthen the institutional framework for supporting gender mainstreaming and translate its commitment to gender mainstreaming into specific actions; asks the Commission to adopt an implementation plan for gender mainstreaming in each policy area;

46. Regrets that the Commission has no fully fledged strategy for training on gender mainstreaming, and offers only a single, non-mandatory introductory course to its staff; urges the Commission to develop a training strategy on gender mainstreaming, ensure that training is available to all staff and make full use of the EIGE's tools and expertise on gender mainstreaming;

⁽¹⁸⁾ OJ L 57, 18.2.2021, p. 17.

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47. Calls on the Commission to systematically disaggregate data by gender upon collection and take the gender dimension into account when evaluating and reporting on EU programmes; calls on the Commission to include in upcoming legislative proposals the requirement to systematically collect gender-disaggregated data and relevant gender equality indicators for all programmes and to include gender-responsive monitoring and evaluation requirements; highlights the importance of gender-responsive monitoring and evaluation in order to better achieve the goals of gender mainstreaming;

48. Regrets the Council's lack of commitment to delivering legislation with a gender perspective and reiterates its requests to unblock the EU ratification of the Istanbul Convention, the horizontal anti-discrimination directive, which will ensure that the intersectional dimension is taken into account when combating gender discrimination, and the women on boards directive;

49. Urges the Member States to fully transpose and implement the work-life balance directive and calls on the Commission to monitor it effectively;

50. Reiterates its call for the Council and the European Council to establish a Council configuration on gender equality, as the EU needs a platform for intergovernmental exchange on gender equality and a formal forum for the ministers and state secretaries responsible for gender equality, in order to strengthen gender mainstreaming across all EU policies and legislation, develop dialogue and cooperation between Member States, exchange best practices and legislation, unblock negotiations on the main files related to gender equality, deliver common responses to EU-wide problems and ensure that gender equality issues are discussed at the highest political level;

51. Calls for gender mainstreaming to be better and more efficiently implemented in the Conference on the Future of Europe, through increased coordination between the relevant parliamentary bodies to strengthen the gender dimension of the working groups' contributions and of the debates and proposals of the conference plenary;

52. Calls, in addition, for measures ensuring gender mainstreaming and for specific targeted measures to achieve gender equality, such as legislation, recommendations and policies related to gender-based violence, pay transparency and care;

Gender equality and diversity in the symbolic function of Parliament

53. Stresses that, for Parliament to be gender-sensitive, it should be aware of and pay attention to the symbolic meanings conveyed within and by the institution through its communications strategy and the design of physical spaces; requests that its efforts in these areas be stepped up;

54. Requests that concrete targets to ensure gender balance when naming and renaming Parliament's buildings, rooms and other physical spaces be adopted;

55. Welcomes the commitment in the roadmap to carrying out an analysis of the spaces dedicated to childcare within Parliament's premises, including breastfeeding spaces, and requests a commitment to redesigning them if necessary once the agreed upon previous analysis of their current status has been produced;

56. Requests that an analysis of the distribution and design of Parliament's toilets be carried out to assess the need to adapt them to the requirements of all genders, including through measures such as introducing gender-neutral toilets and increasing the number of toilets with individual trashcans and sinks to facilitate the use of menstrual cups and other sanitary products;

57. Asks for Parliament's communication strategy to be revised, including through measures such as establishing a protocol to mourn victims of femicide and revising Parliament's website to include a specific section on gender equality on the home menu, relevant information about key files, such as the EU's ratification process of the Istanbul Convention, and an update of the information on Parliament's history and composition to take gender into account;

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Concluding remarks

58. Reiterates its call for an audit ⁽¹⁹⁾ to be carried out to map the current situation in terms of gender equality and gender mainstreaming and make recommendations for both the political and administrative sides of Parliament's activities; suggests that this audit should cover all the areas and indicators developed in the EIGE's 'Gender-sensitive parliaments' toolkit and identify the rules that facilitate or block gender equality in each area of analysis, with the aim of updating Parliament's gender action plan and roadmap; calls for the inclusion in this audit of a gender impact assessment on implementing a fixed gender balance requirement across all parliamentary structures, including committees, delegations and missions;

59. Points out that some areas covered by the gender action plan and roadmap are inherently linked to the political organisation of the groups and therefore need a political deliberation involving all groups; calls for the establishment of a temporary working group under the Conference of Presidents, composed of representatives of each political group and chaired by Parliament's gender-mainstreaming standing rapporteurs to steer the work in that area, implement this resolution and coordinate with the High-Level Group on Gender Equality and Diversity, Parliament's Bureau, FEMM and the Gender Mainstreaming Network, where relevant; encourages the political groups to establish this working group by mid-2022;

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

⁽¹⁹⁾ OJ C 323, 11.8.2021, p. 33.

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The EU Gender Action Plan III

European Parliament resolution of 10 March 2022 on the EU Gender Action Plan III (2021/2003(INI))

(2022/C 347/12)

The European Parliament,

- having regard to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 18 December 1979, and to General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations of the UN Committee on the Elimination of Discrimination against Women of 18 October 2013,
- having regard to the 1995 Beijing Declaration and Platform of Action adopted at the Fourth World Conference on Women, and to the outcomes of its review conferences,
- having regard to the UN Convention on the Rights of Persons with Disabilities (CRPD) and its entry into force in the EU on 21 January 2011 in accordance with Council Decision 2010/48/EC of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities ⁽¹⁾,
- having regard to the Commission communication of 3 March 2021 entitled 'Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030' (COM(2021)0101),
- having regard to the UN 2030 Agenda for Sustainable Development, adopted in September 2015, and the Sustainable Development Goals (SDGs) thereof, in particular goals 1, 4, 5, 8, 10 and 17,
- having regard to the International Labour Organization (ILO) Equal Remuneration Convention No. 100 of 1951,
- having regard to the ILO Discrimination (Employment and Occupation) Convention No. 111 of 1958,
- having regard to the ILO Violence and Harassment Convention No. 190 of 2019,
- having regard to the ILO Social Protection Floors Recommendation No. 202 of 2012,
- having regard to the Fourth Geneva Convention relative to the protection of civilian persons in time of war of 12 August 1949,
- having regard to UN Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019) and 2493 (2019) on women, peace and security,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) of 11 May 2011,
- having regard to the Council of Europe Conventions on Action against Trafficking in Human Beings of 16 May 2005 and on the Protection of Children against Sexual Exploitation and Sexual Abuse of 25 October 2007,
- having regard to the International Conference on Population and Development (ICPD) held in 1994 in Cairo, to its programme of action and the outcomes of its review conferences, and to the 2019 Nairobi Summit (ICPD+25) celebrating the 25th anniversary of the Cairo conference,

⁽¹⁾ OJ L 23, 27.1.2010, p. 35.

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- having regard to the Addis Ababa Action Agenda of the Third International Conference on Financing for Development of July 2015,
- having regard to the joint EU-UN Spotlight Initiative aimed at eliminating all forms of violence against women and girls,
- having regard to Articles 2 and 3(3) of the Treaty on European Union and to Articles 8, 153(1) and 208 of the Treaty on the Functioning of the European Union,
- having regard to Article 23 of the Charter of Fundamental Rights of the European Union,
- having regard to the Global Strategy for the European Union's Foreign and Security Policy of June 2016,
- having regard to the joint communication from the Commission and the High Representative of the European Union for Foreign Affairs and Security of 25 November 2020 entitled 'EU Gender Action Plan (GAP) III — an ambitious agenda for gender equality and women's empowerment in EU external action 2021-2025' (JOIN(2020)0017), and to the accompanying Joint Staff Working Document entitled 'Objectives and Indicators to frame the implementation of the Gender Action Plan III (2021-25)' (SWD(2020)0284),
- having regard to the communication from the Commission of 11 December 2019 on the European Green Deal (COM(2019)0640),
- having regard to Regulation (EU) 2021/522 of the European Parliament and of the Council of 24 March 2021 establishing a Programme for the Union's action in the field of health ('EU4Health Programme') for the period 2021-2027, and repealing Regulation (EU) No 282/2014⁽²⁾,
- having regard to the UN Secretary-General's policy brief entitled 'The Impact of COVID-19 on Women' of 9 April 2020,
- having regard to the UN Population Fund report entitled 'Impact of the COVID-19 Pandemic on Family Planning and Ending Gender-based Violence, Female Genital Mutilation and Child Marriage', published on 27 April 2020,
- having regard to the World Health Organization (WHO) global strategy to accelerate the elimination of cervical cancer as a public health problem launched in November 2020,
- having regard to the Commission communication of 5 March 2020 entitled 'A Union of Equality: Gender Equality Strategy 2020-2025' (COM(2020)0152),
- having regard to the EU Guidelines on Human Rights Defenders,
- having regard to the EU Action Plan on Women, Peace and Security (WPS) 2019-2024 of 5 July 2019,
- having regard to the Generation Equality Forum held from 29 to 31 March 2021 in Mexico City and from 30 June to 2 July 2021 in Paris, and to the commitments announced to accelerate progress in the achievement of gender equality worldwide, as well as to the 'Global Acceleration Plan for Gender Equality' and the new 'Compact on Women, Peace and Security and Humanitarian Action' launched as a result of the Forum,
- having regard to Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument — Global Europe⁽³⁾,

⁽²⁾ OJ L 107, 26.3.2021, p. 1.

⁽³⁾ OJ L 209, 14.6.2021, p. 1.

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- 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 ⁽⁴⁾,
 - having regard to its resolution of 12 February 2020 on an EU strategy to put an end to female genital mutilation around the world ⁽⁵⁾,
 - having regard to its resolution of 13 February 2020 on the EU priorities for the 64th session of the UN Commission on the Status of Women ⁽⁶⁾,
 - having regard to its resolution of 23 October 2020 on Gender Equality in EU's foreign and security policy ⁽⁷⁾,
 - having regard to its resolution of 21 January 2021 on the gender perspective in the COVID-19 crisis and post-crisis period ⁽⁸⁾,
 - having regard to its resolution of 21 January 2021 on closing the digital gender gap: women's participation in the digital economy ⁽⁹⁾,
 - having regard to its resolution of 24 June 2021 on the 25th anniversary of the International Conference on Population and Development (ICPD25) (Nairobi Summit) ⁽¹⁰⁾,
 - having regard to its resolution of 24 June 2021 on the situation of sexual and reproductive health and rights in the EU, in the frame of women's health ⁽¹¹⁾,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Foreign Affairs, the Committee on International Trade and the Committee on Budgets,
 - having regard to the joint report of the Committee on Development and the Committee on Women's Rights and Gender Equality (A9-0025/2022),
- A. whereas gender equality is a value upheld by the European Union and a fundamental and universal human right;
- B. whereas gender-based violence in all its forms, particularly femicide, is the most extreme form of gender inequality; whereas gender-based violence is to be understood as an extreme form of discrimination and a violation of human rights;
- C. whereas it is necessary to uphold women's rights and to take steps to combat all forms of exploitation, violence, oppression and inequality between women and men; whereas preventing gender-based violence requires challenging the gender norms that perpetuate inequalities and translating this into the adoption and implementation of effective legislative measures and reforms, among other measures;
- D. whereas gender-based violence is both a cause and a consequence of structural inequalities and the lack of an equal distribution of power; whereas combating violence requires an understanding of its causes and contributing factors; whereas gender inequality is deeply engrained in societal values built upon gender stereotypes; whereas engaging men and boys for gender equality is both a goal and a prerequisite to achieving sustainable and effective equality;

⁽⁴⁾ OJ C 76, 9.3.2020, p. 168.

⁽⁵⁾ OJ C 294, 23.7.2021, p. 8.

⁽⁶⁾ OJ C 294, 23.7.2021, p. 58.

⁽⁷⁾ OJ C 404, 6.10.2021, p. 202.

⁽⁸⁾ OJ C 456, 10.11.2021, p. 191.

⁽⁹⁾ OJ C 456, 10.11.2021, p. 232.

⁽¹⁰⁾ OJ C 81, 18.2.2022, p. 63.

⁽¹¹⁾ OJ C 81, 18.2.2022, p. 43.

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- E. whereas violence against women and girls manifests itself in different and not mutually exclusive forms, including cyberviolence; whereas according to estimates, more than half (58 %) of 14 000 women and girls in 31 countries have been harassed and abused online;
- F. whereas women with intersecting identities and vulnerabilities face an increased risk of violence and harassment;
- G. whereas the EU and the UN have launched the Spotlight Initiative with a view to combating violence, including sexual violence, against women and girls;
- H. whereas sexual exploitation is a serious form of violence that mostly affects women and girls; whereas the EU needs to support partner countries in order for them to increase funding for social support and access to services for victims of trafficking and sexual exploitation, with psychological and social support from specialists, and to introduce specialised services dedicated to the full social and economic inclusion of vulnerable women and girls to free them from sexual exploitation;
- I. whereas with regard to healthcare services and services relating to sexual and reproductive health and rights (SRHR), access must be universal; whereas health rights, in particular sexual and reproductive health rights, are fundamental women's rights that should be strengthened and cannot in any way be watered down or withdrawn; whereas a certain discourse that threatens the upholding of sexual and reproductive rights both within and outside the EU is on the rise;
- J. whereas women in all their diversity face intersecting structural discrimination based on race, ethnicity, religion or belief, disability, health, socio-economic background, birth status, age, class, refugee or migration status and sexual orientation and gender identity, which needs to be acknowledged as a barrier to the full enjoyment of fundamental rights;
- K. whereas it is essential to global knowledge and governance to collect disaggregated and quantifiable data on gender inequality, taking into account intersectional factors;
- L. whereas women's and girls' rights are under threat and the space for civil society organisations (CSOs), especially those defending women rights, as well as feminist and grassroots organisations, is shrinking in many countries both within and outside the EU; whereas a worrying backlash against women's and LGBTIQI+ rights is being observed throughout the world and involves limiting SRHR and banning sexuality education and gender studies;
- M. whereas empowering and providing adequate funding to CSOs defending the rights of women and girls in partner countries is vital to generate new societal attitudes and a consensus that facilitate gender equality; whereas the active involvement of women's organisations on the ground is essential for the successful implementation of GAP III;
- N. whereas women and girls are disproportionately affected by the increasing number of emergency situations such as those that result from armed conflicts, natural disasters and climate change;
- O. whereas the COVID-19 pandemic and the subsequent lockdown measures have had a serious impact on women and girls and have exacerbated existing gender inequalities, particularly impacting access to education and healthcare, especially SRHR, as well as work-life balance; whereas this is resulting in an increase in gender-based violence and social and economic inequalities;
- P. whereas the pandemic has had a disproportionate impact on women; whereas some 70 % of the social and health workers fighting COVID-19 on the front line, whether nurses, doctors or cleaners, are women; whereas women who are working from home, unemployed or working part-time have come under even greater pressure, as they have continued to perform the majority of household chores and family care tasks; whereas the available data suggests that the number of women victims of violence and/or harassment rose during the COVID-19 lockdown;

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- Q. whereas there is a lack of women students in science, technology, engineering and mathematics (STEM) fields of study;
- R. whereas equal representation, participation and influence of women and men in political life is a precondition for a truly democratic society; whereas the constructive participation of women and girls in conflict prevention, resolution and reconstruction makes for a more sustainable peace;
- S. whereas measures to combat inequalities will be of fundamental importance to the post-pandemic recovery; whereas girls' and women's participation, representation and leadership should be a priority when designing, implementing and evaluating such measures;
- T. whereas achieving respect for human dignity and gender equality is still a challenge; whereas no country in the world will come close to achieving gender equality before 2030;
- U. whereas GAP III should be the framework for an active contribution of EU external action in the fight against gender inequality; whereas GAP III should be fully implemented as a key instrument to deter discrimination and marginalisation, and to ensure women's and girls' rights and dignity, advocating the mainstreaming of gender issues in all international cooperation programmes and the integration of gender equality in national plans and strategies, in collaboration with local partners and CSOs;
- V. whereas there should be a more strategic, coordinated and systematic approach to how the EU and the Member States work together on gender issues in partner countries; whereas EU missions and delegations are in the front line of efforts to implement GAP III, and the expertise of delegation and mission staff is a key element for its successful implementation; whereas the Commission should provide delegations with technical assistance in getting started with the country level implementation plans (CLIPs);
1. Welcomes the new EU Gender Action Plan III for 2021-2025 and its call for a gender-equal world, as a continuation of, and building on, the work, the lessons learned and the achievements of GAP II; welcomes GAP III's improvement, commitments and comprehensive objectives, in particular its upgrading from a working document to a joint communication, as Parliament called for in its resolution of 23 October 2020 on Gender Equality in EU's foreign and security policy;
 2. Welcomes the inclusive nature of the consultation process undertaken to inform the drafting of GAP III and the reflection therein of recommendations provided by Parliament, the Member States, EU gender focal points and, in particular, women's rights civil society organisations (WCSOs);
 3. Deplores the fact that the Council has failed to achieve unanimity on conclusions, owing to objections from four Member States to the word 'gender', thereby obstructing the formal endorsement of the Action Plan, and stresses that this shows clear signs of the backlash against gender equality and women's rights; reiterates its call for the establishment of a new Council configuration on gender equality bringing together EU ministers and secretaries of state responsible for gender equality in order to facilitate gender mainstreaming across all EU policies, including foreign and security policy and development policy; calls for efforts to be made towards a joint EU position and for strong action to univocally denounce the backlash against gender equality;
 4. Points out that the EU has an important role to play in achieving a gender-equal world through supporting partner countries to address gender discrimination; calls for the EU to lead by example and urges the six Member States which still have not ratified and implemented the Istanbul Convention to do so in the shortest possible time frame; calls on the European External Action Service (EEAS) to promote the ratification of the Istanbul Convention within its political dialogue with Council of Europe partner countries;
 5. Strongly condemns the withdrawal of Turkey from the Istanbul Convention; considers that the denunciation of the Istanbul Convention is another step that questions the status of Turkey as a candidate for membership of the EU;

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More effective EU commitment and efficient implementation

6. Calls for full implementation and prioritisation of GAP III in every aspect of EU external action through a gender-transformative and intersectional approach, both in terms of GAP III's geographical coverage and areas of action, as well as gender mainstreaming in all areas of external action, whether trade, development policy, humanitarian aid, security or sectors such as energy and agriculture; reiterates that actions to implement GAP III have to be guided by the need to address the root causes of gender inequalities, and allow for the meaningful participation and inclusion of men, women and disadvantaged groups, and that limited funding and understaffing are among the fundamental obstacles to implementing EU objectives on gender equality and gender mainstreaming; reiterates that any effort to achieve the goals of GAP III must take into account the diversity of women; recalls that GAP III should ensure Policy Coherence for Development through systematic gender impact assessments in order to avoid any negative impacts of EU policies on women's and girls' rights and gender equality; calls on the Commission to provide the necessary practical and political tools to ensure the smooth translation of GAP III's principles into actions and practice; calls for the EU to be ambitious in promoting goals that bring about the observance of human rights and real gender equality among the external partners with which the EU seeks to work;

7. Calls for the establishment of an extensive and comprehensive training programme to underpin the implementation of GAP III, in particular on gender mainstreaming, gender budgeting and gender impact assessments, as well as on gender-based violence; stresses the need to invest in knowledge, resources and in-house expertise on gender equality in EU delegations in order for them to be able to implement GAP III adequately; calls for these training programmes to be tailored as much as possible to the local and national context in which GAP III is being implemented; calls for these training courses and related tools to be made freely and easily available to interested local partners;

8. Stresses the need for a regular, external and independent assessment of GAP III's results, at every level and every stage, against the targeted and measurable objectives set and for the input of civil society, NGOs and other relevant stakeholders on the ground to be taken into account in a transparent and inclusive way; calls for the systematic implementation of rigorous gender analysis and the use of gender-sensitive and sex-disaggregated indicators and statistics; insists that the assessment of GAP III should evaluate the implementation of all EU policies relevant to EU external action; calls for GAP III to incorporate clear tools to track the total amount of gender equality spending and assess the qualitative impact of these initiatives in terms of promoting gender equality; expects the missing specific and measurable baselines, indicators, actions and targets to be added to the Working Document without further delay, together with the respective roadmaps and timelines for all objectives; stresses the importance of the Global Europe instrument's programming exercise as a unique opportunity to operationalise GAP III's targets;

9. Calls on the EU missions and delegations, the Member States, partner countries and local and regional governments to cooperate closely in the implementation of GAP III using all diplomatic and programmatic tools at their disposal, through proper guidance developed and shared through the delegations; recalls the key importance of the gender focal points and calls for their role and visibility to be strengthened; welcomes the introduction of the CLIPs and insists that all CLIPs be made public and translated in order to ensure accessibility for local civil society and grass roots organisations;

10. Calls on the Commission to strengthen synergies with the UN, partner countries and international stakeholders, to jointly advance and reach international targets related to gender equality in Agenda 2030 and its SDGs, in the Beijing Declaration and its Platform for Action, and in the Programme of Action of the ICPD and its review conferences;

11. Calls for close ties to be established with local CSOs, especially those working to defend the rights of women and girls, including those from vulnerable communities, and with ministries, regional and local governments in partner countries in order to enhance the effectiveness and country ownership of the implementation of GAP III and its CLIPs; calls, further, for an annual policy and political dialogue with the European Parliament regarding GAP III implementation,

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encompassing stakeholders and, in particular, local authorities, civil society and women's organisations; reiterates its call on the EU missions and delegations to engage in a meaningful dialogue with CSOs and to provide and exchange information about the way their input was used and translated into gender policies;

12. Welcomes the focus of GAP III on young people as drivers of change; calls for the EU to ensure that women and girls, as well as women rights and grassroots organisations, particularly girl- and youth-led organisations and women-led frontline humanitarian responders, participate meaningfully and play a leading role in the implementation of GAP III in their countries, through funding and training; reiterates the importance and added value of the expertise of, and long-term engagement with, local activists, grassroots organisations and/or other experts and relevant stakeholders on gender issues, so that gender projects are adapted to the local socio-economic and cultural context;

13. Calls for stronger and systematic collaboration between the stakeholders involved in the implementation of GAP III, including between the Commission Directorates-General; strongly encourages the Member States and EU delegations to consider local and regional governments as key actors in development policy, as they are the democratic level closest to the citizens and are best placed to promote gender equality and sustainable development; stresses the need to work closely with rural communities and community leaders to foster the reach of gender equality programmes everywhere;

14. Calls for the inclusion of a specific target for funding women's rights organisations and civil society; calls for multiannual, flexible, direct, adequate and sufficient funding for local CSOs and networks in all their diversity, especially those working to defend the rights of women, girls and other vulnerable communities, and human rights organisations working to improve the legal framework of countries; calls on the Commission to come forward with simplified funding mechanisms and practices to allow smaller, grassroots organisations to access EU funding for gender equality; condemns all moves to clamp down on women's rights activists, including women human rights defenders, and urges all governments to protect, support and cooperate with civil society;

15. Stresses that women human rights defenders are in an extremely vulnerable position, especially in conflict areas and in conflict and post-conflict situations; welcomes the call to collaborate with and promote a safe environment for women human rights defenders and calls on the Commission to protect them through adequate actions and mechanisms, together with allocating dedicated resources to EU delegations;

16. Calls on EU delegations to strictly implement the EU Guidelines on Human Rights Defenders in relation to activists defending the rights of women, especially regarding the duties to report on governmental bodies responsible for violations of human rights and to provide legal pathways to activists when and as needed; calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to report annually to Parliament on the implementation of the EU Guidelines on Human Rights Defenders;

17. Underlines that sufficient funding through the EU programming process is needed for the effective implementation of GAP III; calls strongly for GAP III to be more closely coordinated with other initiatives, such as the Spotlight Initiative, whose budget should be increased, while its effectiveness needs to be improved in line with its recent mid-term assessment, and by drawing lessons from the new context created by the COVID-19 pandemic; welcomes the Spotlight Initiative and its aim of eliminating all forms of violence against women and girls; calls for the funds allocated to the Spotlight Initiative to be renewed after the current programme ends in 2022, and for the programme to be prolonged throughout the whole multiannual financing period and across sub-regions;

18. Underlines that SDG 5 is to achieve gender equality and empower all women and girls, and that this goal must be mainstreamed into the various areas in which the EU is empowered to act; deplores the fact that SDG 5 is one of the three least well-funded SDGs; notes with appreciation that GAP III considers gender equality to be a cross-cutting priority of EU external action in its policy and programming work; reiterates the need for gender mainstreaming to be appropriately integrated across all sectors of EU external action, and that the priorities of Global Europe in partner countries, as well as Team Europe Initiatives, should be gender transformative, in accordance with GAP III, and especially in the case of humanitarian aid;

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19. Welcomes the fact that 85 % of all new external actions will be required to incorporate gender as a significant or principal objective; welcomes the Commission's aim of having gender equality as the main objective of 5 % of its new external action programmes; further welcomes the inclusion of at least one initiative per country with gender equality as its main objective; recalls that the 5 % target was already achieved in 2019 and calls for greater ambition, increased support and concrete earmarked funding for gender-targeted initiatives to be included in GAP III; calls for 20 % of official development aid (ODA) in each country to be allocated to programmes with gender equality as one of their principal objectives; calls for the establishment of a specific target of 85 % of the EU's ODA funding being dedicated to programmes which have gender equality as a principal or significant objective; expects, and therefore calls for, the EU and the Member States to commit to no ODA being spent on projects that could reverse or harm gender equality achievements; stresses that the objectives set should also be quantified in terms of dedicated funding and not just as a percentage of the overall programmes;

20. Urges the Commission and the EEAS to lead by example and focus on their own internal structures; stresses the importance of gender-responsive leadership in achieving gender equality and the proper implementation of GAP III; welcomes the commitment to ensure gender-balanced management in the EEAS's headquarters (HQ) and in external Commission services, EU delegations and common security and defence policy (CSDP) missions; regrets the fact, however, that the EEAS is far from achieving the target of 50 % women in management positions and calls on the current VP/HR to fully implement gender equality at all levels as planned; welcomes the commitment to introduce gender equality and GAP III training for all managers at HQ and EU delegations, and calls for this measure to be mandatory and extended to all staff working in EU external action;

21. Notes that the EEAS should take the lead in making gender a key component of external action, and that it should incentivise and politically back the EU delegations to do the same at partner country level; stresses the need for the mission letters and job descriptions of Heads of Delegation to include specific reference to gender equality, implementing GAP III, and the importance of EU delegations and Member States systematically working together and consulting each other in order to ensure the full integration of the GAP and its gender-transformative, human rights-based, intersectional approach into the planning of the multiannual indicative programmes; welcomes GAP III's commitment to ensure that all EU delegation and HQ external services have Gender Advisors / Gender Focal Persons/Points (GFP) but stresses the need for these positions to be full-time and to be equipped with sufficient resources to perform their tasks; calls once again for gender advisers also to be appointed in military CSDP missions;

22. Calls on the Commission and the EEAS to collect relevant human resources data, disaggregated by gender, to assess the numbers of nominations, shortlisted candidates, selections, contract extensions and length of deployment, among other criteria, and to track progress, as well as to conduct systematised interviews with women and people belonging to disadvantaged groups about their reasons for leaving posts;

23. Regrets the fact that the important issue of diversity has been grouped into the role of the EEAS Advisor on Gender and Diversity, and calls on the EEAS to accord the necessary importance to both gender equality and the WPS Agenda, as well as to diversity and inclusion, and to establish one role for each of these issues, and to strengthen these roles, their mandates, resources and powers; calls for the appointment of a dedicated gender adviser in each EEAS directorate, reporting directly to the EEAS Advisor on Gender and Diversity, and to encourage their staff to work closely with the European Institute for Gender Equality;

24. Stresses that gender equality is a human right, crucial to sustainable development and smart economies, benefiting both women and men, in all their diversity, including the LGBTQI+ community; notes that gender inequality is exacerbated by other forms of inequality; stresses that inequalities have far-reaching socio-economic consequences for societies as a whole and that this should be taken into account by change-resistant stakeholders; emphasises that all EU commitments will be more effective if EU action takes an intersectional approach to gender equality; reiterates the call for all EU action to take into account intersecting identities and to recognise that women and girls in all their diversity are not affected equally by gender inequalities;

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25. Welcomes the inclusion of intersectionality as a core principle of GAP III, but regrets the lack of targets, indicators and specific actions in order to implement it; emphasises the commitment of the Commission and the EEAS to protect and enable LGBTQI+ people to assert their rights around the world;

26. Welcomes the reference made in GAP III to the potential of the EU accession process to promote gender equality in candidate and potential candidate countries; stresses the need for a strong policy dialogue and technical assistance to bring gender equality into the enlargement and neighbourhood policies; calls on the Commission and the EEAS to make further use of accession negotiations as leverage to make enlargement deliver for women;

27. Welcomes the fact that GAP III addresses the extreme vulnerability of migrant women and girls; calls for particular attention to be paid to the situation of women and girls on the move, on migration routes or in camps, and specifically calls for their access to water, sanitation and hygiene, SRHR and maternal healthcare to be guaranteed;

Seven areas of action

Eliminating all forms of gender-based violence

28. Welcomes the fact that the first area of engagement of GAP III focuses on eliminating all forms of gender-based violence; calls for enhanced, coordinated and holistic action to combat femicide, and all types of gender-based violence online and offline, to be stepped up, particularly in conflict and emergency situations where women and girls are in more vulnerable situations, and focusing on women and girls who are more likely to be victims of violence such as women and girls with disabilities; stresses the need to work with partner countries with a view to criminalising all forms of gender-based violence;

29. Calls for urgent action to address the root causes of violence against women and girls, with a gender-transformative and intersectional approach, especially considering the substantial increase in femicide and other forms of gender-based violence in the context of the pandemic; welcomes the Commission's focus on promoting prevention by challenging harmful gender norms; stresses, in this regard, that it is essential to work with partner countries and CSOs to combat gender stereotypes in every aspect of social life; calls on EU delegations and Member States to deploy all possible diplomatic means to promote the adoption of legislation providing for structural gender equality in every aspect;

30. Recalls that mandatory training for all staff in the EEAS, the Commission, EU delegations and CSDP missions and operations should comprise comprehensive programmes for the identification of victims of conflict-related sexual and/or gender-based violence, as well as prevention programmes, in addition to training for all EU staff, including military and police staff; urges the EU to exercise all possible leverage to ensure that the perpetrators of mass rapes in warfare are reported, identified, prosecuted and punished in accordance with international criminal law; recalls that the Rome Statute provides a permanent legal framework to extensively address sexual and gender-based violence (SGBV) as a crime against humanity and calls, therefore, for the EU to actively support the independent and essential activity of the International Criminal Court both politically and financially; welcomes the inclusion of SGBV within the criteria for the imposition of sanctions in the framework of the EU Global Human Rights Sanctions Regime, and encourages Member States to make effective use of it;

31. Stresses that forced and child marriage is a human rights violation which makes girls particularly vulnerable to violence and abuse; points out that female genital mutilation (FGM) is internationally recognised as a human rights violation, with 200 million victims worldwide and 500 000 victims in the EU alone, and at least three million girls are at risk of genital mutilation every year; underlines that FGM and forced marriage are an affront to the dignity of women as persons; calls for integrated action to raise awareness of and prevent FGM and forced marriages, particularly in conflict and emergency contexts; calls on the Commission to ensure a coherent long-term approach to stopping FGM both within and outside the EU by improving synergies between internal and external EU programmes; reiterates its call to incorporate FGM prevention measures into all policy areas in its external action;

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32. Points out that the victims of trafficking and sexual exploitation are mainly women and girls; calls for greater leadership and monitoring from the Commission and the Member States, and increased international cooperation to end the above-mentioned harmful practices resulting in such forms of enslavement; recalls that the vulnerability of women to trafficking and sexual exploitation is exacerbated during times of economic hardship, armed conflict and emergency situations; calls for further integration of the fight against trafficking of women and girls into the objectives of GAP III and for increased synergies with the EU Strategy on Combatting Trafficking in Human Beings (2021-2025);

Ensuring access to healthcare for women and sexual and reproductive rights

33. Reiterates that SRHR are human rights and constitute fundamental elements of human dignity and women's empowerment; expresses concern at the backlash against gender equality and women's rights, and the rise of misogynistic conservative rhetoric and organised religious and other groupings, which is threatening to undermine, among other things, access to SRHR both inside and outside the European Union; stresses that legislative rollbacks on abortion undermine the protection of women's health, rights and dignity, and put the most socially and economically vulnerable women at a greater risk; notes that the EU should be a leading example worldwide in terms of promoting SRHR, free from coercion, violence, discrimination and abuse; calls, therefore, on all Member States to ensure universal access to SRHR in their territories;

34. Deplores the fact that access to sexual and reproductive health, including safe and legal abortion, has been seriously curtailed and often criminalised in many regions worldwide; stresses that poor, rural and minority women are the main victims; underlines the need to focus on all age groups, including girls and younger women, and provide relevant information, education and access to SRHR, including pre-natal care, safe and legal abortion and contraception; stresses the importance of continuing to challenge the discriminatory norms that make it difficult for women, girls and LGBTIQ+ people to enjoy their SRHR, as well as stereotypes that lead to discrimination against marginalised women during childbirth;

35. Stresses the importance of improving the availability of contraception methods in partner countries, especially for adolescent girls; affirms that all women and adolescent girls are entitled to make their own free and informed choices with regard to their SRHR; recalls that the quality of maternal healthcare is an important indicator of the development of a country; believes that the EU should help partner countries to uphold the right to health in the context of pregnancy and childbirth through the establishment of decent maternal health services that effectively decrease infant mortality and deaths related to complications during childbirth;

36. Calls for GAP III to give a high priority to gender equality and SRHR in the EU and Member States' humanitarian aid response, as well as accountability and access to justice and redress for sexual and reproductive rights violations and gender-based violence, both in terms of providing training to humanitarian actors and of funding;

37. Calls for GAP III to attach greater importance to SRHR, given the serious repercussions the pandemic has had on women and girls in partner countries, and for adequate, flexible continuous and targeted funding to be coordinated and allocated to them when programming the Neighbourhood, Development and International Cooperation Instrument — Global Europe; calls on the Commission, the EEAS and the Member States to consider SRHR as a priority in the EU's external action programming process, including in joint programming; underlines the crucial role of non-governmental organisations as service providers and advocates for SRHR;

38. Stresses the importance of SRHR with regard to women's and girls' bodies and their autonomy, and urges that SRHR be treated as public health issues accessible to all without discrimination; calls for universal access to comprehensive, age-appropriate sexuality education (CSE), effective contraception, prevention of HIV and sexually transmitted infections,

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and safe and legal abortion; calls for CSE programmes to address interpersonal relationships, sexual orientation, gender equality, gender norms, the prevention of gender-based violence and consent, and to provide information about puberty, the menstrual cycle, pregnancy and childbirth, contraception and the prevention of sexually transmitted diseases;

39. Highlights the need to take age into account in SRHR-related actions, for example by ensuring accessible, youth-friendly information and services; stresses that the EU should promote partner countries including these issues in their national public health plans; calls for the EU and the Member States to commit to GAP III's objectives on SRHR and to prepare 'country-level implementation plans' prioritising SRHR;

40. Stresses the need to encourage access to education at all levels and in all circumstances with a view to reducing early marriage, teenage pregnancy and economic dependency; calls for increased efforts to prevent absenteeism in order to enable girls who become mothers to return to school and complete their education and be included in the labour market;

41. Calls for measures to prevent girls from missing school during their periods by improving water sanitation, hygiene services and menstrual hygiene facilities on school premises and by tackling period poverty and combating stigmatisation in this area, including working with women, girls and men and boys; calls for greater synergies between programmes addressing health, SRHR and water, sanitation and hygiene services in schools and personal support for girls;

42. Draws attention to the intersectional inequalities and disparities between women and men regarding access to healthcare and the quality of the healthcare provided, taking into account the lack of gender-responsive healthcare and services; calls for universal access to facilities for information on, and to the prevention, diagnosis, care and treatment of, female diseases, such as endometriosis and cervical cancer, and sexually transmitted diseases, such as HIV; calls for the European Union to support the implementation of the WHO's global strategy to accelerate the elimination of cervical cancer;

43. Calls on the partner countries to adequately fund and strengthen their public health systems and to carry out research into women's health worldwide in order to advance knowledge of gender and sex-related issues in the areas of disease prevention, diagnosis, treatment and research; further calls for the public's awareness of gender-related health issues to be raised;

44. Stresses the need for Member States to adopt a public health policy that places special emphasis on health promotion and disease prevention by guaranteeing universal and high-quality healthcare and ensuring the availability of the necessary resources to combat the main public health problems;

Promoting economic and social rights and equality, and ensuring the autonomy of women and girls

45. Reiterates that the crisis and the economic and social consequences resulting from the COVID-19 pandemic are disproportionately affecting women's access to the labour market; stresses the importance and the need for the EU to support the development and inclusion of an intersectional gender dimension in all COVID-19 recovery plans in partner countries and Team Europe initiatives; emphasises the need for a gender-sensitive response to COVID-19 in the implementation of GAP III in order to take account of the unique circumstances of women and girls and to stimulate post-crisis opportunities; calls on the Commission to mainstream the gender dimension and include gender-transformative actions in all measures related to the COVID-19 pandemic in partner countries, including in recovery plans and measures, and to support projects, including financial projects, in such a way as to include gender equality; stresses that new forms of financing such as gender bonds could kick-start national economies while empowering women;

46. Takes the view that work is central to tackling inequality; supports collective bargaining as a means not only to enhance working conditions but also to tackle inequality between men and women;

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47. Welcomes the fact that the Commission intends to require compliance with the relevant ILO and UN conventions regarding gender equality in its upcoming review of the Generalised Scheme of Preferences Regulation; calls on the Commission to effectively include gender equality in all Trade and Sustainable Development chapters and to ensure that trade and investment do not exacerbate gender inequality; stresses that all impact assessments linked to trade should take into account CSOs' views;

48. Stresses that financial support for women must be accompanied by training, access to information, upskilling and awareness-raising on their fundamental rights;

49. Calls on the Commission and the Member States to work with partner countries to prevent and tackle harassment of women at work, as well as to promote the ratification of the ILO Violence and Harassment Convention (No. 190);

50. Calls for GAP III to promote women's economic activity and their access to the necessary economic and social tools, and resources and social protection, especially in emergency contexts; stresses the importance of women's participation in the economy worldwide for sustainable development and sustained and inclusive economic growth, intrinsically linked to the global goal of eradicating poverty as outlined in the SDGs; calls on the Commission and the Member States to support and promote gender-responsive social protection mechanisms, including cash transfers, to enhance the capacity of partner countries in responding to crises and external shocks;

51. Calls for the EU and partner countries to adopt measures to help make women more employable and provide them with decent jobs, access to finance and business opportunities, including by supporting local women-led organisations, and encouraging their participation in trade and labour unions; highlights the importance of boosting access to, for example, micro credit with a view to facilitating and stimulating women's creativity and entrepreneurship on a smaller scale;

52. Highlights the need to consider the complementarity of other actions to ensure their effectiveness, such as the freedom from gender-based violence, access to decent work and affordable child and elderly care; calls for the EU and its Member States to empower and protect mothers and fathers worldwide, and to work with partner countries to guarantee adequate maternity, paternity and parental leave, and to adopt practical measures to ensure that protection, alongside investment in childcare and education services;

53. Stresses that the EU should support the creation of a Binding Instrument on Business and Human Rights within the UN framework in order to fully guarantee the enjoyment of human rights and women's rights;

54. Calls on the Commission and the Member States to work with partner countries to fund and promote measures that address the disproportionate burden of unpaid work that women have to bear, and to support actions helping women workers moving from the informal to the formal economy; underlines that women and men should equally share unpaid care and domestic responsibilities; calls for concrete steps to be taken towards recognising, reducing and redistributing unpaid care and domestic work;

55. Calls for the active promotion of women's role and participation in the economy and society and recognition of their civil and legal rights, including the right to own property, access to bank loans and the right to participate in different economic sectors and in political life, most notably through the promotion of gender-responsive macroeconomic policies; regrets the fact that the right to equal pay for equal work of equal value is not a given in many circumstances, both inside and outside the EU, even when enshrined in law, and stresses that the root cause of this discrimination needs to be addressed;

56. Underlines that it is essential that the private sector get involved in achieving the objectives set out in GAP III and is held to account in the event of violations of women's rights committed in the course of corporate activities; calls on the Commission to include the gender perspective in its upcoming legislative proposal on corporate due diligence;

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57. Stresses that women's economic and social autonomy is crucial for sustainable and inclusive growth; calls for a comprehensive effort to provide girls and women with access to high-quality education and quality training on skills, and effective tools contributing to their access to the labour market, particularly in emergency and displacement settings; strongly recommends that partner countries boost investment in quality and inclusive education, with support from the EU budget; underlines that EU budget support, which has proven its efficiency in the field of education, remains the favoured means to allow access to inclusive and quality education to all in developing countries; welcomes the intention to increase overall funding for education, with 10 % of the humanitarian aid budget to be devoted to funding for education in emergencies;

58. Stresses the need to support substantial investment in health and education services, affordable housing and safe, affordable and accessible public transport, both in rural and urban areas, with a view to meeting public needs and contributing to the independence, equality and emancipation of women; recalls that special attention must be paid to these issues in fragile and post-conflict states, where the EU will also implement development projects to help address the lack of housing, land and property rights for women;

59. Expresses its concerns about the increase in the digital gender gap in many countries, which impedes equal access to information and digital services; stresses the importance of promoting digital literacy, as well as access to and the affordability of digital tools and in accessing the labour market; calls for increased and targeted funding and scholarships to enable women and girls to access higher education and vocational training, in particular with a view to promoting the digital and technological education of girls, and women's participation in STEM fields, and to support female-led projects; welcomes GAP III's determination to bridge the digital gender gap in order to drive a truly inclusive digital transformation;

60. Recalls that women, specifically those facing intersectional discrimination, may face difficulties in accessing digital services and related infrastructure; calls for women and girls, especially those living in rural and remote areas, to be given better, universal, safe and secure access to digital tools and training in the use thereof;

61. Stresses the need to support the provision of public and private services through gender-responsive digital channels, technologies and services (for example, e-government, digital financial services) that will enhance women's and girls' inclusion and participation in society; calls on the Member States to tackle the digital exclusion of all vulnerable groups in society and to make education in information and communications technology accessible to them, while taking into account the different factors determining women's access to education, as well as by creating free-of-charge digital access points;

62. Calls for EU support for the modernisation and digitalisation of administrative procedures in partner countries, in particular to ensure that all these countries have reliable civil registers that record every birth;

63. Acknowledges that emergencies, such as armed conflict and economic crises, and displacement settings, put women's and girls' education and training at risk; reiterates that women's access to livelihoods and labour opportunities is seriously affected during emergencies and stresses, therefore, the importance of the necessary funds being allocated in such cases, especially to local women-led organisations and to existing structures, in order to improve the structures that ensure the right development of their education, skills and access to jobs in the long term;

64. Notes that food insecurity affects women asymmetrically, and that they own disproportionately less land, livestock and other assets; calls on the Commission and the Member States to support the aim of achieving gender equality in the food and agriculture sector, financial opportunities and access to training in order to empower women in agriculture; notes the importance of supporting the efforts of partner countries in legal, policy and institutional reforms to give women equal rights to economic resources, particularly access to and control over land and other forms of property;

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65. Calls for the EU to promote economic and trade policies consistent with the SDGs and the objectives of GAP III; recalls its previous position on trade and gender as outlined in its resolution of 13 March 2018 on gender equality in EU trade agreements ⁽¹²⁾; calls for the EU to continue to support and introduce trade policies that reduce socio-economic gaps and ensure a high level of protection and respect for fundamental freedoms and human rights, including gender equality;

66. Welcomes the fact that GAP III calls for the promotion of gender equality through the EU's trade policy; calls on the Commission, the Council and the EEAS to promote and support the inclusion of a specific gender chapter in all EU trade and investment agreements, including commitments to promote gender equality and women's empowerment; calls on the Commission to include the gender impact of EU trade policy and agreements in *ex ante* and *ex post* impact assessments;

67. Stresses its previous position calling for a specific chapter on trade and gender equality and women's empowerment in the upcoming modernisation of the EU-Chile Association Agreement; observes with interest the progress made on a trade and gender chapter in the negotiations;

68. Recalls its resolution of 25 November 2010 on human rights and social and environmental standards in international trade agreements ⁽¹³⁾;

69. Notes that trade policy is not gender neutral and that better collection of gender-disaggregated data, together with clear indicators, is needed to adequately assess the different impacts of trade policy on women and men; reiterates its call for the EU and its Member States to draw inspiration from the toolkit developed by the UN Conference on Trade and Development and to include in *ex ante* impact assessments and in *ex post* evaluations the country-specific and sector-specific gender impact of EU trade policy and agreements; calls on the Commission to work together with international partners, such as the WTO, and local authorities and organisations to collect data, analyse the impact of trade on women and translate data into concrete proposals to improve women's role in the international trade system and promote inclusive economic growth; stresses that intensified cooperation between international organisations such as the WTO, the International Trade Centre and the UN, and the creation of networks involving academia, CSOs and parliaments can lead to better sharing of best practices and methods for collecting data, and to the inclusion of a gender perspective in trade; insists that gender issues should not be limited to the Trade and Sustainable Development chapter;

70. Calls for the Commission to engage actively in the recently established WTO Informal Working Group on Trade and Gender to work towards a strong Ministerial Declaration in the 12th Ministerial Conference that could serve as a roadmap for the implementation of the 2017 Buenos Aires Declaration; underlines that the Informal Working Group on Trade and Gender is a first step towards a more permanent platform in the WTO to discuss issues related to trade and gender; calls on the Commission to continue to proactively engage with other WTO members to contribute to the work of the Informal Working Group, and to explore the possibility of establishing a permanent working group;

71. Recalls its demand to the Commission that the composition of the Domestic Advisory Groups be gender-balanced, that their monitoring role be further extended, and that a Trade and Gender Committee be established under each Free Trade Agreement to identify shortcomings;

72. Calls on the Commission to carefully evaluate the impact of trade agreements on sectors with a high percentage of women workers, such as the garment sector and small-scale agriculture; recalls that the economic crisis caused by COVID-19 has strongly affected these sectors and exacerbated the risk of increasing inequality, discrimination against and the exploitation of female workers;

⁽¹²⁾ OJ C 162, 10.5.2019, p. 9.

⁽¹³⁾ OJ C 99 E, 3.4.2012, p. 31.

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73. Calls on the Commission to ensure that sufficient resources are available, and to disclose the resources allocated, to promote the core value of gender equality in its trade and investment policies and to ensure that the secretariats of the EU institutions responsible for trade policy and negotiations have the knowledge and technical capacity to incorporate the gender perspective into the entire process of trade negotiations and policy formulation, by appointing gender focal points in the EU institutions and delegations;

74. Calls for the inclusion of enforceable provisions in all Trade and Sustainable Development chapters based on respecting the ILO core labour standards and relevant conventions, in particular Convention No. 189 on Domestic Workers, Convention No. 156 on Workers with Family Responsibilities, CEDAW, Convention No. 111 concerning Discrimination (Employment and Occupation), Convention No. 100 on Equal Remuneration and Convention No. 190 on Violence and Harassment, and for these conventions to be included in the list of conventions in the GSP+ review;

75. Welcomes the International Organization for Standardization International Workshop Agreement (ISO/IWA 34) on global definitions related to women's entrepreneurship, which aims to facilitate policymaking, data collection and access to capacity building, finance and markets for women's economic empowerment;

76. Welcomes the accomplishments made so far on gender in the lending policies of the European Investment Bank (EIB) and calls on the EIB to scale up its efforts and, in particular, to take into account to the maximum extent possible the policy goals of GAP III in its external lending mandate;

77. Stresses that the EIB and other relevant European development financial institutions should be fully aligned with GAP III; calls on the EIB to take into account the objectives of GAP III when providing support to undertakings in partner countries through impact assessments that should be carried out for every project funded by the EIB, and calls for the continuous monitoring of operations on the ground;

Encouraging participation and leadership by women, girls and young women

78. Stresses the importance of women's and girls' leadership and participation at all levels of decision-making and that the equal participation of women, in public and political life is essential to good governance and policy-making; underlines the importance of having women represented on both sides of the negotiating table at all levels of external action; reiterates that when women and girls lead equally, entire communities benefit from better and more durable solutions; notes that women are under-represented at every level of political and public life and that progress is slow;

79. Calls for programme funding to promote the training, civic engagement and participation of women, including supporting community-level participatory approaches and specific educational activities for girls and young women, since they are among the most affected by discrimination; calls for the inclusion of women at all levels of decision-making, government, leadership and positions of power, via public administration reforms, programmes and activities such as networking, exchanges, mentoring and sponsorship, and advocates the inclusion of local women's rights organisations and women-led front line humanitarian responders in humanitarian coordination and decision-making structures;

Involving women in peacebuilding and security initiatives

80. Stresses the importance of the contribution made by women and civil society to promoting dialogue, forging coalitions and mediating for peace, and bringing different perspectives on what peace and security mean, in particular in conflict prevention, resolution and post-conflict reconstruction; calls for the EU to promote greater participation by women in peacekeeping and further peacebuilding, and to support and recognise women, young women, girls and women human rights defenders as key drivers of change, and to support and protect them; stresses that respect for, and the full realisation of, the human rights of women are the foundations of a democratic and inclusive society;

81. Welcomes the integration of the EU Action Plan on WPS into GAP III and calls for its effective implementation; highlights the important role played by existing and successful local peacebuilding initiatives led by women and women human rights defenders, and calls for the EU to support, enhance and systematically include these initiatives in peacebuilding consultations, coordination and decision-making;

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82. Calls on the EEAS to undertake systematic conflict analysis with an integrated gender perspective based on gender analysis and gender-inclusive conflict analysis, in particular with regard to CSDP missions and operations and activities under the European Peace Facility; stresses the need for sufficient resources to build and strengthen EU expertise and capacity to conduct risk and conflict analyses with an integrated gender perspective, which should involve paying specific attention to gender equality and ensuring the meaningful participation of women and disadvantaged groups;

83. Points out the importance of linking the concept of human security and the gender approach; calls for the EU to use the concept of human security as set out in UN General Assembly Resolution 66/290 and in its WPS agenda; insists that security must focus on human lives and their protection from threats such as violence, lack of education, healthcare, food or economic independence; calls on the Commission, the EEAS and the Member States to develop and promote the UN disarmament agenda; insists on having a feminist foreign policy on disarmament and non-proliferation;

84. Points out that women are disproportionately affected by conflict-related sexual violence and other human rights violations perpetrated with impunity, including a higher risk of trafficking in human beings; stresses the need to ensure that women and girls who have suffered sexual violence in conflict zones and countries receive appropriate and holistic care and treatment, and effective and prompt reparations; notes that this system is already working where it has been put in place and that it also helps to reintegrate these victims into society; recalls the importance of combating the stigmatisation of victims; calls for the continuity of support for measures providing women in conflict and emergency contexts with SRHR care packages, by funding and supporting front line organisations and women-led organisations;

85. Recalls that women and girls are disproportionally affected by armed conflict; deplores the use of sexual violence as a weapon of war and insists on the urgent need to combat it, as well as to combat impunity, by bringing perpetrators to justice; further stresses that women are often the first victims of displacement in conflict areas, and are frequently deprived of their economic autonomy and of access to education and reliable sexual and reproductive health services; highlights the need to ensure access to education and jobs for those displaced by conflict or natural disasters; calls on the Commission and the Member States to work with partner countries and their armed forces to ensure proper enforcement of the Fourth Geneva Convention relative to the protection of persons in time of war, with a specific focus on preventing and punishing sexual violence;

86. Regrets the lack of consideration in GAP III of cultural heritage across countries and women's role in its protection and development; calls on the Commission and the EEAS to develop programmes aimed at protecting and recognising the cultural heritage and traditions developed by women, which frequently go unnoticed, especially throughout the whole conflict cycle;

Ensuring gender-responsive humanitarian action

87. Regrets that the recent Commission communication on the EU's humanitarian action: new challenges, same principles (COM(2021)0110), does not sufficiently address the gender perspective in humanitarian settings; calls on the Commission to provide more concrete proposals on specific expenditure, programmes, tracking and assessment of gender-related activities in humanitarian settings, and to elaborate measures to further develop adapted and efficient gender-responsive EU humanitarian action, given the opportunity presented by the humanitarian-development-peace triple nexus approach to protect women's and girls' rights and promote gender equality in all contexts;

Building a green and digital society

88. Welcomes the inclusion in GAP III of the priority area on climate change, given that climate change is not gender neutral, as it acts as an amplifier of existing gender inequalities, especially for the poor, young people and indigenous people, and especially in fragile environments; appreciates the EU's determination to address gender issues in the context of the green transition, given the intersectional and disproportionate impact of climate change on women and girls, particularly in developing countries; stresses the necessity of including, listening to and empowering women and girls in the

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design and implementation of effective approaches to climate mitigation and adaptation in partner countries, thereby ensuring effective gender-transformative climate action; calls for the EU to lead by example by including, without delay, a gender perspective and targets on gender equality in the European Green Deal and related initiatives;

89. Reiterates that gender equality is a prerequisite for sustainable development and in order to achieve a fair and just transition which leaves no one behind; reiterates, therefore, its call for the Green Deal for Europe to be swiftly followed by 'Green Deal Diplomacy' that systematically includes a gender and intersectional perspective, and involves women and girls, including indigenous women, in strategic decision-making on climate change adaptation;

90. Points out that women and women's organisations are at the forefront when it comes to finding solutions and providing expertise in the fields of agriculture, climate, energy and preserving biodiversity, and are on the front line in combating climate change; calls for them to be given support in the form of adequate and flexible funding, legislative framework provisions and access to land and resources, and cooperation with the private and financial sectors; reiterates the role of gender-responsive adaptation, including climate-smart agriculture, disaster risk reduction, the circular economy and the sustainable management of natural resources;

91. Calls for women and girls to be given better access to digital tools and training in the use thereof and for measures to be taken to promote their advancement in the STEM professions;

92. Stresses that social networks are a source of gender-based discrimination and harassment; stresses the need for governments to step up efforts to better regulate these networks, together with digital platforms in order to combat gender-based online violence and cyberbullying; recognises that this is a major barrier for women's and girls' access to digital spaces and their participation online and severely hinders girls' and women's political participation, especially for women and girls with intersectional identities, who report higher rates of online harassment; calls for targeted protection mechanisms for women online and for a greater involvement of women in the design, manufacture and development of artificial intelligence applications in order to combat the perpetuation of gender stereotyping and prejudices; calls for the enforcement of proper criminal law provisions to counter online abuse, threatening messages, sexual harassment and the sharing of private images without consent;

93. Notes that e-commerce has the potential to connect more female entrepreneurs with international markets; calls, however, for the Commission to support women in adopting new technologies such as blockchain that, owing to its peer-to-peer nature, anonymity and efficiency, can help certain women to overcome some discriminatory legal and cultural barriers to trade, improve their access to finance and help them to integrate into global value chains;

Creating a true Generation Equality

94. Reiterates the need for the EU to play a leading role at multilateral level in promoting feminist diplomacy in order to implement international agreements pertaining to the rights and empowerment of women and girls; calls for the EU, its Member States, the Commission and the EEAS to commit to advance towards a feminist foreign, security and development policy that entails a gender-transformative vision and to make gender equality a core part of their external actions and priorities;

95. Welcomes the EUR 33 billion pledged by governments around the world, the private sector and civil society at the Generation Equality Forum in Paris; calls for an international and efficient accountability system, and calls for the Commission to monitor its agreed commitments and their implementation in practice annually;

96. Recalls the Commission's commitment to earmark EUR 4 billion from the external budget for women and girls and to increase funding for women's organisations; calls for these commitments to be clarified, adequately monitored and translated into practice, and for the establishment of a clear baseline and targets;

97. Points out once again that intergenerational dialogue and the inclusion of, as well as the commitment on the part of men and boys to advance gender equality are crucial to bringing about societal change and creating a true Generation Equality;

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98. Welcomes GAP III's recognition of the importance of actively engaging men and boys to promote change in social attitudes and, as a result, broader structural change; emphasises the importance of creating practical ways to involve men and boys as agents of change through setting additional indicators and targets related to the engagement of men and boys and ensuring that GAP III yields positive results for them too;

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99. Instructs its President to forward this resolution 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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Rule of Law and the consequences of the ECJ ruling

European Parliament resolution of 10 March 2022 on the rule of law and the consequences of the ECJ ruling (2022/2535(RSP))

(2022/C 347/13)

The European Parliament,

- having regard to Articles 2, 3(1), 4(3), 6, 7, 13, 14(1), 16(1), 17(1), 17(3), 17(8), 19(1) second subparagraph and 49 of the Treaty on European Union (TEU), as well as Articles 265, 310, 317 and 319 of 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 Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget ⁽¹⁾ (the Rule of Law Conditionality Regulation),
- having regard to its resolution of 25 March 2021 on the application of Regulation (EU, Euratom) 2020/2092, the rule-of-law conditionality mechanism ⁽²⁾,
- having regard to its resolution of 10 June 2021 on the rule of law situation in the European Union and the application of the Conditionality Regulation (EU, Euratom) 2020/2092 ⁽³⁾,
- having regard to its resolution of 8 July 2021 on the creation of guidelines for the application of the general regime of conditionality for the protection of the Union budget ⁽⁴⁾,
- having regard to its action brought on 29 October 2021 for failure to act in case C-657/21, *European Parliament v Commission*, which is currently pending before the Court of Justice of the European Union (ECJ),
- having regard to the Commission's Rule of Law Reports of 30 September 2020 (COM(2020)0580) and of 20 July 2021 (COM(2021)0700),
- having regard to the conclusions of the European Council adopted on 11 December 2020,
- having regard to the case-law of the ECJ and of the European Court of Human Rights,
- having regard to the ECJ's judgments of 16 February 2022 in cases C-156/21 and C-157/21 ⁽⁵⁾,
- having regard to the ECJ's decision of 3 June 2021 in case C-650/18 dismissing Hungary's action against Parliament's resolution of 12 September 2018 triggering the procedure for determining the existence of a clear risk of a serious breach by a Member State of the values on which the European Union is founded ⁽⁶⁾,

⁽¹⁾ OJ L 433 I, 22.12.2020, p. 1.

⁽²⁾ OJ C 494, 8.12.2021, p. 61.

⁽³⁾ OJ C 67, 8.2.2022, p. 86.

⁽⁴⁾ OJ C 99, 1.3.2022, p. 146.

⁽⁵⁾ Judgment of 16 February 2022, *Hungary v European Parliament and Council of the European Union*, C-156/21, ECLI:EU:C:2022:97 and judgment of 16 February 2022, *Republic of Poland v European Parliament and Council of the European Union*, C-157/21, ECLI:EU:C:2022:98.

⁽⁶⁾ Judgment of 3 June 2021, *Hungary v Parliament*, C-650/18, ECLI:EU:C:2021:426.

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- having regard to the ECJ's order of 14 July 2021 and its ruling of 15 July 2021 ⁽⁷⁾, stipulating that the disciplinary system for judges in Poland is not compatible with EU law,
 - 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 ⁽⁸⁾,
 - having regard to the Commission's reasoned proposal of 20 December 2017 in accordance with Article 7(1) TEU regarding the rule of law in Poland: proposal for a Council decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law (COM(2017)0835),
 - 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 ⁽⁹⁾,
 - having regard to the letters of 17 November 2021 sent by the Commission to Poland and Hungary pursuant to Article 6 (4) of the Rule of Law Conditionality Regulation,
 - having regard to Rule 132(2) and Annex VI 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, as enshrined in Article 2 TEU;
 - B. whereas in accordance with the Rule of Law Conditionality Regulation, the rule of law must be understood in the light of the values and principles enshrined in Article 2 TEU, including fundamental rights and non-discrimination; is of the opinion that the Commission should use all of the tools at its disposal, including the Rule of Law Conditionality Regulation, to address the persistent violations of democracy and fundamental rights everywhere in the Union, including attacks against media freedom and journalists, migrants, women's rights, LGBTIQ people's rights, and freedom of association and assembly; calls on the Commission to act and to take this into account in the application of the Rule of Law Conditionality Regulation;
 - C. whereas any clear risk of a serious breach by a Member State of the values enshrined in Article 2 TEU does not solely concern the individual Member State where the risk materialises, but also has an impact on the other Member States, on the mutual trust between them and on the very nature of the Union and its citizens' fundamental rights under Union law;
 - D. whereas the values contained in Article 2 TEU define the very identity of the European Union as a common legal order and therefore the European Union must be able to defend these values, within the limits of its powers as conferred by the Treaties;
 - E. whereas the Rule of Law Conditionality Regulation entered into force on 1 January 2021 and has been binding in its entirety and directly applicable in all Member States since that date;
 - F. whereas the applicability, purpose and scope of the Rule of Law Conditionality Regulation are clearly defined therein; whereas in accordance with Article 17(1) TEU, the Commission 'shall ensure the application of the Treaties, and of measures adopted by the institutions pursuant to them';
 - G. whereas the absence of the Commission President from the plenary debate on 16 February 2022 demonstrates a lack of respect for the Commission's obligation to give priority to its presence, if requested, at the plenary sittings of Parliament, over other competing events or invitations, as enshrined in the Framework Agreement on relations between the European Parliament and the European Commission ⁽¹⁰⁾;

⁽⁷⁾ Order of the Vice-President of the Court of 14 July 2021, *European Commission v Republic of Poland*, C-204/21 R, ECLI:EU:C:2021:593 and judgment of 15 July 2021, *European Commission v Republic of Poland*, C-791/19, ECLI:EU:C:2021:596.

⁽⁸⁾ OJ C 433, 23.12.2019, p. 66.

⁽⁹⁾ OJ C 129, 5.4.2019, p. 13.

⁽¹⁰⁾ OJ L 304, 20.11.2010, p. 47.

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- H. whereas in her press statement of 16 February 2022, President von der Leyen announced that taking into account the ECJ judgments, the Commission ‘will adopt in the following weeks guidelines providing further clarity about how we apply the mechanism in practice’;
- I. whereas the application of the Rule of Law Conditionality Regulation is not subject to the adoption of guidelines, which are not part of the regulation, and whereas any guidelines must not undermine the intention of the co-legislators, or alter, expand or narrow the scope of the text of the regulation;
- J. whereas the Rule of Law Conditionality Regulation is intended to protect the Union budget and the financial interests of the Union from effects resulting from breaches of the principles of the rule of law;
- K. whereas it is unacceptable that since December 2021, the Commission and the Council have refused to enter into negotiations on an interinstitutional agreement on a single, evidence-based and EU-wide mechanism on democracy, the rule of law and fundamental rights, as called for by Parliament in its legislative initiative of 7 October 2020 ⁽¹¹⁾;
- L. whereas the three conditions for disbursing the Recovery and Resilience Facility funds to Poland mentioned by the Commission President on 19 October 2021 have not yet been fulfilled;
- M. whereas in accordance with Article 319 TFEU, ‘the European Parliament, acting on a recommendation from the Council, shall give a discharge to the Commission in respect of the implementation of the budget’;
- N. whereas the war unfolding in Ukraine has reminded us of our shared duty to effectively protect democracy, the rule of law and our values as enshrined in Article 2 TEU with all the means at our disposal;
- O. whereas in accordance with Article 234 TFEU, the European Parliament has the right to vote on a motion of censure of the Commission;
- P. whereas the Commission has regrettably decided to abide by the non-binding European Council conclusions of 11 December 2020, even though it ‘shall be completely independent’ and its members ‘shall neither seek nor take instructions from any Government or other institution, body, office or entity’ (Article 17(3) TEU, Article 245 TFEU) and furthermore ‘shall be responsible to the European Parliament’ (Article 17(8) TEU) and ‘shall ensure the application of the Treaties, and of measures adopted by the institutions pursuant to them’ (Article 17(1) TEU);
1. Welcomes the judgements of the ECJ of 16 February 2022 ⁽¹²⁾ and its conclusions that the Rule of Law Conditionality Mechanism is in line with EU law, confirming the appropriateness of the legal basis, the regime’s compatibility with Article 7 TEU and the principle of legal certainty, as well as the EU’s competences regarding the rule of law in the Member States, and the conclusion that the actions brought by Hungary and Poland against the Rule of Law Conditionality Regulation should be dismissed;
2. Calls on the Commission to take urgent action and immediately apply the Rule of Law Conditionality Mechanism by sending a written notification under Article 6(1) of the Rule of Law Conditionality Regulation, directly informing Parliament thereafter, and expects that all occurrences falling within the scope of the regulation in the 14 months since its entry into force in January 2021 must form part of the notification; underlines that it is high time for the Commission to fulfil its duties as the guardian of the Treaties and to instantly react to the ongoing severe violations of the principles of the rule of law in some Member States, which represent a serious danger to the Union’s financial interests in relation to the fair, legal and impartial distribution of EU funds, particularly those under shared management; warns that any further delay may have serious consequences;
3. Stresses that inaction and a lax approach towards oligarchic structures and the systemic violation of the rule of law weaken the entire European Union and undermine the trust of its citizens; underlines the need to ensure that taxpayers’ money never ends up in the pockets of those who undermine the EU’s shared values;

⁽¹¹⁾ OJ C 395, 29.9.2021, p. 2.

⁽¹²⁾ In cases C-156/21 and C-157/21, as referenced above.

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4. Regrets the Commission's inadequate response to the ECJ rulings of 16 February 2022, notwithstanding its commitment to finalise the guidelines on the application of the Rule of Law Mechanism; reiterates, however, that the text of the Rule of Law Conditionality Regulation is clear and does not require any additional interpretation in order to be applied, and that the co-legislators have not delegated to the Commission any powers to this effect; underlines that the ECJ has recognised, in particular, that the Member States cannot maintain that they are not in a position to determine with sufficient precision the essential content of and requirements stemming from the regulation; highlights, in this context, that the process of developing guidelines, which are not legally binding and are not part of the regulation, must not in any event cause further delay to the application of the regulation, and points out in particular that the Commission has a duty to implement EU legislation regardless of electoral timetables in the Member States;
5. Notes that in October 2021, pursuant to Article 265 TFEU, Parliament launched an action against the Commission before the ECJ over its failure to act and apply the regulation, which had been requested in two resolutions in 2021 and which followed on from the unsatisfactory replies from the Commission and its attempt to play for time; recalls that this case ⁽¹³⁾ is currently at the written procedure stage, where the parties involved — the Commission and Parliament — submit their arguments in writing; regrets the fact that the Commission has not yet responded to Parliament's call to trigger Article 6(1) of the regulation and has not sent written notifications to the Member States concerned, but only sent requests for information to Hungary and Poland in November 2021;
6. Regrets the inability of the Council to make meaningful progress in enforcing the Union's values in ongoing Article 7 procedures in response to the threats to common European values in Poland and Hungary; points out that this failure by the Council to make effective use of Article 7 TEU continues to undermine the integrity of common European values, mutual trust, and the credibility of the Union as a whole; urges the French Presidency and its successors to organise hearings on a regular basis; welcomes, in this regard, the first hearing convened by the French Presidency on 22 February 2022 and the second, which has been planned for 30 May 2022; recommends that the Council address concrete recommendations to the Member States in question, as provided for by Article 7(1) TEU, as a follow-up to the hearings, and that it indicate deadlines for the implementation of those recommendations;
7. Calls, therefore, on the French Presidency to fulfil its commitment to 'a humane Europe' and to resolutely contribute to the strengthening of the rule of law and to the protection of fundamental rights, as enshrined in its EU presidency programme, in which the rule of law is described as 'an essential prerequisite to the proper functioning of the Union'; urges the French Presidency to support the swift and proper application and implementation of the Rule of Law Conditionality Regulation;
8. Underlines that the deteriorating situation as regards the rule of law in some Member States necessitates a constructive dialogue about the further evolution of the EU's rule of law toolbox;
9. Stresses that in taking any action under the regulation, the Commission should ensure full transparency and inform Parliament in full and in a timely manner, unlike the approach taken by the Commission when sending letters requesting information under the regulation in November 2021;
10. Calls on the Commission to ensure that the final recipients or beneficiaries of EU funds are not deprived of the benefits of EU funds in the event of sanctions being applied under the Rule of Law Conditionality Mechanism, as set out in Article 5, subparagraphs (4) and (5), of the regulation;
11. Stresses that the Rule of Law Conditionality Mechanism should be applied to both the Union budget and to NextGenerationEU; stresses further that approval of the national plans under the Recovery and Resilience Facility should be made conditional on the fulfilment of all 11 criteria set out in Article 19 of and Annex V to the regulation on the Recovery and Resilience Facility; expects the Commission to exclude all risks of programmes under cohesion policy contributing to the misuse of EU funds or to breaches of the rule of law before approving the partnership agreements and cohesion policy programmes; calls on the Commission to apply the Common Provisions Regulation and the Financial Regulation more stringently in order to tackle the discriminatory use of EU funds, in particular any use of a politically motivated nature;
12. Instructs its President to forward this resolution to the Commission, the Council and the Member States.

⁽¹³⁾ C-657/21.

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P9_TA(2022)0075

European Withholding Tax framework

European Parliament resolution of 10 March 2022 on a European Withholding Tax framework (2021/2097(INI))
(2022/C 347/14)

The European Parliament,

- having regard to Articles 12, 45, 49, 58, 63, 64, 65, 113, 115 and 116 of the Treaty on the Functioning of the European Union,
- having regard to the Commission proposal of 11 November 2011 for a Council Directive on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States (COM(2011)0714),
- having regard to Council Directive 2011/96/EU of 30 November 2011 on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States ⁽¹⁾ (Parent-Subsidiary Directive),
- having regard to Council Directive (EU) 2016/1164 of 12 July 2016 laying down rules against tax avoidance practices that directly affect the functioning of the internal market ⁽²⁾ and to Council Directive (EU) 2017/952 of 29 May 2017 amending Directive (EU) 2016/1164 as regards hybrid mismatches with third countries ⁽³⁾,
- having regard to Council Directive 2003/49/EC of 3 June 2003 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States ⁽⁴⁾ (Interest and Royalties Directive),
- 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 ⁽⁵⁾,
- having 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 ⁽⁶⁾,
- having regard to the Commission proposals of 25 October 2016 on a Common Corporate Tax Base (COM(2016)0685) and of 25 October 2016 on a Common Consolidated Corporate Tax Base (COM(2016)0683), the digital taxation package ⁽⁷⁾, and Parliament's position thereon,
- having regard to the Commission communication of 18 May 2021 entitled 'Business Taxation for the 21st Century' (COM(2021)0251),
- having regard to its position adopted at first reading of 11 September 2012 on the proposal for a Council Directive on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States ⁽⁸⁾,

⁽¹⁾ OJ L 345, 29.12.2011, p. 8.

⁽²⁾ OJ L 193, 19.7.2016, p. 1.

⁽³⁾ OJ L 144, 7.6.2017, p. 1.

⁽⁴⁾ OJ L 157, 26.6.2003, p. 49.

⁽⁵⁾ OJ L 359, 16.12.2014, p. 1.

⁽⁶⁾ OJ L 139, 5.6.2018, p. 1.

⁽⁷⁾ The package consists of the Commission communication of 21 March 2018 entitled 'Time to establish a modern, fair and efficient taxation standard for the digital economy' (COM(2018)0146), the Commission proposal of 21 March 2018 for a Council directive laying down rules relating to the corporate taxation of a significant digital presence (COM(2018)0147), the Commission proposal of 21 March 2018 for a Council directive on the common system of a digital services tax on revenues resulting from the provision of certain digital services (COM(2018)0148), and the Commission recommendation of 21 March 2018 relating to the corporate taxation of a significant digital presence (C(2018)1650).

⁽⁸⁾ OJ C 353 E, 3.12.2013, p. 196.

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- 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 the Commission's follow-up to each of the above-mentioned Parliament resolutions ⁽¹⁰⁾,
- having regard to the European Securities and Markets Authority's report of 23 September 2020 on cum/ex, cum/cum and withholding tax reclaim schemes,
- having regard to the Commission recommendation of 19 October 2009 on withholding tax relief procedures ⁽¹¹⁾,
- having regard to the Commission communication of 11 November 2011 entitled 'Double Taxation in the Single Market' (COM(2011)0712),
- having regard to the Commission communication of 15 July 2020 entitled 'An Action Plan for Fair and Simple Taxation Supporting the Recovery Strategy' (COM(2020)0312),
- having regard to the Commission communication of 24 September 2020 entitled 'A Capital Markets Union for people and businesses — new action plan' (COM(2020)0590),
- having regard to the Commission Code of Conduct on Withholding Tax of 2017,
- having regard to the European Banking Authorities' report of 11 May 2020 on cum/ex, cum/cum and withholding tax reclaim schemes,
- having regard to the European Securities and Markets Authority's final report of 23 September 2020 on the MAR Review,
- having regard to the Commission report of 24 March 2017 entitled 'Accelerating the capital markets union: addressing national barriers to capital flows' (COM(2017)0147),
- having regard to the EU Tax Observatory study of October 2021 entitled 'Revenue effects of the global minimum tax: country-by-country estimates',
- having regard to the EU Tax Observatory study of 22 November 2021 entitled 'New forms of tax competition in the European Union: An empirical investigation',
- having regard to Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility ⁽¹²⁾,
- having regard to the Commission staff working document of 22 January 2021 entitled 'Guidance to Member States Recovery and Resilience Plans' (SWD(2021)0012),
- having regard to the statement of 1 July 2021 by the G20/Organisation for Economic Co-operation and Development (OECD) Inclusive Framework on Base Erosion and Profit Shifting (BEPS) on a Two-Pillar Solution to Address the Tax Challenges Arising from the Digitalisation of the Economy,
- having regard to the OECD's Treaty Relief and Compliance Enhancement (TRACE) project,

⁽⁹⁾ OJ C 369, 11.10.2018, p. 132.

⁽¹⁰⁾ The joint follow-up of 16 March 2016 on bringing transparency, coordination and convergence to corporate tax policies in the Union and TAXE 1 resolutions, the follow-up of 16 November 2016 to the European Parliament resolution on tax rulings and other measures similar in nature or effect, the follow-up of April 2018 to the PANA recommendation, the follow-up of 26 March 2019 to the resolution on the cum-ex scandal and the follow-up of 27 August 2019 to the TAX3 resolution.

⁽¹¹⁾ OJ L 279, 24.10.2009, p. 8.

⁽¹²⁾ OJ L 57, 18.2.2021, p. 17.

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- having regard to the Commission inception impact assessment of 28 September 2021 on the initiative entitled ‘New EU system for the avoidance of double taxation and prevention of tax abuse in the field of withholding taxes’,
 - having regard to its resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect ⁽¹³⁾,
 - having regard to its resolution of 6 July 2016 on tax rulings and other measures similar in nature or effect ⁽¹⁴⁾,
 - having regard to its resolution of 29 November 2018 on the cum-ex scandal: financial crime and loopholes in the current legal framework ⁽¹⁵⁾,
 - having regard to its resolution of 26 March 2019 on financial crimes, tax evasion and tax avoidance ⁽¹⁶⁾,
 - having regard to its resolution of 21 January 2021 on reforming the EU list of tax havens ⁽¹⁷⁾,
 - having regard to its resolution of 16 September 2021 entitled ‘Implementation of the EU requirements for exchange of tax information: progress, lessons learnt and obstacles to overcome’ ⁽¹⁸⁾,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A9-0011/2022),
- A. whereas Member States continue to lose tax revenue due to harmful tax practices, and estimates of the revenue lost due to corporate tax avoidance range from EUR 36-37 billion ⁽¹⁹⁾ to EUR 160-190 billion per year ⁽²⁰⁾;
- B. whereas independent research ⁽²¹⁾ suggests that EU Member States collectively lose more corporate tax revenue to other EU Member States than to third countries;
- C. whereas high flows of royalty, interest or dividend payments through a certain jurisdiction indicate that profits are being rerouted with the sole purpose of reducing the tax burden;
- D. whereas aggressive tax planning structures can be grouped into three main channels: (i) royalty payments, (ii) interest payments and (iii) transfer pricing ⁽²²⁾, showcasing the importance of passive income flows in tax avoidance and evasion;
- E. whereas the OECD/G20 Inclusive Framework on BEPS agreed on the key components of a two-pillar reform of the international tax system in order to address the challenges arising from the digitalisation of the economy, including a minimum effective corporate tax rate of 15 %;
- F. whereas the EU Tax Observatory has estimated that the implementation of the OECD/G20 agreement’s Pillar II will lead to an immediate increase of EUR 63,9 billion in tax revenue for the 27 Member States;

⁽¹³⁾ OJ C 366, 27.10.2017, p. 51.

⁽¹⁴⁾ OJ C 101, 16.3.2018, p. 79.

⁽¹⁵⁾ OJ C 363, 28.10.2020, p. 102.

⁽¹⁶⁾ OJ C 108, 26.3.2021, p. 8.

⁽¹⁷⁾ OJ C 456, 10.11.2021, p. 177.

⁽¹⁸⁾ Texts adopted, P9_TA(2021)0392.

⁽¹⁹⁾ Commission report of 18 May 2021 entitled ‘Annual Report on Taxation 2021’.

⁽²⁰⁾ Dover, R. et al., ‘Bringing transparency, coordination and convergence to corporate tax policies in the European Union, Part I: Assessment of the magnitude of aggressive corporate tax planning’, European Parliament, Directorate-General for Parliamentary Research Services, European Added Value Unit, September 2015.

⁽²¹⁾ Tørsløv, T., Wier, L. and Zucman, G., ‘The Missing Profits of Nations’, Working Paper 24701, June 2018, available at: <https://www.nber.org/papers/w24701>.

⁽²²⁾ https://ec.europa.eu/taxation_customs/system/files/2018-03/taxation_papers_71_atp_.pdf

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- G. whereas withholding taxes can reduce the risk of tax evasion and avoidance, but may also lead to double taxation; whereas such taxes represent a source of revenue for Member States to finance public spending, and are an effective tool to secure a domestic tax base and combat profit shifting to low-tax jurisdictions;
- H. whereas changes at EU and Member State level in the withholding tax system should be integrated with existing and upcoming anti-tax avoidance provisions, such as the implementation of the abovementioned agreement by the OECD/G20 Inclusive Framework on BEPS;
- I. whereas the cum-ex and cum-cum schemes both involve reclaims of dividend withholding tax to which the beneficiaries were not entitled and are estimated to have imposed a total cost to taxpayers of about EUR 140 billion between 2000 and 2020; whereas most of these reclaims have been considered illegal and the revelations constitute the largest ever tax fraud scandal in the European Union;
- J. whereas complex, lengthy, costly and non-standardised refund procedures increase the risk of tax fraud and avoidance schemes, as demonstrated by the cum-ex revelations, while also increasing the administrative burden for cross-border investments, particularly for small and medium-sized enterprise (SME) and retail investors, and may discourage cross-border investments and create an obstacle to market integration and the advancement of the Capital Markets Union;
- K. whereas the European Parliament's position on the Capital Markets Union is laid out in its resolution of 8 October 2020 entitled 'Further development of the Capital Markets Union (CMU): improving access to capital market finance, in particular by SMEs, and further enabling retail investor participation' ⁽²³⁾; whereas the EU remains committed to completing the Capital Markets Union and to promoting a true European market that encourages cross-border investments; whereas the Commission has announced the objective of alleviating the tax-associated burden in cross-border investments as one of the key action points in its 2020 communication entitled 'A Capital Markets Union for people and businesses — new action plan';
- L. whereas the Commission has introduced non-binding measures to ease tax refund claim procedures in the past, including a Code of Conduct on withholding tax and a recommendation on the simplification of procedures for claiming cross-border withholding tax relief, which have yielded only limited results; whereas the OECD's TRACE package ⁽²⁴⁾ is also not widely applied;
- M. whereas the Commission has estimated the total costs of withholding tax refund procedures at around EUR 8,4 billion in 2016, which was mainly due to foregone tax relief, the costs of reclaim procedures and opportunity costs ⁽²⁵⁾, making the prospect of cross-border investments less attractive;
- N. whereas the Interest and Royalties Directive (IRD) and the Parent-Subsidiary Directive (PSD) both exempt certain cross-border payments that take place within the EU and are related to interest, royalties and dividends from withholding tax with the aim of eliminating double taxation;
- O. whereas on 26 February 2019, the Court of Justice of the European Union ruled on several cases regarding the Danish withholding tax regime with respect to dividends and interest paid by Danish companies to companies in other EU Member States with important consequences for the application of the IRD and PSD; whereas these cases confirm the importance of reliable beneficial ownership information and economic substance on the part of the recipient of passive income;

⁽²³⁾ OJ C 395, 29.9.2021, p. 89.

⁽²⁴⁾ Opening statement by Mr Paul Gisby (Accountancy Europe) at the FISC Subcommittee public hearing in the European Parliament on 27 October 2021.

⁽²⁵⁾ Commission report of 24 March 2017 entitled 'Accelerating the capital markets union: addressing national barriers to capital flows' (COM(2017)0147).

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- P. whereas recital 3 of the IRD states that ‘it is necessary to ensure that interest and royalty payments are subject to tax once in a Member State’;
- Q. whereas negotiations on the revision of the IRD have been stalled in the Council since 2012 owing to diverging views among Member States on the possibility of including an effective minimum tax rate for royalties and interest; whereas the Commission considers that the transposition of Pillar 2 of the OECD/G20 Inclusive Framework on BEPS should pave the way for agreeing the pending proposal for recasting the IRD ⁽²⁶⁾;
- R. whereas the Commission has pledged to propose a legislative initiative for introducing a common, standardised, EU-wide system for withholding tax relief at source, accompanied by an exchange of information and cooperation mechanism among tax administrations ⁽²⁷⁾;
- S. whereas high standards of cooperation between Member States regarding taxation, within the boundaries of the Treaties and the European legal framework, remain crucial to protecting and safeguarding the integrity of the single market;

Putting an end to profit shifting practices

1. Notes that despite continuous efforts, the system of withholding taxes among Member States has remained largely fragmented in terms of rates and relief procedures, creating loopholes and legal uncertainty; notes further that the current system is abused to shift profits, enables aggressive tax planning and creates the undesired effect of double taxation in addition to barriers to cross-border investments in the single market;
2. Welcomes the considerable progress made in the fight against harmful tax practices in recent years, both at EU and international level, while stressing that better application of existing laws is needed and, in the light of growing evidence of profit shifting, harmful tax competition, and fraud, notably after the cum-ex revelations, that legislative action may be necessary, alongside efforts to tackle taxation-based obstacles to cross-border investments;
3. Welcomes the agreement reached by the OECD/G20 Inclusive Framework on a two-pillar reform, including a global minimum effective corporate tax rate; considers this an important step towards ending the practice of shifting profits to low-tax jurisdictions, reducing harmful tax competition among territories and ensuring that companies pay their fair share of tax in each jurisdiction; notes, however, that the agreement includes carve-out clauses and a de minimis exclusion and that the scope is focused on multinational enterprises with a global consolidated turnover of at least EUR 750 million;
4. Is pleased that 137 countries and jurisdictions have supported the OECD/G20 Inclusive Framework agreement on a two-pillar reform; notes with satisfaction the fact that all Members of the G20 and of the OECD and all EU Member States are part of the agreement; welcomes the fact that the Commission put forward a legislative proposal for the implementation of Pillar II in line with the agreement shortly after the OECD developed its model rules; calls on the Council to swiftly adopt such proposals, while taking into account Parliament’s position, so that it is effective in 2023; believes that putting a floor on tax competition is part of the implementation of the international deal;
5. Recalls that withholding taxes can be a defensive measure that Member States take against countries mentioned on the EU list of non-cooperative jurisdictions for tax purposes; requests that the Commission consider putting forward a legislative proposal that enhances coordinated defensive measures against listed countries, given that discretionary application by individual Member States has been less effective than anticipated; highlights, in this regard, that the implementation of the OECD/G20 agreement, notably Pillar II, must also be taken into account;
6. Reiterates its demand that the Commission present a legislative proposal for an EU-wide withholding tax in order to ensure that payments generated within the Union are taxed at least once before leaving it ⁽²⁸⁾; urges the Commission to include strong anti-abuse measures in this proposal;

⁽²⁶⁾ Commission communication of 18 May 2021 entitled ‘Business Taxation for the 21st Century’ (COM(2021)0251).

⁽²⁷⁾ Commission Action Plan for Fair and Simple Taxation supporting the Recovery Strategy.

⁽²⁸⁾ European Parliament resolution of 6 July 2016 on tax rulings and other measures similar in nature or effect, paragraph 26.

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7. Notes that a simple, consistent and fair tax system is a key factor in enhancing the competitiveness of the EU; regrets that base erosion and profit shifting are still ongoing and are facilitated by the lack of a common withholding tax on outbound payments to third countries and the absence of common rules and procedures that more effectively ensure taxation of intra-EU flows of dividends, royalties and interest, including a possible minimum effective tax rate; underlines that addressing profit shifting should be one of the EU's main tasks for the coming years;

8. Recalls that the Commission, in the context of the European Semester and the assessment of the national recovery and resilience plans, found that more reforms are needed in order to address aggressive tax planning in six Member States, where the absence or limited application of withholding taxes on outbound payments are likely to be misused for aggressive tax planning and treaty shopping;

9. Calls on the Commission to insist on the implementation of recommendations in the context of the European Semester and the assessment of the national recovery and resilience plans regarding aggressive tax planning, and in particular interest, royalty and dividend payments;

10. Stresses that the regime in place under the IRD and PSD, coupled with the absence of common rules and procedures that ensure the taxation of intra-EU flows of dividends, interest and royalty payments, can provide conduits for these flows to leave the EU untaxed for low-tax third jurisdictions, resulting in significant revenue losses; stresses the need to address this issue at least through anti base-erosion rules;

11. Calls on the Commission and the Member States to establish a common and standardised withholding tax framework that reduces complexity for investors, stems the practice of treaty shopping and ensures that all dividends, interest, capital gains, royalty payments, professional service payments and relevant contract payments generated in the EU are taxed at an effective rate;

12. Recalls its position adopted at first reading of 11 September 2012 on the revision of the IRD; regrets that the revision of this directive has been blocked in the Council since 2012 owing to diverging views among Member States on the possibility of including an effective minimum tax rate for royalties and interest; urges the Council to swiftly resume and conclude the negotiations on the IRD in the light of the EU's implementation of Pillar II;

13. Notes that the lack of an effective minimum tax rate on dividend payments to shareholders has created an environment that may favour tax avoidance; calls on the Commission to analyse this issue and to assess the best legislative options to address it, including the possibility of revising the PSD;

14. Recalls that recent research ⁽²⁹⁾ shows large differences in the application of withholding taxes in Member States — the rates can vary between 0 % and 35 % — and points to the fact that withholding tax rates in tax treaties are often lower than the standard rates;

15. Encourages all Member States to complete the ratification of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI); calls on the Commission to include these MLI standards in the reform of the EU list of non-cooperative tax jurisdictions and its criteria;

16. Encourages Member States to review all tax treaties in force signed with third countries to ensure compliance with new global standards; asks the Commission to suggest proportionate measures to Member States regarding their existing bilateral tax treaties to ensure that they include general anti-abuse rules;

17. Invites the Commission to assess the development of EU guidelines for the negotiation of tax treaties between Member States and developing countries in the light of the 'Subject to Tax Rule' included in Pillar 2;

⁽²⁹⁾ Van 't Riet, M. and Lejour, A., 'A Common Withholding Tax On Dividend, Interest And Royalties In The European Union', 2020.

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Stepping up the fight against dividend arbitrage

18. Recalls that in October 2018, an investigation disclosed that 11 Member States had lost up to EUR 55,2 billion in tax revenue as a result of cum-ex and cum-cum schemes, but that new estimates from an investigation published in October 2021 set the amount of loss of public revenue at around EUR 140 billion for the period 2000-2020; is concerned that these schemes continue to be exploited at the expense of EU public finances; is concerned to hear of the possible existence of other schemes with a similarly damaging impact, such as cum-fake; notes that the German Court of Justice in Karlsruhe ruled in July 2021 that cum-ex schemes are illegal and therefore constitute tax fraud;

19. Notes the inquiry and final report by the European Securities and Markets Authority (ESMA) and the European Banking Authority (EBA) into cum-ex, cum-cum and withholding tax reclaim schemes, as requested by Parliament; calls on the Commission to assess possible solutions to tackle these schemes, namely the possibility of linking tax reclaims to the underlying distribution of dividends, notably through a unique identifier, and/or by entrusting a single entity in each Member State with responsibility for collecting the withholding tax and issuing the relevant tax certificate to ensure that multiple tax reclaims over a single distribution cannot take place and that abuse of reclaim procedures is easily detected by tax administrations;

20. Emphasises that the cum-ex revelations have had an impact on market integrity and investor confidence; calls on the Commission to reflect on the conclusions of ESMA's final report on the review of the Market Abuse Regulation (MAR) to analyse whether the regulation has been violated, and to consider whether amendments to the MAR are required in this regard; highlights that European authorities, including the EBA and ESMA, must be held to their supervisory responsibilities;

21. Calls on the Commission to propose measures to enhance cooperation and mutual assistance between tax authorities, financial market supervisory authorities and, where appropriate, law enforcement bodies regarding the detection and prosecution of withholding tax reclaim schemes; highlights ESMA's recommendation⁽³⁰⁾ to the Commission to remove the current legal limitations for the exchange of information between financial market supervisory authorities and tax authorities; calls on the Commission to provide for a legal basis for the exchange of relevant information between these authorities, notably to flag suspicious activities, in forthcoming legislative proposals;

22. Shares ESMA's concern that withholding tax reclaim schemes are rarely confined within EU borders⁽³¹⁾ and therefore stresses the importance of continued international cooperation on this matter;

23. Highlights the Commission's efforts and Parliament's initiatives to strengthen tax cooperation between Member States, one such example being the Fiscalis programme;

24. Stresses that although Council Directive 2014/107/EU has facilitated the exchange of information, other obstacles to the detection of cum-ex and cum-cum schemes exist, including settlement delays in security transactions, the scope of the exchange of information on capital gains, and the insufficient spontaneous exchange of information; recalls the recommendations issued in its resolution of 16 September 2021 entitled 'Implementation of the EU requirements for exchange of tax information: progress, lessons learnt and obstacles to overcome';

25. Emphasises that the role of intermediaries should be taken into consideration and calls on the Commission and the Member States to develop appropriate measures to prevent their role in facilitating tax abuse and tax avoidance; recalls that Directive (EU) 2018/822 (DAC 6) introduced mandatory disclosure rules for cross-border arrangements, creating an obligation on intermediaries to report potentially harmful tax arrangements; calls on the Commission to evaluate to what extent these rules have contributed to revealing harmful tax arrangements such as cum-cum and cum-ex schemes and to what extent they have had a deterrent effect;

26. Calls on the Commission to extend the mandatory exchange of information to dividend arbitrage schemes and all information on capital gains, including the granting of dividend and capital gains tax refunds; further calls on the Commission to assess the impact of the extension of reporting requirements to cross-border arrangements for the management of the assets of clients who are natural persons, taking into account the administrative burden that would be created; highlights, in this framework, the importance of accurate and complete beneficial ownership information;

⁽³⁰⁾ European Securities and Markets Authority final report of 23 September 2020 on the MAR Review, paragraph 624.

⁽³¹⁾ Ibid., paragraph 617.

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Removing barriers to cross-border investments in the single market

27. Strongly welcomes the Commission's intention to put forward a proposal by the end of 2022 establishing a common and standardised system for withholding taxes, accompanied by a mechanism for the exchange of information and cooperation among tax administrations of Member States; urges the Commission, with full respect for EU competences, to strive also to tackle divergences in withholding taxes in the EU;

28. Requests that such a proposal address the need for harmonised implementation that should replace tax treaties between Member States; calls on the Commission to provide guidance on treaty provisions which could be used by Member States in their bilateral agreements with third countries;

29. Recalls the Commission's commitment to completing the Capital Markets Union; calls on the Commission, in this regard and by 2022, for an impact assessment of the implementation of the measures included in the action plan launched in 2019;

30. Notes that the Commission recommendation to implement well-functioning relief-at-source procedures or, where this is not possible, to establish quick and standardised refund procedures, which was issued as part of the Commission recommendation of 19 October 2009 on withholding tax relief procedures, has not yet been satisfactorily implemented by Member States;

31. Urges the Commission to come forward with a common and standardised EU procedure for withholding tax refunds for all Member States; highlights that such harmonisation would be particularly helpful for retail investors, who are often deterred from completing refund procedures due to the excessive burden caused by said discrepancies, and would thus improve the level playing field;

32. Calls on the Commission to introduce, inter alia and as part of this harmonisation, rules on exemptions and deductions and a standardised format and process for reclaim requests, and to address the current lack of a uniform definition of 'beneficial owner', the lack of alignment of time periods for request and reclaim, and language barriers; stresses the importance of preventing the possibility for fraud in the new framework;

33. Reckons that repayments of withholding taxes remain predominantly a paper-driven process, which is not only slower and more burdensome for taxpayers, further complicating the process for non-domestic investors, but also more prone to fraud; stresses that properly functioning, easy-to-use, quick, standardised and digital withholding tax refund procedures and improved cooperation among national tax administrations can reduce the administrative burden, uncertainty in cross-border investments and tax evasion, while speeding up procedures for investors and tax authorities alike, thus constituting an improvement over the status quo;

34. Takes good note of the potential of distributed ledger technology (DLT) to make the withholding system more efficient in each country, but also to facilitate seamless procedures between different national systems and prevent fraudulent activity; calls on the Commission, in this regard, to take account of existing digital solutions in Member States, to assess how to leverage blockchain technologies to prevent tax evasion and avoidance, while fully respecting EU data protection rules, and to consider the establishment of a pilot project; stresses, however, that technology alone cannot fully address the problems arising from the lack of a common framework;

35. Points out that the PSD and the IRD have gradually removed withholding taxes on dividend, interest and royalty payments between associated companies in the EU which reach certain thresholds, with the aim of reducing the risk of double taxation; notes that withholding taxes continue to be raised on investors below these thresholds and that the procedures for tax exemption or relief are ruled by double tax conventions in this case;

36. Welcomes the option outlined by the Commission to establish a fully fledged common EU relief-at-source system, which could be a reliable solution in the long term; highlights that a move towards this type of system cannot be detrimental to the fight against tax abuse or facilitate, directly or indirectly, profit shifting to low-tax jurisdictions or double non-taxation; stresses that, in all circumstances, compliance by the destination Member State with EU legislation implementing the agreement reached by the OECD/G20 Inclusive Framework must be a prerequisite for relief at source;

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37. Recalls the OECD principle of taxing the business activity where it happens; calls on the Commission and the Member States to analyse other options such as an alternative system of 'relief at residence', in which all withholding taxes paid to the source Member State would be compensated through tax credit by the residence Member State where the income is declared, guaranteeing that no double taxation would occur and limiting the risk of abuse;

38. Takes note of the OECD TRACE initiative, which empowers authorised intermediaries to reclaim withholding tax claims on portfolio investments; recalls that only one Member State has implemented TRACE; encourages others to assess the results in terms of administrative burden reduction, the impact on tax revenue and fraud risks;

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

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P9_TA(2022)0076

European Semester for economic policy coordination: annual sustainable growth survey 2022**European Parliament resolution of 10 March 2022 on the European Semester for economic policy coordination: annual sustainable growth survey 2022 (2022/2006(INI))**

(2022/C 347/15)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union, in particular Articles 121(2) and 136 thereof,
- having regard to Protocol No 1 to the Treaties on the role of national parliaments in the European Union,
- having regard to Protocol No 2 to the Treaties on the application of the principles of subsidiarity and proportionality,
- having regard to the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union,
- having regard to the Paris Agreement of the United Nations Framework Convention on Climate Change and the Sustainable Development Goals,
- having regard to Council Directive 2011/85/EU of 8 November 2011 on requirements for budgetary frameworks of the Member States ⁽¹⁾,
- having regard to Council Regulation (EU) No 1177/2011 of 8 November 2011 amending Regulation (EC) No 1467/97 on speeding up and clarifying the implementation of the excessive deficit procedure ⁽²⁾,
- having regard to Regulation (EU) No 1173/2011 of the European Parliament and of the Council of 16 November 2011 on the effective enforcement of budgetary surveillance in the euro area ⁽³⁾,
- having regard to Regulation (EU) No 1174/2011 of the European Parliament and of the Council of 16 November 2011 on enforcement measures to correct excessive macroeconomic imbalances in the euro area ⁽⁴⁾,
- having regard to Regulation (EU) No 1175/2011 of the European Parliament and of the Council of 16 November 2011 amending Council Regulation (EC) No 1466/97 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies ⁽⁵⁾,
- having regard to Regulation (EU) No 1176/2011 of the European Parliament and of the Council of 16 November 2011 on the prevention and correction of macroeconomic imbalances ⁽⁶⁾,
- having regard to Regulation (EU) No 472/2013 of the European Parliament and of the Council of 21 May 2013 on the strengthening of economic and budgetary surveillance of Member States in the euro area experiencing or threatened with serious difficulties with respect to their financial stability ⁽⁷⁾,

⁽¹⁾ OJ L 306, 23.11.2011, p. 41.

⁽²⁾ OJ L 306, 23.11.2011, p. 33.

⁽³⁾ OJ L 306, 23.11.2011, p. 1.

⁽⁴⁾ OJ L 306, 23.11.2011, p. 8.

⁽⁵⁾ OJ L 306, 23.11.2011, p. 12.

⁽⁶⁾ OJ L 306, 23.11.2011, p. 25.

⁽⁷⁾ OJ L 140, 27.5.2013, p. 1.

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- having regard to Regulation (EU) No 473/2013 of the European Parliament and of the Council of 21 May 2013 on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area ⁽⁸⁾,
- having regard to Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget ⁽⁹⁾ (Rule of Law Conditionality Regulation),
- having regard to Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility ⁽¹⁰⁾ (RRF Regulation),
- having regard to the Commission Communication of 27 May 2020 entitled ‘Europe’s moment: Repair and Prepare for the Next Generation’ (COM(2020)0456),
- having regard to the Commission communication of 2 June 2021 entitled ‘Economic policy coordination in 2021: overcoming COVID-19, supporting the recovery and modernising our economy’ (COM(2021)0500),
- having regard to the Commission Communication of 4 March 2021 entitled ‘The European Pillar of Social Rights Action Plan’ (COM(2021)0102),
- having regard to the Porto Social Commitment of 7 May 2021 of the Council, the Commission, the Parliament and social partners,
- having regard to the Commission communication of 24 November 2021 entitled ‘Annual Sustainable Growth Survey 2022’ (COM(2021)0740),
- having regard to the Commission report of 24 November 2021 entitled ‘Alert Mechanism Report 2022’ (COM(2021)0741) and to the Commission recommendation of 24 November 2021 for a Council recommendation on the economic policy of the euro area (COM(2021)0742),
- having regard to the European Systemic Risk Board report of 16 February 2021 entitled ‘Financial stability implications of support measures to protect the real economy from the COVID-19 pandemic’,
- having regard to the Commission Staff Working Document of 27 May 2020 ‘Identifying Europe’s recovery needs’,
- having regard to the Commission’s autumn 2021 economic forecast of 11 November 2021,
- having regard to the European Fiscal Board assessment of 16 June 2021 on the fiscal stance appropriate for the euro area in 2022,
- having regard to its resolution of 6 June 2021 entitled ‘European Parliament’s Scrutiny on the ongoing assessment by the Commission and the Council of the national recovery and resilience plans’,
- having regard to its resolution of 13 November 2020 on the Sustainable Europe Investment Plan — How to finance the Green Deal,
- having regard to the European Fiscal Board annual report of 10 November 2021,

⁽⁸⁾ OJ L 140, 27.5.2013, p. 11.

⁽⁹⁾ OJ L 433 I, 22.12.2020, p. 1.

⁽¹⁰⁾ OJ L 57, 18.2.2021, p. 17.

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- having regard to its resolution of 8 July 2021 on the review of the macroeconomic legislative framework for a better impact on Europe's real economy and improved transparency of decision-making and democratic accountability ⁽¹⁾,
 - having regard to its resolution of 1 March 2022 on the Russian aggression against Ukraine ⁽¹²⁾,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Budgets and the Committee on the Environment, Public Health and Food Safety,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A9-0034/2022),
- A. whereas the European Semester plays an important role in coordinating economic and budgetary policies in the Member States, thereby safeguarding the macroeconomic stability of the Economic and Monetary Union; whereas this process should not ignore the objectives of the European Pillar of Social Rights and the European Green Deal as well as other issues related to the financial sector and taxation; whereas the integration of these issues should not detract from the mainly economic and fiscal nature of the European Semester;
- B. whereas according to the Commission's winter economic forecast, the GDP growth rate for 2022 is expected to be 4,0 % of GDP for both the euro area and the EU-27, but is expected to fall to 2,7 % for the euro area and 2,8 % for the EU-27 respectively in 2023;
- C. whereas the Commission's winter economic forecast shows a significant difference in the pace of recovery between the Member States in 2021, with a disparity of GDP growth ranging from 2,8 % to 13,7 %;
- D. whereas the crisis caused by the COVID-19 pandemic led to an increase in social, territorial, intergenerational, economic and gender-based inequalities;
- E. whereas according to the Commission's winter economic forecast, the average rate of unemployment fell to 7,0 % in the euro area and 6,4 % in the EU-27 in 2021;
- F. whereas the unprecedented economic recession in 2020 and the measures taken in response to the pandemic pushed up the government debt-to-GDP ratio in 2021 to 100 % in the euro area and 92,1 % in the EU-27;
- G. whereas enhancing the EU's productivity and global competitiveness requires structural, socially balanced, growth-enhancing and sustainable reforms and an adequate level of investment;
- H. whereas the post-pandemic economic recovery requires the fast and efficient implementation of the Recovery and Resilience Facility (RRF); whereas all recovery and resilience plans should address each of the six pillars and the general and specific objectives of the RRF Regulation and respect its horizontal principles;
- I. whereas challenges relating to the rule of law have been identified during the European Semester process;
- J. whereas aspects relating to the possible future of the EU fiscal framework have been dealt with in a dedicated European Parliament own-initiative report;
- K. whereas the employment and social aspects of the annual sustainable growth survey are dealt with by the twin report by Parliament's Committee on Employment and Social Affairs entitled 'European Semester for economic policy coordination: employment and social aspects in the annual sustainable growth survey 2022';
- L. whereas aspects relating to the implementation of the RRF will be dealt with in a dedicated European Parliament own-initiative report;

⁽¹¹⁾ OJ C 99, 1.2.2022, p. 191.

⁽¹²⁾ Texts adopted, P9_TA(2022)0052.

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Economic prospects for the EU

1. Notes that the European economy is recovering faster than expected from the devastating impact of the global COVID-19 pandemic; underlines the crucial importance that timely and innovative policy interventions have played and will continue to play in mitigating the impact of the pandemic on the European economy;
2. Stresses that the conflict in Ukraine and the severe sanctions against the Russian Federation will unavoidably entail negative effects on the EU economy; calls on the Commission to identify and facilitate means and ways to address the economic and social consequences of the sanctions;
3. Is concerned about emerging new variants, localised pandemic lockdowns, increased energy prices, inflationary pressure, supply-side disruptions and emerging labour shortages; notes that these risks create a significant amount of uncertainty and could hamper economic growth prospects in the coming months and delay the transition to a more sustainable, digital, competitive and future-proof economy;
4. Notes that all Member States are expected to reach their pre-pandemic level of output by the end of 2022; is alerted by the fact that the speed of the recovery has varied across Member States and regions, with significant differences and a disparity between the Member States in 2021; notes, however, that the recovery is expected to be more even in 2022 and 2023; underlines the fact that the forecast growth rates for the EU in 2022 and 2023 are lower than the predicted global economic growth in GDP;
5. Recognises that the crisis triggered by the COVID-19 pandemic has been especially severe for enterprises, mostly small and medium-sized enterprises (SMEs), in tourism, hospitality and culture; stresses that the Member States that were more dependent on these services suffered the harshest economic impact;
6. Recognises the notion of European solidarity underpinning the establishment of the RRF; points out that a transparent and successful roll-out of the RRF will help to make EU economies and societies more prosperous, sustainable, inclusive, competitive, resilient and better prepared for the green and digital transitions, and will help to foster economic, social and territorial cohesion;

Responsible and sustainable fiscal policies

7. Notes that the general escape clause of the Stability and Growth Pact will continue to be applied in 2022 and is expected to be deactivated as of 2023, provided that the underlying justification of its activation ends;
8. Believes that the review of the EU's economic governance framework is necessary; agrees with the European Fiscal Board on the importance of having a clear pathway towards a reviewed fiscal framework, preferably prior to the deactivation of the general escape clause;
9. Takes note of the Commission's intention to provide guidance on fiscal policies for the period leading up to the deactivation of the general escape clause, reflecting both the specific economic situation of each Member State and discussions on the economic governance framework; recalls, in this regard, its resolution of 8 July 2021 on the review of the macroeconomic legislative framework;
10. Is convinced that the coordination of national fiscal policies remains crucial in underpinning the recovery; notes that the overall fiscal stance, taking into account national budgets and the RRF, is projected to remain supportive in 2022 to sustain the recovery and to ensure a gradual shift in fiscal policy; agrees with the Commission that Member States with low or medium levels of debt should pursue or maintain a supportive fiscal stance, and that Member States with high levels of debt should use the RRF to finance additional investment to support the recovery, while pursuing a prudent fiscal policy that does not, however, prevent the public investment needed to fund sectors of strategic importance for the recovery and resilience of European economies and societies; agrees with the Commission that all Member States should preserve or broadly preserve their national financed investment;
11. Stresses that both government revenues and government spending are essential to guarantee the sustainability of public finances; calls on the Member States to take action to tackle tax fraud, tax avoidance, tax evasion and money laundering, and to pursue sustainable, socially balanced and growth-enhancing reforms;

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Growth-enhancing, balanced, inclusive and sustainable structural reforms and investment

12. Considers it crucial to coordinate national reform and investment efforts and the exchange of best practices in order to increase the convergence and resilience of our economies, promote sustainable and inclusive growth, and improve institutional frameworks to increase national ownership and accountability;

13. Highlights that the RRF presents an unprecedented and unique opportunity for all Member States to address key structural challenges and investment needs, including the just, green and digital transitions; insists that all recovery and resilience plans address all requirements of the RRF Regulation, in particular the six pillars; highlights the interplay between the European Semester and the RRF; calls on the Member States to make the most of this opportunity and to use it to transform their economies and make them sustainable, more competitive and more resilient to future shocks; highlights the role of the European Parliament in the implementation of the RRF, as enshrined in the RRF Regulation;

14. Recalls that the RRF and each of the national recovery and resilience plans should fully respect the Rule of Law Conditionality Regulation and that the measures set out in those plans should not go against the EU values enshrined in Article 2 of the Treaty on European Union; insists that to this end, the Commission must ensure that no projects or measures go against these values during both the assessment and implementation phases and requests that it take appropriate action for a review;

15. Highlights that the COVID-19 pandemic has had a significant impact on women; emphasises the importance of increasing women's participation in the economy, including inclusive participation in the digital economy and transformation, and ensuring more inclusive growth as part of the solution to the post-pandemic recovery, which will help to increase jobs, economic prosperity and competitiveness across the EU;

16. Notes that many Member States are having to contend with both a sub-optimal level of private and public investment and old and new structural challenges that are hindering their growth potential; highlights, therefore, that tackling structural challenges and increasing private and public investment is crucial for a sustainable recovery and continued growth; takes the view that implementing reforms to address old and new structural vulnerabilities is key not only to improving the ability to withstand and cope with existing challenges, but also to accomplishing the twin transitions in a sustainable, fair and inclusive manner and to reducing social inequalities; points to the lack of national ownership as one of the main weaknesses in enacting reforms aimed at addressing structural deficiencies;

17. Is concerned that the Commission identified macroeconomic vulnerabilities related to imbalances and excessive imbalances in 12 Member States; is worried that the nature and source of Member States' imbalances remain largely the same as before the pandemic and that the pandemic could also be exacerbating imbalances and economic divergences; calls on the Member States to take advantage of the unprecedented opportunity provided by the RRF to significantly reduce existing macroeconomic imbalances, in particular by including ambitious reform measures in the national plans of all Member States; stresses that sound execution is essential to make full use of this opportunity;

18. Note that high levels of public debt may become an element of macroeconomic instability, especially if the monetary policy of the European Central Bank were to become less accommodative; emphasises the importance of an appropriate regulatory framework and policy strategies that can combine a reduction of the debt-to-GDP ratio with an adequate level of private and public investment that is capable of ensuring sustained economic growth, high competitiveness and social cohesion;

19. Recognises the importance of the macroeconomic imbalance procedure in identifying, preventing and addressing macroeconomic imbalances in the EU; highlights that continuous monitoring and vigilance will be needed and that Member States should address emerging imbalances through reforms that enhance economic and social resilience and promote the digital transformation and green and just transitions; stresses that the Commission plays an important role in holding governments accountable in this regard;

20. Recalls that the European Semester cycle is a well-established framework for EU Member States to coordinate their fiscal, economic, social and employment policies; stresses that without coordinated efforts to implement the digital and environmental transitions and to address certain issues related to the financial sector, European economies may suffer

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long-lasting damage, thereby undermining any attempts to promote sustainable and credible fiscal policies; Therefore, calls on the Commission to adequately consider all these elements in the future European Semester processes, without undermining the current approach based on fiscal and budgetary policies;

A more democratic European Semester

21. Highlights the importance of engaging in a full debate and properly involving both the national parliaments and the European Parliament in the European Semester process; reiterates its call to strengthen Parliament's democratic role in the economic governance framework and calls on the Council and Commission to take due account of its resolutions;

22. Invites the Commission to keep both Parliament and the Council, as co-legislators, equally well informed on all aspects relating to the application of the EU economic governance framework, including on the preparatory stages;

23. Notes that the Commission, the Council and the President of the Eurogroup should appear regularly before the competent Parliament committee in order to provide information and exchange views on the latest economic and political events;

24. Calls for committed coordination with social partners and other relevant stakeholders at both national and European levels in order to strengthen democratic accountability and transparency;

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

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P9_TA(2022)0078

The situation of journalists and human rights defenders in Mexico**European Parliament resolution of 10 March 2022 on the situation of journalists and human rights defenders in Mexico (2022/2580(RSP))**

(2022/C 347/16)

The European Parliament,

- having regard to its previous resolutions on Mexico,
 - having regard to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part ⁽¹⁾ (EU-Mexico Global Agreement), which has been in force since 2000, and to the modernised agreement,
 - having regard to the EU-Mexico High-Level Dialogues on Human Rights and High-Level Dialogue on Multilateral Issues,
 - having regard to the EU Guidelines on Human Rights Defenders and on Freedom of Expression Online and Offline,
 - having regard to the local statement by the European Union, Norway and Switzerland of 15 February 2022 on the murder of journalist Heber López Vásquez,
 - having regard to the joint statement by the Inter-American Commission on Human Rights, its Special Rapporteur for Freedom of Expression and the Mexico Office of the UN High Commissioner for Human Rights of 28 January 2022 condemning the murder of María de Lourdes Maldonado López,
 - having regard to the statement by the Office of the UN High Commissioner for Human Rights of 19 October 2020 entitled 'UN expert encourages Mexico to increase protection of human rights defenders',
 - having regard to the UN Plan of Action on the Safety of Journalists and the Issue of Impunity of 2012,
 - having regard to the International Covenant on Civil and Political Rights of 16 December 1966,
 - having regard to the Universal Declaration of Human Rights of 10 December 1948,
 - having regard to Rules 144(5) and 132(4) of its Rules of Procedure,
- A. whereas violence, human rights violations and attacks against journalists and human rights defenders, including environmental defenders and indigenous people and communities, and women rights defenders are dramatically rising in Mexico; whereas widespread violence in Mexico continues to increase as was seen during the local and regional elections of June 2021, and whereas the situation of the rule of law is seriously deteriorating; whereas a concerning and dramatic number of journalists and human rights defenders, particularly those who investigate corruption involving public officials or expose the work of criminal drug cartels, especially at a local level, are being warned, harassed, threatened, raped, attacked, enforcedly disappeared and even killed and surveyed either by government authorities or criminal groups; whereas a mass murder took place on 27 February 2022 with 17 people killed;
- B. whereas Mexico has long been the most dangerous and deadliest place for journalists outside an official war zone according to different non-governmental organisations (NGOs) and international organisations; whereas according to Reporters Without Borders, for the third consecutive year in 2021, Mexico was the most dangerous country in the world for journalists and ranked 143rd out of 180 countries in the 2021 World Press Freedom Index;

⁽¹⁾ OJ L 276, 28.10.2000, p. 45.

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- C. whereas 2022 marks the deadliest beginning to a year for journalists in Mexico, with at least six journalists having been assassinated; whereas the killings of María de Lourdes Maldonado López, Margarito Martínez, José Luis Gamboa, Heber López Vásquez and Roberto Toledo are but a few dramatic examples of attacks against journalists and media workers; whereas journalists are having to endure poor labour conditions and many lack access to health and mental care services; whereas the situation has deteriorated since the last presidential elections in July 2018, with at least 47 journalists assassinated according to official sources;
- D. whereas according to the Ministry of the Interior, at least 68 human rights defenders have been killed in Mexico since December 2018; whereas the level of violence against women and number of femicides are high and despite some institutional steps, the number of people who have disappeared is extremely alarming;
- E. whereas President López Obrador has frequently used populist rhetoric in daily press briefings to denigrate and intimidate independent journalists, media owners and activists; whereas the rhetoric of abuse and stigmatisation generates an atmosphere of relentless unrest towards independent journalists; whereas under the pretext of combating fake news, the Mexican Government has created a state-owned platform to exhibit, stigmatise and attack the critical press; whereas in February 2022 journalists staged protests in 13 of the 32 Mexican states, demanding greater security and investigations into the attacks targeting journalists;
- F. whereas as of January 2022, the Federal Protection Mechanism for Human Rights Defenders and Journalists had protection measures in place for 1 518 people — 1 023 human rights defenders and 495 journalists; whereas the mechanism is marred by serious deficiencies in terms of the amount of funding and number of staff available, a lack of adequate accompaniment, a lack of coordination with state governments and delays in carrying out the protection measures, which often cost lives; whereas at least nine beneficiaries who were under the protection programme have been killed;
- G. whereas the Mexican State is working on the creation of a national prevention and protection system for human rights defenders and journalists that will rest on a General Prevention and Protection Act on Attacks on Human Rights Defenders and Journalists and will include the adoption of a national prevention model, the creation of national attack records, and the implementation of a national protection protocol;
- H. whereas institutionalised and widespread corruption, abetted by a deficient judicial system, is engendering an endemic problem of impunity, with around 95 % of journalists' murders going unpunished; whereas as the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights has pointed out, this impunity conveys a message that violence is permissible, encouraging new crimes to be committed and generating an effect of self-censorship; whereas the Mexican Government has not properly carried out the reforms needed to reduce violence and impunity, including for crimes against journalists and human rights defenders;
- I. whereas there are strong indications that the Mexican State has made use of phone-hacking tools intended to counter terrorism and cartels, including the Pegasus spyware, against journalists and human rights defenders;
- J. whereas in November 2020 Mexico ratified the Escazú Agreement, which includes strong protection for environmental defenders; whereas Mexico should prioritise its implementation;
- K. whereas a worrying legislative proposal was recently presented to the Congress seeking to bar any NGO that receives foreign funding from attempting to influence legislation or from participating in strategic litigation;
- L. whereas several constitutional reforms of the electoral and judicial systems — initiated by the López Obrador administration — raise doubts about the stability of the rule of law and legal certainty;
- M. whereas the EU-Mexico strategic partnership has enabled closer cooperation between the EU and Mexico on issues of global importance, and in particular enhanced dialogue, coordination and exchanges in areas such as security, human rights, electoral reform, regional development and regulatory and trade policies; whereas Mexico and the European Union share common values;

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N. whereas the EU-Mexico Global Agreement includes clauses on human rights and democracy, namely in Articles 1 and 39; whereas the EU-Mexico High-Level Dialogue on Human Rights that took place in 2020 culminated in an agreement on joint work in Mexico to step up protection for human rights defenders;

1. Condemns the threatening, harassment and killing of journalists and human rights defenders in Mexico, including environmental defenders and indigenous people and communities; calls on the authorities to investigate the killings in a prompt, thorough, independent and impartial manner and, in the case of journalists and media workers, in accordance with the approved protocol for the investigation of crimes against freedom of expression;

2. Expresses its deepest sympathy, solidarity and condolences for all of the victims and their families; reiterates its concern about the climate of insecurity and hostility faced by human rights defenders and journalists and stands with them in solidarity;

3. Underscores that freedom of speech online and offline, freedom of the press and freedom of assembly constitute key mechanisms in the functioning of a healthy democracy; calls on the Mexican authorities to take all the necessary steps to ensure the protection and the creation of a safe environment for journalists and human rights defenders in line with established international standards, including by addressing at both state and federal levels the issue of widespread corruption, inadequate training and resources, the complicity of some officials and deficient judicial systems, which leads to such high rates of impunity;

4. Notes with concern the systematic and tough critiques used by the highest authorities of the Mexican Government against journalists and their work and condemns the frequent attacks on media freedom and journalists and media workers in particular; reiterates that journalism can only be carried out in an environment free from threats, physical, psychological or moral aggression, or other acts of intimidation and harassment, and calls on the Mexican authorities to uphold and safeguard the highest standards for the protection of freedom of speech, freedom of assembly and freedom of choice;

5. Calls on the authorities, and in particular the highest ones, to refrain from issuing any communication which could stigmatise human rights defenders, journalists and media workers, exacerbate the atmosphere against them or distort their lines of investigation; calls on those authorities to publicly underscore the pivotal role played by human rights defenders and journalists in democratic societies;

6. Urges the Government of Mexico to take concrete, prompt and effective measures to strengthen national, state and local institutions and to implement a set of urgent, comprehensive and coherent strategies for prevention, protection, reparations and accountability in order to ensure that human rights defenders and journalists can continue their activities without fear of reprisal and without restriction, in line with the recommendations of the UN High Commissioner for Human Rights and the Inter-American Commission on Human Rights; recommends that Mexico integrate a gender perspective when addressing the safety of journalists and human rights defenders;

7. Urges the Federal Mechanism for the Protection of Human Rights Defenders and Journalists to fulfil its promise to increase its funding and resources and to establish more expeditious processes to include defenders and journalists as beneficiaries with a view to saving lives and guaranteeing the safety of those under threat, including granting security measures to their families, colleagues and lawyers; underlines that public protection policies should effectively involve the governmental bodies and institutions of each state and the local level;

8. Encourages the Mexican Government to take action to strengthen state institutions and consolidate the rule of law with a view to tackling some of the structural problems at the root of the human rights violations and calls for civil organisations working in the field of human rights to be involved in this process; welcomes the creation of the National Search Commission (CNB) with the goal of searching mass graves across the country and taking steps to determine and publish the true number of people who have disappeared;

9. Calls on the Mexican Government to fully cooperate with the UN bodies and to extend a standing invitation to the visit of all special procedures of the UN Human Rights Council, in particular the UN Special Rapporteur for Freedom of Opinion and Expression, and to cooperate with them in a proactive manner;

10. Welcomes the recent visit of the UN Committee on Enforced Disappearances to Mexico and the recognition by the government of the committee's jurisdiction to consider cases from Mexico, allowing families of victims to submit cases to the committee once they have exhausted legal recourse domestically;

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11. Calls on all Member States, the European External Action Service and the EU Delegation to Mexico to raise human rights concerns with their Mexican counterparts and to put the protection of journalists and human rights defenders at the centre of EU-Mexico dialogues; urges the EU Delegation and the Member States to fully implement the EU Guidelines on Human Rights Defenders and on Freedom of Expression Online and Offline in order to provide all appropriate support for the work of human rights defenders and journalists;

12. Underlines the importance of Mexico as a strategic partner; recalls the importance of a strong and deep EU-Mexico relationship and reaffirms its commitment to fostering relations through the modernised EU-Mexico Global Agreement, which further strengthens human rights provisions and enables the EU and Mexico to discuss a range of issues such as human rights with civil society, including journalists, human rights defenders and others at a multilateral level;

13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Member States, the Presidency *pro tempore* of the Community of Latin American and Caribbean States, the Secretary-General of the Organization of American States, the Euro-Latin American Parliamentary Assembly, and the President, Government and Congress of Mexico.

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P9_TA(2022)0079

Myanmar, one year after the coup**European Parliament resolution of 10 March 2022 on Myanmar, one year after the coup (2022/2581(RSP))**

(2022/C 347/17)

The European Parliament,

- having regard to its previous resolutions on Myanmar, namely its resolutions of 7 July 2016 ⁽¹⁾, 15 December 2016 ⁽²⁾, and 14 September 2017 on Myanmar ⁽³⁾, in particular the situation of Rohingyas, of 14 June 2018 on the situation of Rohingya refugees, in particular the plight of children ⁽⁴⁾, of 13 September 2018 on Myanmar, notably the case of journalists Wa Lone and Kyaw Soe Oo ⁽⁵⁾, of 19 September 2019 on Myanmar, notably the situation of the Rohingyas ⁽⁶⁾, of 11 February 2021 on the situation in Myanmar ⁽⁷⁾, and of 7 October 2021 on the human rights situation in Myanmar, including the situation of religious and ethnic groups ⁽⁸⁾,
- having regard to Council Regulation (EU) 2022/238 of 21 February 2022 concerning restrictive measures in view of the situation in Myanmar ⁽⁹⁾,
- having regard to the Council conclusions of 22 February 2021 on Myanmar,
- having regard to Council Decision (CFSP) 2021/711 of 29 April 2021 concerning restrictive measures in view of the situation in Myanmar/Burma ⁽¹⁰⁾,
- having regard to the joint statement of 1 February 2022 by the High Representative of the Union for Foreign Affairs and Security Policy on behalf of the European Union, and the Foreign Ministers of Albania, Australia, Canada, New Zealand, Norway, the Republic of Korea, Switzerland, the United Kingdom and the United States on the one year anniversary of the military coup in Myanmar,
- having regard to the declarations by the High Representative on behalf of the EU of 31 January 2022 on the continuing escalation of violence in Myanmar, of 8 November and 6 December 2021 on the situation in Myanmar, of 13 October 2021 to support the work of the Association of Southeast Asian Nations (ASEAN) special envoy, and of 30 April 2021 on the outcome of the ASEAN Leaders' Meeting,
- having regard to the statement of 11 January 2022 by the Spokesperson of the European External Action Service on the latest sentencing of State Counsellor Daw Aung San Suu Kyi,
- having regard to the EU guidelines on the promotion and protection of freedom of religion or belief,
- having regard to ASEAN's Five Point Consensus of 24 April 2021,
- having regard to the ASEAN Chairman's statement of 2 February 2022 on the situation in Myanmar,
- having regard to the statements on Myanmar of 23 September 2021 by the UN High Commissioner for Human Rights and of 22 September 2021 by the UN Special Rapporteur on the Situation of Human Rights in Myanmar,

⁽¹⁾ OJ C 101, 16.3.2018, p. 134.

⁽²⁾ OJ C 238, 6.7.2018, p. 112.

⁽³⁾ OJ C 337, 20.9.2018, p. 109.

⁽⁴⁾ OJ C 28, 27.1.2020, p. 80.

⁽⁵⁾ OJ C 433, 23.12.2019, p. 124.

⁽⁶⁾ OJ C 171, 6.5.2021, p. 12.

⁽⁷⁾ OJ C 465, 17.11.2021, p. 135.

⁽⁸⁾ Texts adopted, P9_TA(2021)0417.

⁽⁹⁾ OJ L 40, 21.2.2022, p. 8.

⁽¹⁰⁾ OJ L 147, 30.4.2021, p. 17.

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- having regard to the report of 16 September 2021 of the Office of the UN High Commissioner for Human Rights on the situation of human rights in Myanmar,
- having regard to the statement of 29 December 2021 of the UN Security Council on the situation in Myanmar,
- having regard to the UN Security Council press statement of 2 February 2022 on the situation in Myanmar,
- having regard to the statement of 30 January 2022 attributable to the Spokesperson for the UN Secretary-General on the situation in Myanmar,
- having regard to the statement of 28 January 2022 by the UN High Commissioner for Human Rights on the situation in Myanmar,
- having regard to the reports of the UN Special Rapporteur on the Situation of Human Rights in Myanmar, notably the report of 22 February 2022 entitled 'Enabling Atrocities: UN Member States' Arms Transfers to the Myanmar Military',
- having regard to the conclusion of 28 February 2022 of the public hearings on the preliminary objections raised by Myanmar in the case concerning the application of the Convention on the Prevention and Punishment of the Crime of Genocide (*The Gambia v Myanmar*),
- having regard to UN General Assembly Resolution 75/287 of 18 June 2021 on the situation in Myanmar,
- having regard to the report of December 2021 by the UN Office for the Coordination of Humanitarian Affairs entitled 'Humanitarian Needs Overview — Myanmar',
- having regard to the statement of 27 December 2021 attributable to the UN Special Envoy of the Secretary-General on Myanmar,
- having regard to the reports of the UN Secretary-General on Myanmar the situation of the human rights of Rohingya Muslims and other minorities in Myanmar,
- having regard to the 2021 report of the UN Independent Investigative Mechanism for Myanmar,
- having regard to the report of 22 August 2019 of the UN Independent International Fact-Finding Mission on Myanmar on sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts,
- having regard to the reports of the International Labour Organization Supervisory Mechanism on Myanmar,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the Geneva Conventions of 1949 and the additional protocols thereto,
- having regard to the UN Convention on the Prevention and Punishment of the Crime of Genocide of 1948,
- having regard to Article 25 of the International Covenant on Civil and Political Rights of 1966,
- having regard to Rule 144(5) and 132(4) of its Rules of Procedure,

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- A. whereas on 1 February 2021, the military of Myanmar, known as the Tatmadaw, in a clear violation of the constitution of Myanmar and of the electoral results of November 2020, arrested President Win Myint, State Counsellor Aung San Suu Kyi and leading members of the government, seized power over the legislative, judicial and executive branches of the government by means of a coup d'état, and declared a one-year state of emergency; whereas in August 2021, the commander-in-chief of the military junta, Min Aung Hlaing, announced that he was appointing himself Prime Minister and that the state of emergency would be extended until August 2023; whereas only Win Myint, as the President of Myanmar, is authorised under the constitution to enact a state of emergency;
- B. whereas in response to the military takeover, peaceful protests and demonstrations broke out in various cities in Myanmar demanding a return to democracy; whereas various groups took part, including the Civil Disobedience Movement; whereas security forces used excessive and lethal force against the demonstrators; whereas popular resistance has continued and the violence used in response by the Tatmadaw has increased daily;
- C. whereas the Committee Representing Pyidaungsu Hluttaw (CRPH) and the National Unity Government (NUG) were formed to represent the democratic wishes of the people of Myanmar;
- D. whereas on 24 April 2021, ASEAN leaders met Min Aung Hlaing, commander-in-chief of the military junta, in Jakarta and reached a five-point consensus; whereas, as of today, the military junta has taken no action to implement this five-point consensus; whereas since the adoption of the five-point consensus, violence has actually escalated and dramatically increased;
- E. whereas in May 2021, the military junta took the initial steps towards dissolving the political party of Aung San Suu Kyi, which was in government until the coup d'état of February 2021; whereas State Counsellor Aung San Suu Kyi and President Win Myint remain in jail and have received their first sentences from a range of charges brought against them; whereas Aung San Suu Kyi was initially sentenced to four years in prison, later reduced to two, but faces at least a dozen charges in total;
- F. whereas the junta has committed killings, enforced disappearances, torture and rape and other crimes of sexual violence; whereas since 1 February 2021, politicians, government officials, human rights defenders, civil society representatives, religious actors, peaceful protestors and writers have been unlawfully arrested or put under house arrest; whereas the latest press release of the Office of the UN High Commissioner for Human Rights of 28 January 2022 states that since the coup, at least 1 500 people have been killed and at least 11 787 people have been arbitrarily arrested by the military authorities; whereas as of 21 January 2022, the junta had jailed 649 opposition National League for Democracy members and 14 had died during or shortly after being detained; whereas as of 4 March 2022, military courts had sentenced 84 people to death; whereas there were at least 4 924 clashes and 1 724 attacks on civilians between February 2021 and January 2022;
- G. whereas the junta has targeted women through extrajudicial killings, widespread arbitrary detention, sexual assault and gender-based violence; whereas over 2 000 of those detained since 1 February 2021 are women; whereas as of December 2021, junta security forces had killed 94 women during offensives, interrogations and anti-junta rallies;
- H. whereas violations of the freedom of religion or belief and other human rights are being perpetrated against religious and ethnic minorities in Myanmar; whereas since the beginning of the coup, there have been more than 35 documented reports of attacks on churches and other places of worship and people of faith, including Christians and Muslims;
- I. whereas the military has, in parallel, been increasing its crackdown on the media in Myanmar, with a growing number of journalists having been arbitrarily arrested, detained and charged in order to silence the media and eradicate freedom of expression; whereas the junta is increasingly making use of tools of surveillance and censorship through restrictions on telecommunications and the internet; whereas as of 21 January 2022, the junta had jailed 120 journalists and killed three, turning Myanmar into the world's second highest jailer of journalists; whereas the military has charged 12 news outlets with crimes and/or revoked their licences;

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- J. whereas since the coup, at least 27 union activists have been killed and 116 workers and unionists have been arrested; whereas 16 labour rights organisations were declared illegal organisations and many of them were forced to go underground to protect themselves; whereas two weeks after the coup, the military introduced significant changes to the Penal Code and the Code of Criminal Procedure, which have become the primary legal provisions used to charge those opposing the military regime, including trade union leaders and labour rights defenders;
- K. whereas the junta is composed of the same forces that launched the genocidal attacks in 2017 and which are continuing to practise genocidal policies and segregation on the Rohingya; whereas the roughly 600 000 Rohingya who remain in Rakhine State are being subjected to persistent discriminatory policies and practices, systematic violations of their fundamental rights, arbitrary arrests, confinement in overcrowded camps for internally displaced persons and severely limited access to education and healthcare; whereas Myanmar's Citizenship Law declares the Rohingya 'non-nationals' or 'foreign residents' and therefore deprives them of citizenship, which further exacerbates their precarious situation; whereas the persecution of the Rohingya minority has not ended, despite numerous calls by the international community;
- L. whereas the junta in Myanmar refuses to seriously investigate human rights violations against the Rohingya and hold their perpetrators accountable; whereas the authorities refuse to cooperate with UN mechanisms; whereas this prompted the International Criminal Court to open an investigation specifically on the situation of the Rohingya minority;
- M. whereas since December 2021, the military junta has increased the number of airstrikes against villages in the ethnic minority states, tragically involving at least 200 000 civilians; whereas according to the UN, in December 2021 several unarmed people were killed by the military, including five minors who were burned alive;
- N. whereas the UN Secretary-General has warned that 'the risk of a large-scale armed conflict requires a collective approach to prevent a multi-dimensional catastrophe in the heart of Southeast Asia and beyond';
- O. whereas over 453 000 newly displaced persons, most of whom are women and children, are still trapped in the conflict zones, in addition to another 370 400 people who were already living in protracted displacement before February 2021 and almost one million Myanmar refugees who are in neighbouring countries; whereas the UN has estimated that there are 14,4 million people across Myanmar in need of humanitarian assistance, of whom 5 million are children and 13,3 million are people at risk of food insecurity and hunger, up from 2,8 million prior to the military takeover; whereas in December 2021, the UN Office for the Coordination of Humanitarian Affairs released the 2022 humanitarian response plan, which states that USD 826 million is needed to reach the 6,2 million people in need of lifesaving humanitarian support;
- P. whereas humanitarian aid access and distribution has been severely constrained and intentionally hindered by the regime, which has destroyed infrastructure in areas in need, arrested healthcare workers, deprived people of medicines and oxygen and arrested and killed church leaders and local volunteers providing humanitarian support;
- Q. whereas the humanitarian situation in Myanmar has also been worsened by the junta's negligent handling of the COVID-19 crisis; whereas the military has used COVID-19 measures to crack down on pro-democracy activists, human rights defenders and journalists; whereas the junta has shut down hospitals and targeted medical professionals, leading to the collapse of the health system as COVID-19 surges across the country; whereas troops have destroyed medical supplies and equipment and have occupied dozens of medical facilities, which has prompted the people of Myanmar to stay away from medical facilities for fear of being detained or shot; whereas crowded prisons and the overall neglect of prisoners' health have contributed to an increase in the number of COVID-19 infections;

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- R. whereas the Tatmadaw and its generals are illegally securing funds through the illegal sale of timber, gems, gas and oil, and are faced with widespread allegations of corruption; whereas adequate due diligence measures are not yet in place to determine the sources of the precious stones European businesses and consumers buy; whereas gas revenues are the military's largest source of foreign currency income, adding up to an estimated USD 1 billion annually in duties, taxes, royalties, fees, tariffs, and other profits; whereas 19 internationally operating banks have invested over USD 65 billion in 18 companies that have direct and longstanding commercial ties either to Myanmar's military or to state entities that the military is attempting to control as a result of the coup;
- S. whereas on 21 February 2022, the EU announced the adoption of additional sanctions against individuals and entities for their involvement in serious human rights violations in Myanmar; whereas the Myanmar Oil and Gas Enterprise (MOGE), one of the listed entities, is a state-owned enterprise that has fallen under the control of the military junta since last year's coup; whereas a derogation from the sanctions regime explicitly allows EU oil and gas operators remaining in Myanmar to pursue financial transactions with MOGE;
- T. whereas the military junta is receiving fighter jets and armoured vehicles from China and Russia; whereas these have been used against the civilian population since the coup last year; whereas Serbia has authorised rockets and artillery for export to the Myanmar military; whereas China and Russia have made many political, military and economic efforts aimed at legitimising the junta; whereas both have ties to Myanmar's armed forces, as the largest suppliers of arms to the country; whereas both countries have repeatedly blocked the UN Security Council's attempts to agree on declarations on the situation in Myanmar;
- U. whereas the Myanmar junta has expressed its support for Putin's war on Ukraine;
- V. whereas the UN Special Rapporteur on the situation of human rights in Myanmar indicated in a formal statement that the military's widespread, systematic attacks against the people of Myanmar likely amount to crimes against humanity and war crimes under international law; whereas the UN Special Rapporteur explicitly stated that the architects and perpetrators of the coup and these violations should be held accountable;
- W. whereas, to date, the Commission has not yet launched an investigation under Article 19(1)(a) of the GSP Regulation ⁽¹¹⁾ with a view to suspending the trade preferences from which Myanmar benefits, as formally requested by Parliament, by a very large majority, in June 2018, in September 2018, in September 2019, in February 2021 and in October 2021;
1. Strongly condemns the coup d'état of 1 February 2021, executed by the Tatmadaw under the leadership of commander-in-chief Min Aung Hlaing, and the ensuing heinous atrocities, mass killings and widespread human rights violations against the population of Myanmar;
 2. Calls on the Tatmadaw to fully respect the outcome of the democratic elections of November 2020, reinstate the civilian government and end the state of emergency; supports the CRPH, the NUG and the National Unity Consultative Council (NUCC) as the only legitimate representatives of the democratic wishes of the people of Myanmar;
 3. Calls on Myanmar's military to cease immediately all violence and attacks against Myanmar's people in all parts of the country, to release Aung San Suu Kyi and all other political prisoners, including religious leaders, immediately and unconditionally, and to take steps to establish a path to dialogue and reconciliation with all parties concerned, including the NUG, the CRPH and representatives of all ethnic groups involved, while ensuring that the fundamental freedoms of expression, association and peaceful assembly, as well as of religion or belief, are fully upheld;
 4. Is appalled by the Tatmadaw's crimes against ethnic and religious groups in Myanmar; strongly condemns the attacks by the Tatmadaw in the states of Kayin, Kayah, Kachin, Shan and Chin, and the Magwe and Sagaing regions, which have led to large-scale displacement, the death of civilians, including children, the destruction of religious buildings, and other violations of human rights and humanitarian law;

⁽¹¹⁾ Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences (OJ L 303, 31.10.2012, p. 1).

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5. Reiterates its condemnation of these human rights violations and the systematic and widespread attacks against the Rohingya population; underlines that the EU will continue to closely monitor the actions of the military leadership against minorities in the country, including the Rohingya;
6. Condemns the persecution of Christians in the country; urges the Tatmadaw to stop killing and arresting Christians and to end the shelling and raiding of churches; stresses that the international community has expressed deep concerns about the violent targeting of Christian communities in Myanmar;
7. Condemns any use of violence by the junta against its citizens as well as other forms of harassment, especially against human rights defenders, civil society activists and journalists; deplores restrictions to the right to freedom of expression and other human rights; urges the junta to remove any restrictions on telecommunications and the internet, including the blocking of independent media websites and social media platforms;
8. Strongly condemns and rejects all sexual and gender-based violence perpetrated by the military as part of a deliberate strategy to intimidate, terrorise and punish the civilian population, including ethnic minorities; condemns all forms of violence against women, which constitute a serious violation of the human rights and dignity of women and girls;
9. Condemns the increase in labour rights violations, notably in the garment sectors, and the attacks against and abuse of trade unions and labour rights defenders; calls for an immediate end to the violence against labourers and unions, and for the rights of unions and their members to be protected, including the right to operate freely;
10. Condemns the attacks perpetrated by the military authorities against medical professionals and facilities, and their response to the COVID-19 pandemic; urges the junta to re-establish a containment strategy and a contact tracing system, and to ensure that the people have access to healthcare services and vaccines; asks the Commission to step up its support in this regard, including by providing doses of COVID-19 vaccines, and to guarantee that they reach the citizens of Myanmar;
11. Regrets that the UN Security Council has failed to discuss a draft resolution on Myanmar and calls on the EU Member States and the European External Action Service to increase pressure on the UN Security Council with a view to achieving unity in adopting targeted sanctions, including global travel bans and asset freezes on the leadership of the junta and military-owned conglomerates, and in imposing a global comprehensive arms embargo on Myanmar and suspending all direct and indirect supply, sale or transfer weapons and dual-use products, munitions and other military and security equipment, as well as the provision of training or other military and security assistance; calls on the Member States and associated countries to maintain the embargo on the direct and indirect supply, sale and transfer, including transit, shipment and brokering, of all weapons, munitions and other military, security and surveillance equipment and systems, as well as the provision of training, maintenance and other military and security assistance; highlights the need for further investigation of the situation by the International Criminal Court;
12. Strongly condemns the supply of arms and military equipment to the Tatmadaw by China, Russia and Serbia; stresses that those countries which, like China, Russia and Serbia, are supplying arms to the Myanmar junta, are directly responsible for the atrocities committed with those arms;
13. Strongly condemns the Myanmar junta's support for the illegal war Russia is waging in Ukraine;
14. Is of the view that the ASEAN five-point consensus has not yet led to any results; calls on ASEAN, its members and particularly its special envoy to Myanmar to make more proactive use of their special role in Myanmar, to cooperate with the UN special envoy and to engage with all parties involved, notably with the NUG and representatives of civil society, in particular women and ethnic groups, in order to promote, at a minimum, the effective and meaningful implementation of the five-point consensus with a view to achieving a sustainable and democratic resolution of the current crisis in the near future; deplores the visit of Cambodian Prime Minister Hun Sen to Myanmar's military ruler Min Aung Hlaing on 7 January 2022, which, being the first visit by a head of government to the junta since the coup, conferred legitimacy on the junta;
15. Urges all parties to the crisis in Myanmar to facilitate safe and unhindered access for humanitarian assistance and to grant access to humanitarian workers; calls on the Commission to disengage from working relations with the junta in the provision of humanitarian assistance, thereby preventing it from weaponising humanitarian aid; asks the Commission to

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redirect and step up humanitarian aid, including healthcare support, through cross-border channels, local humanitarian networks, ethnic service providers, and community-based and civil society organisations; asks the Commission to analyse in which way development projects can be pursued with these groups and to direct development assistance accordingly;

16. Condemns pushbacks of refugees by neighbouring countries back to Myanmar, which are in contravention of the principle of non-refoulement; calls on the neighbouring countries, especially Thailand, India and China, to ensure access to refugees crossing the border; calls on these governments to ensure that aid organisations and local civil society organisations are allowed to access areas with internally displaced people along their borders with Myanmar;

17. Calls for the EU, its Member States and the international community to urgently meet their financial obligations under the 2021 UN Myanmar Humanitarian Response Plan;

18. Welcomes the four rounds of EU sanctions over the military coup and subsequent repression; urges the Council to include the State Administrative Council (SAC) as an entity instead of its individual members on the list of natural and legal persons, entities and bodies subject to restrictive measures; welcomes the decision by the EU to add MOGE to the list of sanctioned entities; calls on the Council to reverse the derogation explicitly allowing EU oil and gas operators remaining in Myanmar to pursue financial transactions with MOGE and urges Member States to refrain from implementing the derogation; urges the Commission and EU Member States to ensure that the withdrawal of EU companies complying with sanctions does not benefit the junta, in line with the UN Guiding Principles on Business and Human Rights, including by clarifying that companies' shares cannot be sold or transferred to MOGE or other junta enterprises under the enforcement of sanctions; highlights that further international coordination with like-minded jurisdictions is essential; calls on the Council also to target the central bank reserves in a further round of sanctions; stresses that this would require imposing asset freezes and bans on international financial transfers on the two state-owned banks, Myanmar Foreign Trade Bank and Myanmar Investment and Commercial Bank;

19. Urges the EU and its Member States to explore all avenues for justice and accountability for grave international crimes committed by the security forces, including crimes against humanity committed in the wake of the coup, as well as crimes against humanity, war crimes and acts of genocide committed in Rakhine and other ethnic states over a period of decades, by supporting a referral of the situation by the UN Security Council to the ICC, formally supporting the case brought by Gambia against Myanmar before the International Court of Justice concerning the Genocide Convention, and continuing to ensure that the Independent Investigative Mechanism on Myanmar is fully funded and supported;

20. Calls on the Commission to monitor closely whether an investigation should be launched into the withdrawal of the Everything But Arms scheme, with a view to suspending the trade preferences that benefit Myanmar in specific sectors, particularly companies belonging to members of Myanmar's military, and to keep Parliament duly informed of the steps to take;

21. Stresses that local and multinational businesses operating in Myanmar must respect human rights and stop enabling perpetrators of abuses; strongly urges EU-based businesses, in that sense, to ensure that they have no ties with Myanmar's security forces, their individual members, or entities owned or controlled by them, and that they are not contributing, directly or indirectly, to the military's crackdown on democracy and human rights;

22. Instructs its President to forward this resolution to the legitimate President and National Unity Government of Myanmar, the Committee Representing the Pyidaungsu Hluttaw, the State Counsellor of Myanmar, the Tatmadaw, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the Council, the governments and parliaments of the Member States, the Member States of ASEAN, the Secretary-General of ASEAN, the ASEAN Intergovernmental Commission on Human Rights, the Secretary-General of the United Nations, the UN Special Rapporteur on the situation of human rights in Myanmar, the UN High Commissioner for Refugees and the UN Human Rights Council.

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P9_TA(2022)0080

Destruction of cultural heritage in Nagorno-Karabakh

European Parliament resolution of 10 March 2022 on the destruction of cultural heritage in Nagorno-Karabakh (2022/2582(RSP))

(2022/C 347/18)

The European Parliament,

- having regard to its previous resolutions on Armenia and Azerbaijan,
- having regard to its resolution of 16 February 2006 on cultural heritage in Azerbaijan ⁽¹⁾,
- having regard to its resolution of 17 February 2022 on the implementation of the common foreign and security policy — annual report 2021 ⁽²⁾,
- having regard to the joint statement of 9 December 2021 by the Chair of the Delegation for relations with the South Caucasus, the European Parliament's Standing Rapporteur on Armenia and the European Parliament's Standing Rapporteur on Azerbaijan on the Orders of the International Court of Justice of 7 December 2021 in the cases between Armenia and Azerbaijan,
- having regard to the reports of the European Commission against Racism and Intolerance (ECRI) of the Council of Europe,
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 18 March 2020 entitled 'Eastern Partnership policy beyond 2020: Reinforcing Resilience — an Eastern Partnership that delivers for all' (JOIN(2020)0007),
- having regard to the Economic and Investment Plan for the Eastern Partnership countries,
- having regard to the Organization for Security and Co-operation in Europe (OSCE) Minsk Group co-chairs' statement of 11 November 2021 reiterating the importance of protecting historic and cultural sites in the region,
- having regard to the Orders of the International Court of Justice (ICJ) of 7 December 2021,
- having regard to the Council conclusions on EU approach to Cultural Heritage in conflicts and crises of 21 June 2021,
- having regard to the UNESCO Convention Concerning the Protection of World Cultural and Natural Heritage of 16 November 1972,
- having regard to the UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage of 17 October 2003,
- having regard to the International Covenant on Civil and Political Rights of 16 December 1966,
- having regard to the European Cultural Convention, the revised European Convention for the Protection of Archaeological Heritage, and the Framework Convention for the Protection of National Minorities, to which Armenia and Azerbaijan are parties,
- having regard to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, to which Armenia and Azerbaijan are parties, and its Protocol, as applicable to occupied territories, and the Second Protocol on enhanced protection of cultural property, which prohibits 'any alteration to, or change of use of, a cultural property which is intended to conceal or destroy cultural, historical or scientific evidence',

⁽¹⁾ OJ C 290 E, 29.11.2006, p. 421.

⁽²⁾ Texts adopted, P9_TA(2022)0039.

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- having regard to the Universal Declaration of Human Rights of 10 December 1948,
 - having regard to the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965,
 - having regard to Rules 144(5) and 132(4) of its Rules of Procedure,
- A. whereas the destruction or desecration of any monuments or objects of cultural, religious or national heritage infringes the principles of the European Union;
- B. whereas 1 456 monuments, mainly Armenian, came under Azerbaijan's control after the ceasefire of 9 November 2020; whereas considerable deliberate damage was caused by Azerbaijan to Armenian cultural heritage during the 2020 war, particularly during the shelling of the Gazanchi Church, the Holy Saviour/Ghazanchetsots Cathedral in Shusha/Shushi, as well as the destruction, changing of the function of, or damage to other churches and cemeteries during and after the conflict, such as Zoravor Surb Astvatsatsin Church near the town of Mekhakavan and St Yeghishe in Mataghis village in Nagorno-Karabakh; whereas during his visit to the 12th century Armenian Church in Tsakuri, President Aliyev vowed to remove its Armenian inscriptions;
- C. whereas, as mentioned in the UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage of 2003, cultural heritage is an important component of the cultural identity of communities, groups and individuals, and of social cohesion, so that its intentional destruction may have adverse consequences on human dignity and human rights;
- D. whereas the destruction of cultural heritage sites, artefacts and objects contributes to the escalation of hostilities, mutual hatred and racial prejudice between and within societies;
- E. whereas respect for minorities, including the protection of their cultural heritage, is a part of the European Neighbourhood Policy; whereas the European Neighbourhood Policy aims to establish a partnership with Armenia and Azerbaijan on the basis of common values;
- F. whereas the most recent armed conflict in and around Nagorno-Karabakh ended following an agreement on a complete ceasefire in and around Nagorno-Karabakh between Armenia, Azerbaijan and Russia, which was signed on 9 November 2020 and entered into force on 10 November 2020;
- G. whereas numerous churches, mosques, cross-stones and cemeteries are located in Nagorno-Karabakh;
- H. whereas on 7 December 2021 the ICJ indicated in its Order that Azerbaijan 'shall take all necessary measures to prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage, including but not limited to churches and other places of worship, monuments, landmarks, cemeteries and artefacts'; whereas the ICJ ordered Armenia and Azerbaijan to 'take all necessary measures to prevent the incitement and promotion of racial hatred'; whereas the ICJ ordered Azerbaijan to 'protect from violence and bodily harm all persons captured in relation to the 2020 Conflict who remain in detention'; whereas in its Orders the ICJ has indicated that 'both parties shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve';
- I. whereas UNESCO has reiterated countries' obligation to protect cultural heritage in accordance with the terms of The Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict and has proposed carrying out an independent expert mission, in order to draw up a preliminary inventory of significant cultural properties, as a first step towards the effective safeguarding of the region's heritage;
- J. whereas the safeguarding of cultural heritage has a key role in promoting lasting peace by fostering tolerance, intercultural and inter-faith dialogue and mutual understanding, as well as democracy and sustainable development;
- K. whereas cultural goods are of major cultural, artistic, historical and scientific importance and must be protected from unlawful appropriation, deterioration and destruction; whereas Armenian churches and monasteries are part of the oldest Christian heritage in the world and part of the common heritage of humanity;

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- L. whereas in the case before the ICJ, serious allegations have been made about the involvement of the authorities of Azerbaijan in the destruction of cemeteries, churches and historical monuments in Nagorno-Karabakh;
- M. whereas the long-running conflict has had a catastrophic impact on the cultural heritage of Nagorno-Karabakh and the region; whereas over the last 30 years, the irreversible destruction of religious and cultural heritage has been carried out by Azerbaijan, notably in Nakhchivan Autonomous Republic, where 89 Armenian churches, 20 000 graves and more than 5 000 headstones have been destroyed; whereas this has also occurred in the former conflict areas returned by Armenia to Azerbaijan, in particular the almost total destruction and looting of Aghdam and Fuzuli;
- N. whereas the first Nagorno-Karabakh war led to Azerbaijani cultural heritage being damaged or destroyed, including cultural and religious sites left behind by Azerbaijani internally displaced persons in the region: whereas these sites were either destroyed, partially destroyed, neglected, or disassembled for building materials;
- O. whereas the elimination of the traces of Armenian cultural heritage in the Nagorno-Karabakh region is being achieved not only by damaging and destroying it, but also through the falsification of history and attempts to present it as so-called Caucasian Albanian; whereas on 3 February 2022, the Minister of Culture of Azerbaijan, Anar Karimov, announced the establishment of a working group responsible for removing 'the fictitious traces written by Armenians on Albanian religious temples';
1. Strongly condemns Azerbaijan's continued policy of erasing and denying the Armenian cultural heritage in and around Nagorno-Karabakh, in violation of international law and the recent decision of the ICJ;
 2. Acknowledges that the erasure of the Armenian cultural heritage is part of a wider pattern of a systematic, state-level policy of Armenophobia, historical revisionism and hatred towards Armenians promoted by the Azerbaijani authorities, including dehumanisation, the glorification of violence and territorial claims against the Republic of Armenia which threaten peace and security in the South Caucasus;
 3. Stresses that cultural heritage has a universal dimension as a testimony of history inseparable from peoples' identity, which the international community has to protect and preserve for future generations; underlines the importance of the rich cultural heritage of the region; urges all states to take the necessary measures to ensure the safeguarding of the intangible cultural heritage sites present in territory under their control; deplores the fact that the conflicts in the Nagorno-Karabakh region have led to the destruction, pillaging and looting of common cultural heritage, which has fuelled further distrust and animosities;
 4. Recalls that historical revisionism and the defacement and destruction of cultural or religious heritage run counter to the ICJ's Order of 7 December 2021, as well as to Parliament's resolution of 20 May 2021 ⁽³⁾;
 5. Recognises, as does the Office of the Prosecutor of the ICJ, that cultural heritage constitutes a unique and important testimony of the culture and identities of peoples, and that the degradation and destruction of cultural heritage, whether tangible or intangible, constitutes a loss to the affected communities, as well as to the international community as a whole;
 6. Welcomes the central role played by UNESCO in protecting cultural heritage and promoting culture as an instrument to bring people closer together and foster dialogue;
 7. Welcomes UNESCO's proposal to send an independent expert mission and calls for it to be sent without delay; stresses that Azerbaijan must grant unhindered access to all cultural heritage sites in order for the mission to draw up an inventory on the ground and to see what has happened to the sites;

⁽³⁾ European Parliament resolution of 20 May 2021 on prisoners of war in the aftermath of the most recent conflict between Armenia and Azerbaijan (OJ C 15, 12.1.2022, p. 156).

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8. Strongly insists that Azerbaijan enable UNESCO to have access to the heritage sites in the territories under its control, in order to be able to proceed with their inventory and for Azerbaijan to ensure their protection; urges Azerbaijan to ensure that no interventions on Armenian heritage sites occur prior to a UNESCO assessment mission, and that Armenian and international cultural heritage experts are consulted prior to, and closely involved during interventions on Armenian cultural heritage sites; calls for the full restoration of these and other demolished sites and for greater involvement of the international community, particularly UNESCO, in protecting the world heritage sites located in the region;
 9. Calls for the EU to actively participate in efforts to protect cultural heritage at risk in Nagorno-Karabakh, notably by deploying mechanisms to facilitate UNESCO's fact-finding mission; encourages all initiatives, including private ones, to help preserve this heritage; suggests the use of the EU Satellite Centre (SatCen) to provide satellite images in order to help determine the external condition of the endangered heritage in the region;
 10. Emphasises the need to approach the protection of historical and cultural heritage within the broader framework of conflict resolution between Armenia and Azerbaijan and the final definition of the status of Nagorno-Karabakh; in this context, calls on Azerbaijan to discard its maximalist aims, militaristic approach and territorial claims on Armenia and engage in good faith in negotiations under the auspices of the OSCE Minsk Group on the final status of Nagorno-Karabakh;
 11. Underlines that the measures indicated in the ICJ Orders of 7 December 2021 have to be taken without delay; stresses that any new cases of the destruction or alteration of cultural heritage should be addressed immediately by the international community;
 12. Calls on Azerbaijan to fully implement the provisional decision of the ICJ, in particular by 'refraining from suppressing the Armenian language, destroying Armenian cultural heritage or otherwise eliminating the existence of the historical Armenian cultural presence or inhibiting Armenians' access and enjoyment thereof' and by 'restoring or returning any Armenian cultural and religious buildings and sites, artefacts or objects';
 13. Reiterates its call for the EU to incorporate a clause on protecting archaeological and historical sites into the action plans guiding the partnership between the EU and Armenia and Azerbaijan, both of which participate in the European Neighbourhood Policy;
 14. Stresses that respect for minority rights, including historical, religious and cultural heritage, is an essential prerequisite for an effective implementation of the European Neighbourhood Policy, and for the creation of conditions conducive to post-war rehabilitation, genuine reconciliation and good neighbourly relations between Armenia and Azerbaijan;
 15. Calls on the Governments of Azerbaijan and Armenia, with the support of the international community, to ensure effective investigations into all allegations of violations of international law, including the protection of cultural heritage;
 16. Calls for the EU and the Member States to continue supporting the work of international organisations aimed at the protection of cultural and religious heritage;
 17. Calls for the EU and the Member States to continue supporting the provision of urgent humanitarian assistance;
 18. Calls for the EU and the Member States to support civil society organisations in Armenia and Azerbaijan that genuinely contribute to reconciliation;
 19. Calls for the EU, UNESCO, the Council of Europe, and the OSCE to jointly encourage and support efforts aimed at safeguarding cultural and religious heritage;
 20. Calls on the Commission to use all available levers to prevent acts of vandalism, destruction or alteration of cultural heritage in Nagorno-Karabakh;
 21. Underlines that the efforts of the international community in safeguarding the cultural heritage are essential to laying the foundations for sustainable peace in the region;
 22. Instructs its President to forward this resolution to the Vice-President of the European Commission / High Representative of the European Union for Foreign Affairs and Security Policy, the Council, the Commission, the Government and President of Armenia, the Government and President of Azerbaijan, the Secretary-General of the Organization for Security and Co-operation in Europe, the Secretary-General of the Council of Europe, the Director-General of UNESCO, and the Secretary-General of the United Nations.
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P9_TA(2022)0081

EU Citizenship Report 2020

European Parliament resolution of 10 March 2022 on the EU Citizenship Report 2020: empowering citizens and protecting their rights (2021/2099(INI))

(2022/C 347/19)

The European Parliament,

- having regard to Articles 2, 6 and 9-12 of the Treaty on European Union (TEU) and to Articles 18-25 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 21 and Articles 39-46 of the Charter of Fundamental Rights of the European Union ('the Charter'),
- having regard to the right to petition the European Parliament, which is enshrined in Articles 24(2) and 227 TFEU and in Article 44 of the Charter,
- having regard to Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States ⁽¹⁾ (the Freedom of Movement Directive),
- having regard to Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals ⁽²⁾, and to Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals ⁽³⁾,
- having regard to Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) ⁽⁴⁾,
- 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 ⁽⁵⁾,
- having regard to Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents ⁽⁶⁾,
- having regard to the Commission report of 15 December 2020 entitled 'EU Citizenship Report 2020: Empowering citizens and protecting their rights' (COM(2020)0730),
- having regard to the Commission report of 15 December 2020 under Article 25 TFEU entitled 'On progress towards effective EU citizenship 2016-2020' (COM(2020)0731),
- having regard to the results of the Commission's 2020 public consultation on EU citizenship rights, and to the results of the Flash Eurobarometer 485 survey on European Union Citizenship and Democracy published in July 2020, which show that during the COVID-19 pandemic, many EU citizens have encountered difficulties in accessing healthcare support, childcare support, information about border restrictions, etc.,

⁽¹⁾ OJ L 158, 30.4.2004, p. 77.

⁽²⁾ OJ L 368, 31.12.1994, p. 38.

⁽³⁾ OJ L 329, 30.12.1993, p. 34.

⁽⁴⁾ OJ L 243, 15.9.2009, p. 1.

⁽⁵⁾ OJ L 338, 23.12.2003, p. 1.

⁽⁶⁾ OJ L 16, 23.1.2004, p. 44.

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- having regard to its resolution of 12 December 2017 entitled ‘The EU Citizenship Report 2017: Strengthening Citizens’ Rights in a Union of Democratic Change’⁽⁷⁾,
- having regard to its resolution of 12 February 2019 on the implementation of the Treaty provisions related to EU citizenship⁽⁸⁾,
- having regard to the Commission report of 17 June 2020 on the impact of demographic change,
- having regard to the UN Convention on the Rights of Persons with Disabilities,
- having regard to Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies⁽⁹⁾,
- having regard to the Commission’s 2021-2030 strategy for the rights of persons with disabilities,
- having regard to Green Paper on ageing of 27 January 2021 entitled ‘Fostering solidarity and responsibility between generations’ (COM(2021)0050),
- having regard to European Economic and Social Committee information report of 20 March 2019 on the real rights of persons with disabilities to vote in European Parliament elections,
- having regard to its resolutions of 24 November 2020 on the Schengen system and measures taken during the COVID-19 crisis⁽¹⁰⁾ and of 17 September 2020 entitled ‘COVID-19: EU coordination of health assessments and risk classification, and the consequences for Schengen and the single market’⁽¹¹⁾,
- having regard to its resolution of 19 June 2020 on European protection of cross-border and seasonal workers in the context of the COVID-19 crisis⁽¹²⁾,
- having regard to its resolution of 8 July 2020 on the rights of persons with intellectual disabilities and their families in the COVID-19 crisis⁽¹³⁾,
- having regard to its resolution of 24 November 2020 on tackling homelessness rates in the EU⁽¹⁴⁾,
- having regard to its resolutions of 17 December 2020 entitled ‘The European Citizens’ Initiative ‘Minority SafePack — one million signatures for diversity in Europe’⁽¹⁵⁾ and of 7 February 2018 on protection and non-discrimination with regard to minorities in the EU Member States⁽¹⁶⁾,
- having regard to its resolution of 14 September 2021 on LGBTIQ rights in the EU⁽¹⁷⁾,
- having regard to its resolution of 7 October 2021 entitled ‘The protection of persons with disabilities through petitions: lessons learnt’⁽¹⁸⁾,

⁽⁷⁾ OJ C 369, 11.10.2018, p. 11.

⁽⁸⁾ OJ C 449, 23.12.2020, p. 6.

⁽⁹⁾ OJ L 327, 2.12.2016, p. 1.

⁽¹⁰⁾ OJ C 425, 20.10.2021, p. 7.

⁽¹¹⁾ OJ C 385, 22.9.2021, p. 159.

⁽¹²⁾ OJ C 362, 8.9.2021, p. 82.

⁽¹³⁾ OJ C 371, 15.9.2021, p. 6.

⁽¹⁴⁾ OJ C 425, 20.10.2021, p. 2.

⁽¹⁵⁾ OJ C 445, 29.10.2021, p. 70.

⁽¹⁶⁾ OJ C 463, 21.12.2018, p. 21.

⁽¹⁷⁾ Texts adopted, P9_TA(2021)0366.

⁽¹⁸⁾ Texts adopted, P9_TA(2021)0414.

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- having regard to its resolutions of 11 March 2021 entitled ‘The activities of the European Ombudsman — annual report 2019’⁽¹⁹⁾ and of 16 January 2020 entitled ‘The activities of the European Ombudsman — annual report 2018’⁽²⁰⁾,
- having regard to its resolution of 17 December 2020 on the outcome of the Committee on Petitions’ deliberations during 2019⁽²¹⁾,
- having regard to its resolution of 16 December 2021 on the deliberations of the Committee on Petitions in 2020⁽²²⁾,
- having regard to the report of Parliament’s Committee on Petitions (PETI) entitled ‘Engaging with citizens: the right to petition, the right to refer to the European Ombudsman and the European Citizens’ Initiative’ (A9-0018/2022),
- having regard to the PETI report on the annual report on the activities of the European Ombudsman in 2020 (A9-0342/2021),
- having regard to the public hearings on matters related to EU citizenship organised by PETI since 2018, notably the hearing of 26 May 2021 entitled ‘Inter-institutional relations in the treatment of petitions: the role of the Commission’; of 29 October 2020 entitled ‘Union citizenship: empowerment, inclusion, participation’, jointly held with the Committee on Legal Affairs, the Committee on Constitutional Affairs and the Committee on Civil Liberties, Justice and Home Affairs (LIBE); of 1 February 2018 on ‘Citizens’ rights after Brexit’ jointly held with the Committee on Employment and Social Affairs and LIBE; and of 21 February 2018 on the ‘European Citizens’ Initiative: assessing the Commission proposal for a new ECI regulation’ jointly held with the Committee on Constitutional Affairs,
- having regard to the public hearing of 15 October 2020 entitled ‘Minority SafePack — one million signatures for diversity in Europe’ organised by the Committee on Culture and Education and LIBE in association with PETI,
- having regard to the interparliamentary committee meeting of 27 November 2018 jointly organised by PETI and the Committee on Legal Affairs on ‘Empowering parliaments and enforcing citizens’ rights in the implementation and application of Union law’,
- having regard to the studies commissioned in 2019, 2020 and 2021 by its Policy Department for Citizens’ Rights and Constitutional Affairs at the request of PETI entitled ‘Strengthening the role and impact of petitions as an instrument of participatory democracy — Lessons learnt from a citizens’ perspective 10 years after the entry into force of the Lisbon Treaty’ (29 October 2021), ‘Obstacles to the free movement of rainbow families in the EU’ (8 March 2021), ‘Obstacles to participation in local and European elections, inside the EU’ (15 September 2020) and ‘Achievements of the Committee on Petitions during the 2014-2019 parliamentary term and challenges for the future’(3 July 2019),
- having regard to the workshops on LGBTI+ rights in the EU and on the rights of persons with disabilities organised on 22 March 2021 and 28 October 2020 respectively by the Policy Department for Citizens’ Rights and Constitutional Affairs for PETI,
- having regard to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community⁽²³⁾ (the Withdrawal Agreement),
- having regard to Rule 54 of its Rules of Procedure,
- having regard to the report of the Committee on Petitions (A9-0019/2022),

⁽¹⁹⁾ OJ C 474, 24.11.2021, p. 82.

⁽²⁰⁾ OJ C 270, 7.7.2021, p. 105.

⁽²¹⁾ OJ C 445, 29.10.2021, p. 168.

⁽²²⁾ Texts adopted, P9_TA(2021)0507.

⁽²³⁾ OJ C 384 I, 12.11.2019, p. 1.

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- A. whereas EU citizenship is one of most tangible achievements of the EU and confers on EU citizens a set of fundamental rights, including free movement in the EU, the right to participate in EU democratic life and the right to be protected from discrimination, while ensuring equal opportunities;
- B. whereas Brexit has highlighted the importance of EU citizenship rights and their crucial role in the everyday lives of millions of EU citizens, and has raised awareness in the EU about the potential loss of those rights and its consequences, as revealed by the large number of petitions submitted by EU citizens living in the UK and by UK citizens residing in an EU country on the consequences of Brexit on their status as EU citizens;
- C. whereas the rule of law is one of the values that underpin the Union, and whereas its protection ensures respect for fundamental rights and democracy;
- D. whereas freedom of movement, which allows any EU citizen to live, work or study and have access to healthcare in any Member State, is one of the foundations of the EU;
- E. whereas active citizenship is better ensured if the fundamental needs of citizens are satisfied; whereas the protection provided by minimum wages is therefore of great importance and is a prerequisite for achieving the EU's goal to leave no one behind;
- F. whereas people facing precarious working and living conditions often feel marginalised and participate less or not at all in social life, civil society and elections;
- G. whereas homeless people not only face precarious living conditions, but often have little or no access to information regarding their rights and the tools to defend them;
- H. whereas the definitions of vulnerable, disadvantaged or under-represented groups vary widely between Member States and can even depend on the political and social situation in a Member State at a given moment;
- I. whereas numerous cross-border and seasonal workers face difficult, unhealthy and unsafe working conditions, little or no job security and insufficient or no social security coverage and access to social benefits; whereas many cross-border and seasonal workers come from vulnerable social groups and regions; whereas the COVID-19 crisis has exacerbated the existing precarious situations of numerous cross-border and seasonal workers, creating gaps in the implementation of existing legislation for their protection;
- J. whereas the COVID-19 outbreak has brought a number of unprecedented challenges to free movement across the EU, with many Member States imposing travel restrictions and internal border controls as emergency measures; whereas EU citizens have submitted a significant number of petitions raising serious concerns over the impact of national emergency measures on their freedom to travel, work and study abroad, and their ability to build and maintain cross-border family ties;
- K. whereas the pandemic is having a particularly negative impact on the situation of persons with disabilities and the elderly, significantly limiting their ability to exercise their rights;
- L. whereas PETI has received a considerable number of petitions raising concerns over the discrimination experienced by LGBTIQ persons in the EU, and rainbow families (i.e. families where at least one member is LGBTIQ) in particular, when exercising their freedom of movement in the EU, resulting in adverse consequences for the rights and interests of their children;
- M. whereas Article 21 of the Charter explicitly prohibits 'discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation', as the primary expression of EU citizenship; whereas it forms, at the same time, a crucial component of the successful exercise of the freedom of movement, as evidenced in the abovementioned petitions;

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- N. whereas around 50 million people belong to a national minority or a minority language community in the EU; whereas the Commission has taken no legislative steps in response to the European Citizens' Initiative 'Minority SafePack — one million signatures for diversity in Europe', despite the fact that it was supported by a large majority of MEPs;
- O. whereas the granting and removal of citizenship remains a competence of the Member States;
- P. whereas petitions have shown that mobile EU citizens and residents still face difficulties in exercising their electoral rights, owing to administrative burdens, bureaucracy and language barriers in some Member States, and misinformation or a lack of cooperation by some Member State authorities;
- Q. whereas persons with disabilities still face legal, practical and physical barriers to effectively exercising their right to vote and to be elected and their right to access information on election regulations, procedures, programmes and debates in formats adapted to the needs of people with various types of disabilities, and thus continue to be under-represented in elections; whereas data on the electoral participation of under-represented groups remains limited;
- R. whereas the right of EU citizens to participate in the democratic life of the EU goes beyond voting or standing as candidates in European elections; whereas the Treaties provide a number of participatory tools that aim to encourage citizens to directly engage with the EU, including the right to petition, the right to address the European Ombudsman and the right to submit a European Citizens' Initiative;
- S. whereas in some EU Member States, stateless persons with long-term residency status are not fully involved in democratic participation and, in particular, are deprived of the right to participate in municipal and/or European elections; whereas the Commission did not come up with the recommendation on approximating equality for stateless minorities, such as Roma: it was in fact proposed in the European Citizens' Initiative 'Minority SafePack — one million signatures for diversity in Europe';
- T. whereas the EU has to protect EU citizens residing in the UK, in line with the Withdrawal Agreement;
- U. whereas elderly people are a committed group of citizens who make an important and valuable contribution to society by participating in voluntary activities, social initiatives, and supporting and caring for dependents;
- V. whereas access to goods and services, including public services, increasingly requires digital skills;
- W. whereas the digital transformation brings opportunities for and poses a threat to all generations, especially the elderly; whereas technological changes may have a negative impact on elderly people who do not have adequate knowledge, skills and access to digital technology; whereas elderly people are often victims of discrimination, violence, isolation and loneliness, exclusion and limitations on their autonomy, i.e. as a result of the introduction of digital solutions that do not take their needs into account;
1. Takes note of the Commission's report entitled 'EU Citizenship Report 2020 — Empowering citizens and protecting their rights' and welcomes its continued commitment to uphold the rights of EU citizens, including through regular assessments of the opportunities for and barriers to exercising civil rights for people from disadvantaged groups, including persons with disabilities and the elderly; regrets the fact that only 2 out of the 18 actions proposed by the Commission are legislative in nature; stresses the need for a comprehensive assessment of the rights of EU citizens and for well-defined and concrete commitments, actions and legislative initiatives for the next three years; underlines the fact that the final objective of reporting on EU citizenship, following the Article 25 TFEU procedure, would be to take concrete initiatives aiming to consolidate citizen-specific rights and freedoms under an EU statute of citizenship, similar to the European Pillar of Social Rights, including the fundamental rights and freedoms enshrined in the Charter, the social rights set out in the European Pillar of Social Rights and the values established in Article 2 TEU as defining elements of the European 'public space'.

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including, among others, the governance model relevant to that public space, dignity, freedom, the rule of law, democracy, pluralism, tolerance, justice, solidarity, equality and non-discrimination, which would be taken into account in a future reform of the Treaties;

2. Welcomes the Commission's renewed focus on respect for the rule of law in the Member States;
3. Emphasises that an independent judiciary, access to justice, freedom of expression, freedom to access, receive and impart information, and media pluralism are crucial components of the rule of law; calls on the Commission to preserve these core EU values when they are infringed by Member States;
4. Points out that any instruments that interfere with the right to privacy and the protection of personal data must not only have a legal basis, but must also be necessary and proportionate, as required by the General Data Protection Regulation and the Charter;
5. Recalls that, while being at the core of the EU project, the freedom of movement has been severely affected by the unprecedented health crisis brought on by the COVID-19 outbreak and the related national emergency measures, including travel restrictions and temporary reintroductions of internal border controls; reiterates that these measures have had a significant negative impact on private lives, work, families and economic and social conditions, as evidenced in a large number of petitions; stresses that all national emergency measures should be proportionate to their initial aim of containing the COVID-19 outbreak; calls on the Commission, in this regard, to continue monitoring COVID-19 measures and their effect on EU citizenship rights; urges the Member States to phase out national emergency measures as soon as they are no longer necessary; underlines that the COVID-19 pandemic has a negative impact on the well-being and mental health of citizens, especially young people and the elderly;
6. Recalls that the withdrawal of the UK from the EU mostly affected EU citizens residing in the United Kingdom and UK nationals residing in one of the 27 EU Member States at the end of the transition period; calls on the Commission to closely monitor the correct implementation of Part Two of the Withdrawal Agreement on citizens' rights in order to fully and effectively safeguard the rights of citizens who exercised their freedom of movement before the end of the transition period;
7. Is concerned by the many obstacles that rainbow families still face when they exercise their right to move to another Member State resulting from differences in national laws on the recognition of same-sex couples and of their parent-child relationships; urges the Commission and the Member States to implement the recommendations laid down in Parliament's resolution on LGBTIQ rights in the EU, including its call for the Commission to examine whether all Member States comply with the Court of Justice judgment of 5 June 2018 in case C-673/16, *Relu Adrian Coman and Others v Inspectoratul General pentru Imigrări and Ministerul Afacerilor Interne* ⁽²⁴⁾, and to include this judgment in the upcoming revision of the 2009 guidelines on free movement;
8. Regrets that the options for redress open to parents and children in the event of separation or divorce are not the same in each Member State, with the result that hundreds of parents in the EU have contacted the Committee on Petitions to support them in their cross-border family disputes and parental child abduction cases; calls on Commission and the Member States to introduce systems for monitoring cases concerning children involved in cross-border custody that are non-discriminatory and that fully respect the fundamental rights of the child;
9. Recalls that freedom of movement is not only challenged by major global events; notes with regret that, as revealed by the many petitions received on this topic, EU citizens, long-term residents who are citizens of another Member State and family members of EU citizens who are non-EU nationals still encounter legal, administrative and practical obstacles when moving to another Member State, in particular as regards residence procedures, civil or social matters such as family law or pensions, coordination between social security schemes, access to health services, health insurance, education and tax regimes, and the recognition of professional qualifications; highlights that these obstacles often include discriminatory administrative requirements or arbitrary requirements for documents which are not usually issued in other Member States; stresses that these obstacles often result from the lack of a clear definition of certain concepts in the Freedom of Movement

⁽²⁴⁾ Judgment of the Court of Justice of the European Union of 5 June 2018, *Relu Adrian Coman and Others v Inspectoratul General pentru Imigrări and Ministerul Afacerilor Interne*, C-673/16, EU:C:2018:385.

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Directive, such as 'comprehensive sickness insurance' and 'sufficient resources'; calls on the Commission to include discriminatory administrative practices in Member States, in particular at local level, in its monitoring of the implementation of the Freedom of Movement Directive, to take the necessary enforcement actions against such practices and to provide clarifications of the concepts that are not clearly defined in the Freedom of Movement Directive in its revised guidelines; calls, furthermore, on the Commission and the Member States to promote further cooperation in situations where workers receive benefits and pay contributions in different EU Member States by reinforcing the cross-border exchange of information between the different social security authorities so that all of the contributions can be duly taken into account when calculating pension rights;

10. Calls on the Member States to put in place coordination and cooperation measures in order to effectively tackle the issues of double taxation of car registrations, tax discrimination and double taxation in any cross-border context, and to take better account of the realities of cross-border worker mobility; considers that double taxation issues are insufficiently addressed through existing bilateral tax conventions or unilateral action by Member States and need concerted, timely action at EU level;

11. Welcomes the Commission's announcement that it will review the rules on consular protection; invites the Commission to include in this review an assessment of the accessibility of consular protection for persons with various types of disabilities; urges the Commission to ensure assistance for EU citizens of unrepresented Member States; urges the Commission and the Member States to introduce a right to consular protection for persons who are issued a travel document by a Member State, even if they are not a citizen of that state;

12. Recalls that minimum wages have an important role to play in ensuring that the European Pillar of Social Rights is implemented and that no one is left behind; highlights the precarious conditions cross-border and seasonal workers face, especially since the COVID-19 crisis; calls on the Commission and the Member States to address the vulnerabilities that cross-border and seasonal migrant workers face in the context of the COVID-19 crisis and to ensure that all workers in the EU are granted high levels of social protection and equitable, properly paid jobs, including by ensuring the effective application and enforcement of Union law related to labour mobility and the right to equal pay for equal work or work of equal value; considers this approach to be vital in order to prevent the marginalisation of EU citizens, empower them to fully and actively participate in our democracies and to protect their rights arising from EU citizenship;

13. Notes that the lack of a mutual recognition mechanism for the status of a person with disabilities is one of the reasons behind the difficulties faced by persons with disabilities in exercising their rights to free movement, access to education, employment and cultural goods; supports the development of a mutually recognised EU disability card to ensure equal access within the EU to certain benefits; calls on the Commission and the Member States to introduce an EU disability card in order to guarantee freedom of movement for persons with disabilities;

14. Urges all Member States to ratify the UN Convention on the Rights of Persons with Disabilities and to sign the Protocol; urges the Commission, in the context of the ratification of this convention, to take the necessary measures to enable persons with disabilities to exercise their full rights as EU citizens, without any form of discrimination;

15. Is concerned about the marginalisation of homeless people because of the difficult living conditions and the lack of information they face; calls on the Member States to take measures to protect homeless people and their rights, to reach out to them with information campaigns about these measures and, thus, to facilitate their inclusion in social and political life and civil society;

16. Welcomes the Commission's intention, announced in its EU Citizenship Report 2020, to update the directives on the voting rights of mobile EU citizens in municipal and European elections (Council Directives 94/80/EC and 93/109/EC); stresses, in this regard, the urgency of removing all barriers and difficulties which hinder the exercise of voting rights by mobile EU citizens, including by persons with disabilities, increasing and facilitating the provision of information on municipal and European elections and voting procedures (possibly through a fully accessible, single EU-wide information platform), encouraging Member States, in particular at local level, to facilitate the exercise of voting rights of mobile EU citizens, and exploring and implementing remote voting options, including electronic voting, in order to increase and

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facilitate democratic participation; underlines that for the purpose of remote voting, the Member States have to ensure transparency in the design and deployment of electronic and internet systems, the possibility of holding manual or electronic recounts without compromising the secrecy of the vote and the protection of personal data in accordance with applicable Union law; recalls that in some Member States, persons with disabilities under protective measures, such as guardianship, are automatically excluded from political participation and thus denied the right to vote; stresses the need to move away from this drastic solution in favour of supporting persons with disabilities in selected areas of life; welcomes, in this respect, the Commission's declaration that it will work with Member States and Parliament to guarantee political rights of persons with disabilities on an equal basis with others and in particular to ensure that this right is enjoyed in the next European elections;

17. Calls on the Commission and the Member States to exchange and promote, within the European Cooperation Network on Elections, best practices on how to address the specific electoral needs of disadvantaged groups of citizens in order to increase their participation in elections and ensure that they are empowered to effectively exercise their voting rights in the next European elections; stresses, in this regard, the need for comprehensive data on under-represented categories of voters and the need to agree on a basic set of common definitions of disadvantaged groups, which may include groups such as LGBTIQ people, migrants and refugees, people from low-income households, racial, ethnic or linguistic minorities, and persons with disabilities;

18. Recalls, furthermore, that the electoral rights of EU citizens living abroad is frequently the subject matter of petitions; notes that several Member States deprive their citizens of their right to vote in national parliamentary elections once they move to another EU country; believes that the disenfranchisement of EU citizens on the grounds of their residence abroad, along with the non-recognition of their right to vote in national elections in their country of residence, might hinder the freedom of movement and might result in the denial of the fundamental right to political participation; highlights that several Member States have disenfranchised long-term residents who are citizens of another EU Member State from local and European elections;

19. Emphasises that over 60 % of the respondents participating in the public consultation on the European Citizenship Report 2020 thought that not enough is being done to inform citizens about their EU citizens rights; calls on the Commission and the Member States to better inform EU citizens about their rights and duties, in formats accessible to people with different types of disabilities, and to ensure entitlement to those rights is respected equally in their country of origin and in any other Member State; stresses the importance of having country-level websites explaining the rights of EU citizens and how to get in contact with MEPs and monitor their votes and decisions;

20. Encourages the Member States to give more space to political education on EU affairs, inter alia on EU citizens' rights, in their school curricula and to adapt teacher training accordingly; considers that the Member States should promote school visits to EU institutions through their educational systems; emphasises that accessible education plays a vital role in providing information to future citizens;

21. Acknowledges that the current set-up of the EU participatory framework may leave people doubtful about which channel is more suited to their needs and thus deter them from using the available tools to communicate with the EU institutions; calls on the Commission and the Member States to put in place the appropriate instruments to ensure that EU citizens and residents are fully informed about their right to submit petitions to Parliament and their right of recourse to the European Ombudsman as a means of upholding their rights and reporting any violations, in accordance with Article 44 of the Charter and Article 227 TFEU;

22. Calls for the establishment of an online one-stop-shop centralising all EU participatory instruments and providing information, advice and support on engaging with the EU in all EU official languages, and in formats accessible to people with different types of disabilities, thereby helping users to identify and use the most appropriate channel, in order to bring citizens closer to the EU and strengthen their democratic participation; trusts that such a one-stop-shop would streamline the use of the different participatory instruments while fully unlocking their potential;

23. Recalls its support for the Conference on the Future of Europe; strongly believes that the conference is an opportunity for bottom-up participation in the EU democratic process; reiterates its call for the conference to produce concrete recommendations to be addressed by the institutions and turned into actions; calls on all participants in the conference to ensure a genuine follow-up on its outcome;

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

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P9_TA(2022)0082

Fair and simple taxation supporting the recovery strategy

European Parliament resolution of 10 March 2022 with recommendations to the Commission on fair and simple taxation supporting the recovery strategy (EP follow-up to the July Commission's Action Plan and its 25 initiatives in the area of VAT, business and individual taxation) (2020/2254(INL))

(2022/C 347/20)

The European Parliament,

- having regard to Article 225 of the Treaty on the Functioning of the European Union,
- having regard to the Commission Communication of 15 July 2020 on 'An action plan for fair and simple taxation supporting the recovery strategy' (COM(2020)0312),
- having regard to the Commission Communication of 15 July 2020 on 'Tax Good Governance in the EU and beyond' (COM(2020)0313),
- having regard to the Commission Communication of 7 April 2016 entitled 'An action plan on VAT — Towards a single EU VAT area — Time to decide' (COM(2016)0148),
- having regard to the Commission Communication of 3 March 2021 entitled 'One year since the outbreak of COVID-19: fiscal policy response' (COM(2021)0105),
- having regard to the Commission proposals pending for adoption, in particular on the Common Corporate Tax Base (CCTB), the Common Consolidated Corporate Tax Base (CCCTB) ⁽¹⁾, and the digital taxation package ⁽²⁾, as well as the European Parliament's positions on these proposals,
- having regard to the Commission communication of 15 January 2019 entitled 'Towards a more efficient and democratic decision making in EU tax policy' (COM(2019)0008),
- having regard to the Commission communication of 19 February 2020 entitled 'Shaping Europe's digital future' (COM(2020)0067),
- having regard to the OECD/G20 Inclusive Framework (IF) on the Base Erosion and Profit Shifting (BEPS) Action Plan of October 2015,
- having regard to the OECD/G20 IF interim report entitled 'Tax Challenges Arising from Digitalisation' adopted in 2018, and its Programme of Work to Develop a Consensus Solution to the Tax Challenges Arising from the Digitalisation of the Economy adopted in May 2019,
- having regard to the Reports on the Pillar One and Pillar Two Blueprints adopted by the OECD/G20 Inclusive Framework on 14 October 2020, as well as the results of an economic analysis and impact assessment carried out by the OECD,
- having regard to the Commission Communication of 18 May 2021 entitled 'Business Taxation for the 21st Century' (COM(2021)0251),

⁽¹⁾ Proposal of 25 October 2016 for a Council Directive on a Common Corporate Tax Base (CCTB), COM(2016)0685 and of 25 October 2016 on a Common Consolidated Corporate Tax Base (CCCTB), COM(2016)0683.

⁽²⁾ The package consists of the Commission communication of 21 March 2018 entitled 'Time to establish a modern, fair and efficient taxation standard for the digital economy' (COM(2018)0146), the proposal of 21 March 2018 for a Council directive laying down rules relating to the corporate taxation of a significant digital presence (COM(2018)0147), the proposal of 21 March 2018 for a Council directive on the common system of a digital services tax on revenues resulting from the provision of certain digital services (COM(2018)0148) and the Commission recommendation of 21 March 2018 relating to the corporate taxation of a significant digital presence (C(2018)1650).

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- having regard to the Annual report on Taxation 2021 — Review of taxation policies in the EU Member States, DG TAXUD, 18 May 2021,
 - having regard to the International Monetary Fund report entitled ‘Taxing Multinationals in Europe’, European and Fiscal Affairs Departments, 2021, No. 21/12,
 - having regard to the outcomes of the various G7, G8 and G20 summits held on international tax issues,
 - 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 ⁽³⁾,
 - having regard to its resolutions related to TAXE Special Committees, of 25 November 2015 on tax rulings and other measures similar in nature or effect (TAX 1) ⁽⁴⁾, of 6 July 2016 on tax rulings and other measures similar in nature or effect (TAX 2) ⁽⁵⁾, and of 26 March 2019 on financial crimes, tax evasion and tax avoidance (TAX 3) ⁽⁶⁾,
 - having regard to its resolution and recommendations of 13 December 2017 following the inquiry into money laundering, tax avoidance and tax evasion (PANA) ⁽⁷⁾,
 - having regard to its report on the implementation of the EU requirements for exchange of tax information: progress, lessons learnt and obstacles to overcome (2020/2046(INI)),
 - having regard to its report on reforming the EU policy on harmful tax practices (including the reform of the Code of Conduct Group) (2020/2258(INI)),
 - having regard to Rules 47 and 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A9-0024/2022),
- A. whereas the unprecedented impact and magnitude of the COVID-19 crisis on the economy has led to a decrease in tax revenues and an increase in debt and fiscal expenditures to protect society and the economy, and is leading to a sharp increase in government debt; whereas tax avoidance, tax fraud and tax evasion undermine government revenues, as well as the sustainability of public finances, taxation systems and tax fairness; whereas it is paramount to fight tax avoidance and evasion while keeping taxes at levels that support the sustainable growth of the economy as well as the economic and social recovery of the Union and longer term challenges, such as an ageing population, ecologic and climate transition and digitisation of the economy, while not undermining adequate tax revenue;
- B. whereas the tax incidence has shifted from wealth to income, from capital to labour income and consumption, from multinational enterprises (MNEs) to small and medium-sized enterprises (SMEs), and from the financial sector to the real economy with a shift in the tax burden from more mobile to less mobile taxpayers;
- C. whereas a swift recovery requires a strong economic and fiscal policy response through reforms and investments and through, inter alia: (i) ensuring an effective level playing field for taxpayers and businesses, reducing or eliminating tax benefits that unfairly create disadvantages to SMEs, including less red tape in order to promote competition, and domestic trade and trade within the single market, supported by a simple, fairer, digital and more predictable tax environment; (ii) securing tax revenues for Member States to finance the recovery, the transition to a carbon-neutral economy, a reduction in the debt-to-GDP ratio and boosting investments, and (iii) ensuring fair taxation of businesses and citizens, enhancing transparency and trust in society and fair competition, based on agreed standards and coordinated and digitalised reporting systems;

⁽³⁾ OJ C 399, 24.11.2017, p. 74.

⁽⁴⁾ OJ C 366, 27.10.2017, p. 51.

⁽⁵⁾ OJ C 101, 16.3.2018, p. 79.

⁽⁶⁾ OJ C 108, 26.3.2021, p. 8.

⁽⁷⁾ OJ C 369, 11.10.2018, p. 132.

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- D. whereas the Commission's Action Plan for fair and simple taxation supporting the recovery strategy (the 'Action Plan') is part of a wider Union tax strategy in the area of value added tax (VAT), business and individual taxation; whereas the Action Plan sets out a dual approach combining actions for combating tax fraud and tax evasion and simplifying steps to remove unnecessary obstacles and administrative burdens for taxpayers, especially citizens and SMEs;
- E. whereas SMEs represent 99 % of businesses in the Union and create two out of three private-sector jobs, but the cost of compliance with tax rules accounts for 30 % of their tax burden, while for large companies it only accounts for 2 %;
- F. whereas there is a need to build more mutual trust and cooperation between the tax authorities of the Member States and share best practices across the Member States regarding national reporting systems;
- G. whereas the European Court of Auditors' 2021 Special Report on Exchanging Tax Information in the EU ⁽⁸⁾ found the information exchanged between Member States to be outdated, inaccurate and incomplete;
- H. whereas current international corporate tax rules are no longer suitable in the context of digitalisation and globalisation of the economy; whereas developments in digitalisation and a stronger reliance on intangible assets and their increase in value chains, create prospects and challenges in terms of traceability of economic operations and taxable events, including enabling of tax avoidance practices, especially when these operations are cross-border or take place outside the Union;
- I. whereas corporate taxation should be guided by the principle of taxing profits where they are generated, a more harmonised and coordinated approach to the corporate taxation system across the Union could further enable the tackling of unfair competition caused by harmful tax practices that distort the functioning of the single market and often lead to misallocation of resources;
- J. whereas better cooperation between Union and national tax authorities and increased transparency in the area of corporate taxation can increase tax collection and compliance and is necessary to strengthen fair competitiveness in the single market, which will make the work of tax authorities more efficient; whereas the use of technology and digitalisation focused on a more efficient use of the available data can support efficiency and transparency of tax authorities and reduce the costs of compliance and increase the trust of the public; whereas progress made with digitalisation for both taxpayers and tax authorities opens alternatives on how to systematically address certain tax fraud and can also facilitate the taxation of mobile tax bases;

General considerations on the Commission's Action plan for fair and simple taxation supporting the recovery strategy

1. Welcomes the Action Plan and supports its thorough implementation; observes that the majority of the 25 actions are related to VAT, which is appropriate due to the high level of revenue losses in the area of VAT and the need to support businesses, especially SMEs; considers, however, that an impact assessment should be carried out to complement concrete legislative proposals to better apprehend the potential effects on taxpayers and businesses; welcomes the recent agreement on VAT rates in the Council, however, remains concerned that the definitive VAT regime has not gained support in the Council; calls on the Commission to check the Action Plan in view of international developments at the Organisation for Economic Co-operation and Development (OECD)/G20 level and in light of the COVID-19 pandemic;
2. Believes that the Commission's decision to carry out initiatives aimed at enhancing cooperation among tax authorities and increased harmonisation of procedural rules across the single market is of highest importance; welcomes the Commission's initiative the EU Cooperative compliance programme, as a method of encouraging closer cooperation between tax authorities and businesses, and recommends clear eligibility and functioning rules, as well as a potential expansion of the programme to include VAT-related issues; welcomes and looks forward to the Commission's legislative

⁽⁸⁾ Special Report No 03/2021 of the European Court of Auditors of 26 January 2021 'Exchanging tax information in the EU: solid foundation, cracks in the implementation'.

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initiative for introducing a common, standardised, Union-wide system for withholding tax relief at source, accompanied by an exchange of information and cooperation mechanism among tax authorities; calls on the Commission in this respect, and in response to the recent Cum-Ex revelations and the OECD/G20 global tax deal, to assess the potential benefits of a minimum effective withholding tax rate; calls on the Commission, in this respect, to relaunch the discussion on the blocked revision of the Council Directive 2003/49/EC⁽⁹⁾ (Interest and Royalties Directive);

3. Welcomes the Commission's proposal to modernise, simplify and harmonise VAT requirements, using transaction-based real-time reporting and e-invoicing; notes that such reporting needs to be taxpayer-friendly while allowing tax administrations to have an overview of the various transactions in real-time, facilitating the prevention and detection of fraud and risky economic operators; considers that reporting requirements and tax forms should converge across the Member States; believes that the use of the data-mining tool Transaction Network Analysis (TNA) represents one of the available options to reduce tax fraud and promotes its further development and sharing of best practices among Member States;

4. Recalls that any tax measures, temporary or not, should avoid distorting investment decisions and should act as a tool in supporting the fulfilment of Union goals as outlined in Article 3(3) of the Treaty on European Union, including competitiveness of European businesses; stresses that the reporting requirements should not lead to a disproportionate increase in administrative costs for economic actors, notably for SMEs; notes that in order to effectively address lost tax revenues, better quality and possible higher quantities of data may be needed; insists on the principle that any data gathered by the tax authorities from taxpayers, in line with taxpayers' rights, must be provided to the Member States only once, protected by the utmost security and respect for data protection laws; notes the potential of data and digital tools to reduce red tape and simplify various taxpayer obligations, in particular in the area of VAT returns and recapitulative statements, and notes that artificial intelligence (AI) and various software should be used to maximise the effectiveness of the use of data; expresses the need to continue efforts to increase administrative cooperation between Member States in order to reduce fraud and tax evasion; believes it is necessary not only to increase the quantity, but also to improve the quality, of the data exchanged, with a view to having a more efficient system;

5. Underlines that the diversity of the Member States' tax regulations constitutes a cumbersome challenge, particularly for SMEs and start-ups operating or willing to start trading in the single market, as they have to cope with up to 27 different tax systems; believes that due care should be devoted to higher compliance costs sustained by SMEs; stresses that SMEs should not be further penalised by the financial burden associated with operating under different national systems and the benefits of the single market should be easily accessible to them;

6. Highlights that a sustainable recovery strategy should consider the sustainability of the ongoing low interest rates and the increase in inflation across the Union; considers that the tax burden should not move from capital gains to labour, as it does now; considers, in this regard, that more attention should be paid to the large number of mobile workers;

7. Reiterates the importance of Next Generation EU funds for the economic recovery of the Union and highlights the opportunity to use the Recovery and Resilience Facility to pursue fiscal reforms and investments leading to a fairer, more sustainable and better digitalised fiscal system; recalls that the Fiscalis programme for the period 2021-2027, with a budget of EUR 269 million, aims to combat tax fraud and supports revenue collection for the Union and Member States' budgets by helping national tax authorities to cooperate better to combat tax fraud, tax evasion and aggressive tax planning;

8. Takes note that the estimated revenue lost to international tax evasion by individuals was EUR 46 billion in 2016; observes the current distortions of the single market due to harmful tax practices that constitute harmful tax competition; notes that, as well as the Action Plan, a Communication from the Commission on Tax Good Governance in the EU and beyond was published focusing on the need to reform the EU Code of Conduct on Business Taxation and the criteria

⁽⁹⁾ Council Directive 2003/49/EC of 3 June 2003 on a common system of taxation applicable to interest and royalty payments made between associated companies of different Member States (OJ L 157, 26.6.2003, p. 49).

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enshrined in the EU list of non-cooperative jurisdictions; deplores the standstill on both matters in the Council; takes note of the outcome of the ECOFIN Meeting on 8 December 2021; regrets, in this regard, that Ministers of Finance of the Member States could not agree on the reform of the 1997 EU Code of Conduct on Business Taxation and recalls the European Parliament's resolution of 7 October 2021 on reforming the EU policy on harmful tax practices (including the reform of the Code of Conduct Group); reiterates its support for the Commission's intention to widen the scope of the Code of Conduct Group to cover further types of regime and general aspects of the national corporate tax systems and encourages the Commission to further develop coordination mechanisms such as peer review procedures within the Code of Conduct Group; recommends the inclusion of preferential personal income tax regimes to address special citizenship schemes or measures that attract highly mobile wealthy individuals and digital nomads which potentially lead to significant distortions of the single market; invites the Commission, in the framework of the upcoming Tax Symposium in 2022, to analyse distortions in the single market, and suggest proportional remedies;

Drivers for changes

9. Is of the opinion that better estimates of overall tax losses in the Union and a detailed analysis of their systemic causes are essential for efficient proposals on ways to effectively reduce tax losses; highlights that better availability of data, provided by companies and tax administrations, can significantly contribute to better estimates; highlights the importance of the OECD Corporate Tax Statistics database and the contribution of Member States to it; deplores further that the Council has not shared with European Parliament the necessary information in the framework of the DAC implementation report; stresses that VAT fraud like 'carousel fraud' has a direct impact on VAT-based own resources and therefore the composition of Union revenue ⁽¹⁰⁾; stresses that VAT fraud typologies are multifaceted and possibly changing to adapt to a new legal framework, such as the proposed 'definitive system'; calls on the Commission to launch a coordinated effort by the Member States to establish a joint system of collecting statistics on VAT 'carousel fraud'; points out that such a system could build upon practices already used in some Member States; takes note of the creation of the EU Tax Observatory and calls on the Commission to provide an independent assessment of the work done so far with regard to how to move forward with this preparatory action, which was initiated by European Parliament building on a pilot project of the Union annual budget;

10. Recalls that tax transparency, fairness and certainty based on clear respective rights and duties is the main principle on which to build mutual trust between taxpayers and tax administrations; supports, in that context, the formalisation of the Charter on taxpayers' rights, more consistency on tax residence rules for individuals and an increase in exchange of information; believes that further development and the identification of gaps in effective European dispute resolution mechanism need to be considered; considers that the outcome of disputes should be made publicly available in the form of a summary that would publish, among other essential, but non commercially sensitive, information, the resulting effective tax rate paid by the taxpayer;

11. Observes that the new working arrangements, such as teleworking, bring both challenges and opportunities for workers and employers; underlines the urgent need to better define the notion of tax residency for individuals in view of the new working arrangements that have developed rapidly due to the COVID-19 pandemic; stresses that Member States still use various criteria to determine tax residence status, creating a risk of double taxation or double non-taxation; recalls in this regard the Action Plan announcing a Commission legislative proposal in 2022/2023 clarifying where taxpayers are to be considered residents for tax purposes when they are active across borders in the Union; looks forward to this Commission's proposal which should aim at ensuring a more consistent determination of tax residence within the single market;

12. Looks forward to the Commission's DAC8 proposal to extend the automatic exchange of information to include crypto-assets; recalls, in this regard, the recommendations adopted by European Parliament and referred to in the DAC implementation report; considers that tax certainty would be reinforced if Member States had a common understanding of

⁽¹⁰⁾ BUDG committee briefing — EU Own Resources (2020) in [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/647459/IPOL_BRI\(2020\)647459_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/647459/IPOL_BRI(2020)647459_EN.pdf).

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tax policies, incentives and practices that do not distort the single market; calls on the Commission to present an analysis on guidelines or other measures, which could help achieve that objective;

13. Welcomes the actions undertaken by the Commission in the area of prevention and resolution of double VAT taxation disputes;

14. Notes that the Union decision-making process is not promoting change, as tax policy is a national prerogative and subject to unanimity; recalls that Article 116 of Treaty on the Functioning of the European Union (TFEU) states that distortion of competition in the internal market by Member States needs to be eliminated; regrets that the current situation sometimes leads to an uneven or inconsistent application of tax regulations and to a delay in the harmonisation of tax practices or standards across the Union; calls on the Commission and the Member States to ensure more harmonised and consistent tax rules and their implementation, to protect the functioning of the single market and to assure the principle of taxing where profit is generated; deplores the fact that proposals such as CCCTB, revision of the Interest and Royalties Directive and the reform of the Code of Conduct on Business Taxation have remained blocked in the Council;

15. Recalls in this respect the Communication from the Commission Towards a more efficient and democratic decision-making in EU tax policy; notes that Article 116 TFEU, although suggested in the Action Plan, has not yet been used in tax matters and would allow decision-making in the Council to be more effective; calls on the Commission, the European Parliament and the Council, in the context of the Conference on the Future of Europe, to further explore the decision-making process used when deciding taxation policies, in the context of the protection of the Union's financial interests;

16. Stresses the importance of a swift exchange of information between Member States to combat tax fraud; welcomes the proposal for a Eurofisc 2.0 in the Action Plan to further develop Eurofisc; strongly supports the Commission's suggestion to expand it to direct taxation; supports Eurofisc in becoming a Union hub for tax information serving not only VAT purposes; recalls that Eurofisc, as the Union's network of anti-fraud experts, must, in order to be effective, be strengthened and provided with sufficient resources in order to carry out joint risk analyses, coordinate investigations and cooperate with the European Anti-Fraud Office (OLAF), Europol and the European Public Prosecutor's Office (EPPO), in particular with a view to investigating VAT fraud;

17. Looks forward to the revision of the Council Directive 2011/64/EU ⁽¹⁾, as announced in the Commission's Package for fair and simple taxation; notes the large price gaps between Member States incentivising cross-border shopping; notes further the emergence of new products, such as e-cigarettes, heated tobacco products and new tobacco products; looks forward to an ambitious revision in reference to rates and aiming to better contribute to health objectives;

Challenges in the Union VAT tax policy

18. Observes that the current Union VAT system remains too complex, especially for SMEs, and vulnerable to fraud, while generating high compliance costs for economic operators ⁽¹²⁾; notes that the different measures to tackle tax fraud are adopted in the Member States; recalls that the modernisation of the VAT system and the shift towards a more coherent VAT system across the Union should be addressed urgently ⁽¹³⁾;

19. Stresses that tackling the VAT gap and tax fraud should be an urgent priority for the Union and the Member States in the post-COVID-19 economy; expresses its concern about the level of the VAT gap estimated at around EUR 140 billion in 2018, whereof EUR 50 billion is related to cross-border tax evasion and fraud; notes with concern that according to the

⁽¹⁾ Council Directive 2011/64/EU of 21 June 2011 on the structure and rates of excise duty applied to manufactured tobacco (OJ L 176, 5.7.2011, p. 24).

⁽¹²⁾ As per the EPRS' EAVA (September 2021), the VAT gap, including cross-border VAT evasion and fraud, could be estimated at around EUR 120 billion in 2020, p. 42.

⁽¹³⁾ As per the EPRS' EAVA (September 2021), the estimated added value of the extended cooperation between the Member States plus the full implementation of the OSS could bring a reduction of estimated EUR 29 billion of the VAT gap, and a reduction of estimated EUR 10 billion in compliance costs for businesses, p. 39.

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Commission's assessment, the VAT gap could rise to more than EUR 160 billion due to the COVID-19 crisis; notes that the complex composition of the VAT gap requires multiple actions, tailored to the specific parts of the drivers behind the gap;

20. Underlines that the current VAT system remains fragmented triggering a significant administrative burden on firms, in particular those with cross-border operations and SMEs, which reduces benefits of existence in the single market and also imposes costs for Member States through possible revenue losses; notes that the Commission, with the new proposals, should take into account the specific needs of SMEs and create a level playing field including through, inter alia, the introduction requirements based on threshold when relevant;

21. Welcomes the setup of the Union One Stop Shop (OSS) aiming to simplify of tax compliance, specifically by reducing uncertainty in the single market and by reducing costs for cross-border operations that allows cross-border economic operators to fulfil VAT obligations on e-commerce sales within the Union more easily; invites the Commission to assess how to broaden the scope of the OSS to encompass a wider range of services, especially with regard to all B2C transactions of goods and the transfer of own-stock, allowing companies to only register for VAT in one country; welcomes the proposal of a single VAT registration;

22. Notes the Commission's initiative to review the current VAT exemption for financial services and insurance, in particular following the withdrawal of the United Kingdom from the Union and the revision of the national rules in this area; stresses that such review should ensure that VAT rules on financial services are fit for current digital economy, including Fintech, and that an international level playing field is maintained for Union companies;

23. Notes that the Commission described in the Action Plan a 'well-designed tax system playing an important role in supporting the green transition' that might help to achieve the objectives of the European Green Deal; looks forward in this context to the proposal for reviewing VAT rates in the area of passenger transport exemptions as announced in the Commission's Package for fair and simple taxation; emphasises the need to balance the tax mix in order to gradually minimise the impact of labour tax on workers and work on a fairer tax system;

24. Notes with concern that some Member States do not generally exempt in-kind donations from VAT, leading businesses to destroy consumer goods, notably returns, even though such an exemption is possible under Council Directive 2006/112/EC ⁽¹⁴⁾; calls on the Commission to issue guidance to Member States, clarifying that VAT exemptions for in-kind donations are compatible with the existing Union law on VAT until the proposal for a Council Directive (COM(2018)0020, in particular Article 98(2) thereof) is adopted by Member States;

25. Calls on the Commission to analyse and investigate the possibilities of using technology, for example AI and different software, by applying it to real or near real-time VAT reporting in B2B transactions, while taking into consideration data protection and confidentiality; notes that the best result will be achieved if the data analysis tools are introduced and implemented within the single market or the standards for such reporting are set across the Union simultaneously;

26. Welcomes the start of operations by the EPPO in June 2021;

27. Welcomes the TNA and supports the establishment of enhanced cooperation between Eurofisc members in order to rapidly detect carousel-type fraud; calls on the Commission to take steps towards a more efficient use of the TNA tool and focus on the quality of data provided, as it represents a key tool in tackling VAT fraud; calls on the Commission in this regard to review how the TNA tool is used by the Member States and assist them in introducing guidance for best practices; considers that in order to reduce compliance costs for taxpayers, data provided should be generated by an automated

⁽¹⁴⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

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digitalised system of reporting data from the taxpayer to tax authorities ⁽¹⁵⁾ (for example by the e-invoicing system referred to in the Annex hereto);

Ongoing reforms of the international and Union tax system

28. Notes the reduction of the estimated gap ⁽¹⁶⁾ due to corporate tax avoidance at around EUR 35 billion per year from the previous Commission estimations of EUR 50-70 billion before anti-BEPS measures were introduced and the correlation between an improvement and the legislative efforts on tax avoidance carried out by the Commission; notes the implementation of the 2019 Anti-Tax Avoidance Directive and calls for an evaluation report by the Commission on its impact and implementation; stresses that situations where some firms are still able to reduce their tax bill via tax avoidance or aggressive tax planning is undermining fair competition in the single market and often harming the competitiveness of SMEs; recalls that the tax gap due to corporate tax avoidance can amount to up to 190 billion ⁽¹⁷⁾ when special tax arrangements, inefficiencies in collection and other practices are taken into account; stresses further that unilateral special regimes such as lower corporate income tax rates for some taxpayers might constitute a risk for stable tax bases across the EU;

29. Highlights that the current global tax environment is outdated and can only be fully addressed on a global level; welcomes the historic two-pillar agreement reached at the OECD/G20 Inclusive Framework on the allocation of taxing rights and the application of a minimum effective tax rate of 15 % on the global profits of MNEs; considers it a unique opportunity to make international tax architecture more consistent with the development of the economy by further addressing the distortions of fair competition in the market, which was accentuated during the COVID-19 crisis and highlighted problems related to the taxing of large MNEs; notes the agreement requires all participants 'to remove digital services taxes and other relevant similar measures (...) and to commit to not introducing such measures in the future'; notes the need for effective implementation in the Union and beyond of the two-pillar solution with the aim of ensuring a fairer distribution of profits and taxing rights among countries with respect to the largest and most profitable multinational companies; welcomes the legislative proposal of the Commission of 22 December 2021 to implement both Pillars of the Inclusive framework; calls on the Council to swiftly adopt such proposals to have the agreement effective by 2023; welcomes the Commission's proposal on the use of shell companies;

30. Takes note that some Member States took unilateral measures that had an impact on international negotiations; notes that the Multilateral Convention (MLC) will require all parties to phase out all digital services taxes and other relevant similar measures with respect to all companies, and to commit to not introduce such measures before the end of 2023;

Paving the way for the new Union business taxation agenda

31. Recalls that future Union policy options and political choices in the area of business taxation should be based on tax fairness, efficiency and transparency, while also taking into account the need for the stability of Member States' tax revenues, given the decisive role of governments in fostering a sustainable economic recovery from the COVID-19 crisis, leading to fairly shared taxes for all types of multinational companies, while reducing costs of compliance for taxpayers, especially SMEs, as well as removing sources of business distortions in the single market, and in trade and investments;

⁽¹⁵⁾ Proposal to consider abandoning the existing reporting and setting up a harmonised reporting system for cross-border transactions would allow to match transactions more easily (as confirmed by the EPRS study).

⁽¹⁶⁾ COM(2020)0312, p. 5. There are other estimations, for example by the European Parliament, with estimated losses from financial crime, tax evasion and tax avoidance amounting to EUR 190 billion. Based on the OECD's comprehensive work in the Base Erosion Profit Shifting report (BEPS), Action 11, global revenue losses before any of the anti-BEPS measures were decided amounted to some USD 100-240 billion or 0,35 per cent of global GDP. The Commission estimated that EUR 50-70 billion was attributable to the Union before the Anti-Tax Avoidance Directives I and II were agreed on by the Member States.

⁽¹⁷⁾ *ibid.*

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32. Supports the rationale of the Commission's proposal on the Business in Europe: Framework for Income Taxation (BEFIT) expected in 2023, with a view to designing a new and single Union corporate tax rulebook, based on a fair, comprehensive and effective formulary apportionment and a common tax base of income taxation for businesses, which will provide clarity and predictability for companies, reflecting the consensus reached in the OECD Pillar 1 and Pillar 2 negotiations; recalls that previous attempts by the Union to define a common rulebook considered three factors: labour, assets and sales; considers that focusing on one factor would have an unbalanced impact on the tax revenues of Member States; calls on the Commission to consider measures that would ease the implementation of the future BEFIT proposal, in particular for SMEs;

33. Considers, however, that the BEFIT initiative should be supported by the political process in building political support for change and that the initiative should be accompanied by a thorough impact assessment to shape future proposals, which should contribute to reaching a consensus between Member States; looks forward to the details on the BEFIT initiative and therefore calls on the Commission to initiate a wide inclusive consultation process with stakeholders, Member States, including their national parliaments, and the European Parliament, and to engage in dialogue with experts and citizens, on guiding principles ahead of the launch of the BEFIT proposal by the Commission in 2023; emphasises that the implementation of a single tax rule book would bear a significant merit to reduce the scope for profit shifting by recourse of tax planning systems while decreasing compliance costs, in particular for cross-border economic operations;

34. Notes that the new corporate tax agenda includes a mechanism to address the debt-equity bias through an incentive system, helping to support the resilience of companies in adverse economic circumstances in the future and remove incentives that favour a corporate financing model that is too reliant on debt; notes the Commission's intention to draft a proposal on a debt equity bias reduction allowance and requests the Commission to perform a thorough impact assessment and incorporate strong anti-avoidance provisions to avoid any allowance on equity to be used as a new tool for base erosion;

35. Supports, for the purposes of tax transparency, the collection of regularly updated data on the effective corporate tax rates paid by the Union's largest companies on their generated profits within the Union; such mapping should be used to assess the efficiency of the tax framework and rules in place;

36. Requests that the Commission submit by 2022/2023 one or more legislative proposals following the recommendations set out in the Annex hereto;

37. Considers that the financial implications of the requested proposal should be covered by appropriate budget allocations;

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38. Instructs its President to forward this resolution and the accompanying recommendations to the Commission and the Council.

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ANNEX TO THE RESOLUTION:

RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSAL REQUESTED

A. Simplification, reduction of compliance costs for taxpayers

Recommendation A1 — Single EU VAT registration procedure and the Single EU VAT number

The European Parliament calls on the Commission to move towards the adoption of a Single EU VAT registration procedure and the Single EU VAT number by 2023.

Such a procedure should:

- Reduce the costs of compliance, notably for SMEs operating in the single market, and propose an identical process for VAT registration across the Union (respecting different conditions for registration in Member States).
- Ensure that registration is easily accessible and use a harmonised online platform(s), that operates in the same manner across the Union, in an agreed minimum number of languages, to allow easier use across the Union.

Recommendation A2 — Simpler taxation for and with European Companies (SEs) / SMEs

The European Parliament calls on the Commission to introduce measures to further reduce costs and complexity of taxation of SMEs and SEs by 2023.

- Several initiatives referred in this report should be proposed by the Commission, which should be quickly followed by concrete proposals to support SMEs in the post COVID-19 economy.
- To further support SEs and start-ups, the European Parliament asks the Commission to assess the option of introducing a unique pan-European income tax regime for SEs and start-ups to minimise the costs associated with tax compliance especially in cases where they operate in more than one Member State. The regime would be optional for SEs (e.g. restricted by the turnover) and could be based on the SE. Tax revenues from the regime would be allocated to the Member States using an agreed formula (e.g. based on the proportion of residents employed).

B. More certainty for taxpayers and/or Member States' tax administrations

Recommendation B1 — Dispute resolution mechanism for cases where two or more Member States claim tax residency:

The European Parliament calls on the Commission to reflect the experience and identify remaining gaps in the existing Council Directive (EU) 2017/1852 on tax dispute resolution mechanisms in the Union, and propose an efficient way(s) to address the existing conflicts and uncertainties regarding residency for both natural and corporate persons, causing risks of double taxation or/and double non taxation. Invites the Commission to issue proposals on the definition of tax residency by 2023.

The European Parliament also recalls that the outcome of disputes should be made publicly available in the form of a summary, based on the procedure outlined in Article 18 of Directive (EU) 2017/1852 and should include effective tax rates. The regime set out must ensure time limits, reflecting the problems caused by dispute to taxpayers for obtaining a decision will be legally binding and enforced. Given the changes in the post COVID-19 economy, including a move to remote working, the Commission should as soon as possible assess if current legislation is sufficient in reducing the risks of double taxation for taxpayers and, if appropriate, carry out a revision of that Directive, or alternatively, propose new measures. It is also noted that that Directive lacks visibility and more should be done by the Commission to ensure citizens are aware that this mechanism is available.

Recommendation B2 — Extension of automatic exchange of information

The European Parliament calls on the Commission to assess the need and the most appropriate way for the automatic exchange of information between Member States to be extended to include further categories of income and assets such as crypto-assets (DAC8). Since Member States are legally bound to send data only for those categories for which information is already available, there seems to be, as a consequence, a lack of information concerning certain categories of income and assets.

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Recommendation B3 — Guidelines on positive tax incentives

The European Parliament calls on the Commission to issue guidelines on tax incentives that do not distort the single market. This is due to the fact that tax certainty for taxpayers and Member States would be reinforced if Member States had a common understanding of what tax incentives boost economic performance in the Union without harming the functioning of the single market.

C. Reduction of tax gap and compliance costs**Recommendation C1 — E-invoicing**

The European Parliament calls on the European Commission to:

- Set-up a harmonised common standard for e-invoicing across the Union without delay and by 2022 to reduce the cost of the creation of fragmented, different system across the Member States.
- Establish the role of e-invoicing in real-time reporting.
- Explore the possibility of a gradual introduction of obligatory e-invoicing across the Union by 2023, focusing on a significant reduction of costs of compliance, especially for SMEs. Issuing invoices should be administered only via state-operated/certified 'system(s)' with full data protection ensured.
- By 2023, examine the possibility that the system will provide a part (or full) tax compliance data/documents for eligible taxpayers, including the responsibility for the compliance of these returns (or parts of them), especially from the point of view of reducing compliance costs and risk for SMEs.

Recommendation C2 — Alternative to the reduction of the VAT Gap

The European Parliament calls on the Commission, with a view to substantially reducing the VAT gap across the Union, especially in the post COVID-19 economy, to propose measures which would significantly reduce the identified VAT gap, especially the gap associated with the exemption on cross-border Union trade. The request can be fulfilled by one or more of the following initiatives by 2022-2023:

- Relaunch the initiative of the definitive regime as the most natural and efficient way to address VAT tax fraud, costing a significantly large yearly loss.
- Simplify compliance with VAT obligations and receive data for monitoring and tackling tax fraud ⁽¹⁾ in order to reduce the administrative VAT burden related to cross-border trade, calls on the Commission to propose gradually but promptly a further extension of the scope of the existing OSS platform from B2C to B2B, especially in relation to B2C supplies of goods for which the person liable for the payment of VAT is not established in the Member State in which the VAT is due, in relation to certain B2B supplies of services when the services supplied are predominantly B2C services and in relation to Article 196 of Directive 2006/112/EC.
- Design and propose a standard for online reporting of data for (in the first instance) cross-border Union trade, preferably by using data from e-invoicing (or from an alternative, but keeping the principle that the data must be provided only once), including efficient and highly secure centralised/decentralised data processing for detection of fraud. The data will replace all existing reporting requirements in this area, and cause the overall costs of compliance to be reduced, notably for SMEs. Data collected should be used with due respect for confidentiality and with consideration of all relevant data protection laws. Use of blockchain (or alternative) technology can be considered and schemes based on common Union standards could be operated by private suppliers.

Recommendation C3 — Single Harmonised Tax Return and OSS

The European Parliament calls on the Commission to bring forward a legislative initiative:

⁽¹⁾ As per the EPRS' EAVA, the scenario of extended cooperation — exchange of information + OSS will trigger a European Added Value of around EUR 39 billion.

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A single and harmonised Corporate Income Tax (CIT) return to support BEFIT in the Union. A standardised approach to the content and format of the tax return could be used to simplify the preparation of the return. Such an option would contribute to simplifying the CIT reporting and to reducing the need to outsource tax compliance work, in particular for SMEs engaging in cross-border business activity.

Recommendation C4 — A Tax Observatory to monitor and quantify trends in European taxation

In 2019, the European Parliament initiated the launch of an EU Tax Observatory as a preparatory action. The European Parliament calls on the Commission to provide an independent assessment of the work done and to propose ways on how to go forward with this initiative.

D. A new coordinated European Corporate Income Tax system

Recommendation D1 — Solving the Debt Equity Bias

The Commission has announced an initiative to mitigate the tax induced debt equity bias in corporate investment decisions induced by the deductibility of interest payments on debt financing.

The European Parliament calls on the Commission:

- To perform a thorough impact assessment and include robust anti-avoidance clauses in the future Debt Equity Bias Reduction Allowance proposal; to consider that such bias can be tackled by either allowing for new deduction of costs related to equity financing or by reducing the interest deduction possibilities and recalls limiting the reduction of the deduction of exceeding borrowing costs to up to 20 % of the taxpayer's earnings before interest, tax, depreciation and amortisation (EBITDA) as another solution to reduce the debt equity bias.

Recommendation D2 — A single tax rulebook for the Union

In the Framework of the future BEFIT, the European Parliament calls on the Commission to:

- Analyse different elements of what constitutes the real economic activity of firms are taken into account (sales, workforce, assets).
- Launch a wide consultation that involves Member States, national parliaments and the European Parliament.

E. Effectiveness of tax administrations, exchange of tax information and quality of data

Recommendation E1 — Eurofisc 2.0

The European Parliament calls on the Commission to:

- Strengthen the Union's network of anti-fraud experts, Eurofisc, and provide sufficient resources to effectively carry out joint risk analyses, coordinate investigations and cooperate with the European Anti-Fraud Office (OLAF), Europol and the European Public Prosecutor's Office, in particular with a view to investigating VAT fraud.
 - Come forward with the Eurofisc 2.0 proposal. Reiterates the recommendations from its resolution of 16 September 2021 on the implementation of the EU requirements for exchange of tax information: progress, lessons learnt and obstacles to overcome. Notes that Eurofisc 2.0 could greatly contribute to the effective use by tax administrations of the tax information exchanged and the quality of information exchanged.
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III

(Preparatory acts)

EUROPEAN PARLIAMENT

P9_TA(2022)0053

Regional economic accounts for agriculture *I**

European Parliament legislative resolution of 8 March 2022 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 138/2004 of the European Parliament and of the Council as regards regional economic accounts for agriculture (COM(2021)0054 — C9-0020/2021 — 2021/0031(COD))

(Ordinary legislative procedure: first reading)

(2022/C 347/21)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0054),
 - having regard to Article 294(2) and Article 338(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0020/2021),
 - 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 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 10 December 2021 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 Agriculture and Rural Development (A9-0282/2021),
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.
-

Tuesday 8 March 2022

P9_TA(2022)0054

Mobilisation of the European Globalisation Adjustment Fund — application EGF/2021/006 ES/Cataluña Automotive — Spain

European Parliament resolution of 8 March 2022 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund for Displaced Workers following an application from Spain — EGF/2021/006 ES/Cataluña automotive (COM(2022)0020 — C9-0015/2022 — 2022/0010(BUD))

(2022/C 347/22)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2022)0020 — C9-0015/2022),
 - having regard to Regulation (EU) 2021/691 of the European Parliament and of the Council of 28 April 2021 on the European Globalisation Adjustment Fund for Displaced Workers (EGF) and repealing Regulation (EU) No 1309/2013 ⁽¹⁾ ('EGF Regulation'),
 - having regard to Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021-2027 ⁽²⁾ ('MFF Regulation'), and in particular Article 8 thereof,
 - having regard to the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management as well as on new own resources, including a roadmap towards the introduction of new own resources ⁽³⁾, and in particular point 9 thereof,
 - having regard to the letter from the Committee on Employment and Social Affairs,
 - having regard to the report of the Committee on Budgets (A9-0038/2022),
- A. whereas the Union has set up legislative and budgetary instruments to provide additional support to workers who are suffering from the consequences of globalisation and of technological and environmental changes, such as changes in world trade patterns, trade disputes, significant changes in the trade relations of the Union or the composition of the internal market and financial or economic crises, as well as the transition to a low-carbon economy, or as a consequence of digitisation or automation;
- B. whereas financial contributions from the European Globalisation Adjustment Fund for Displaced Workers (EGF) should be primarily directed at active labour market policy measures and personalised services that aim to reintegrate beneficiaries rapidly into decent and sustainable employment, while preparing them for a greener and more digital European economy;
- C. whereas Spain submitted application EGF/2021/006 ES/Cataluña automotive for a financial contribution from the EGF, following 705 displacements in the economic sector classified ⁽⁴⁾ under the NACE Revision 2 division 29 (Manufacture of motor vehicles, trailers and semi-trailers) in the NUTS 2 region of Cataluña (ES51) in Spain, within a reference period for the application from 1 January 2021 to 1 July 2021;
- D. whereas the application relates to 346 displaced workers whose activity has ceased during the reference period in the economic sector, while 359 workers were displaced before or after the reference period as a consequence of the same events that triggered the cessations of activity of the displaced workers during the reference period and will thus also be considered eligible beneficiaries;

⁽¹⁾ OJ L 153, 3.5.2021, p. 48.

⁽²⁾ OJ L 433 I, 22.12.2020, p. 11.

⁽³⁾ OJ L 433 I, 22.12.2020, p. 28.

⁽⁴⁾ Enterprises concerned: Aludyne Automotive Spain SLU, Bosch Sistemas de Frenado SLU, Continental Automotive Spain SA, Faurencia Interior Systems España SAU, Fico Transpar SA, Gruau Ibérica SLU, Magna Seating Spain SLU, Nobel Plásticos Iberia SA, Robert Bosch España (Castellet plant), U-Shin Spain SLU.

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- E. whereas the application is based on the intervention criteria of Article 4(2), point (b), of the EGF Regulation, which requires the cessation of activity of at least 200 displaced workers over a reference period of six months in enterprises operating in the same economic sector defined at NACE Revision 2 division and located in one region or two contiguous regions defined at NUTS 2 level in a Member State;
- F. whereas on 28 May 2020, Nissan announced the closure of its plant in Barcelona, resulting in more than 2 500 direct redundancies and the loss of 8 000 jobs among its suppliers; whereas the redundancies referred to in this request are concentrated in four counties in the region of Barcelona (Barcelonès, Alt Penedés, Baix Llobregat and Vallès Oriental), where a large number of companies in the automobile sector are located; whereas the number of workers displaced by collective redundancy procedure between January and June 2021 in Catalonia (7 993 people), already exceeds the number of displaced workers in 2020 (7 936 people), and job destruction in the region increased during the 2018-2020 period;
- G. whereas the EGF shall not exceed a maximum annual amount of EUR 186 000 000 (in 2018 prices), as laid down in Article 8 of the MFF Regulation;
1. Agrees with the Commission that the conditions set out in Article 4(2), point (b), of the EGF Regulation are met and that Spain is entitled to a financial contribution of EUR 2 795 156 under that Regulation, which represents 85 % of the total cost of EUR 3 288 419, comprising EUR 3 138 300 of expenditure for personalised services and EUR 150 119 of expenditure for implementing the EGF⁽³⁾;
 2. Notes that the Spanish authorities submitted the application on 23 September 2021, and that the Commission finalised its assessment on 20 January 2022 and notified it to Parliament on the same day;
 3. Notes that the application relates in total to 705 displaced workers whose activity has ceased; further notes that Spain expects that 450 out of the total eligible beneficiaries will participate in the measures (targeted beneficiaries); underlines the need for transparency at every step of the procedure and calls for social partners' involvement in the package of service's implementation and evaluation;
 4. Recalls that the social impacts of the redundancies are expected to be important for Catalunya, where the automotive industry is the third most important sector (after chemicals and food) both in terms of turnover and employment;
 5. Points out that 34,9 % of the targeted beneficiaries are above the age of 54, 44,4 % are women and 50,4 % have a lower secondary education or less; is of the opinion that the age profile and level of education of targeted beneficiaries poses specific challenges for reemployment and therefore stresses the importance of ensuring the specificities of age, level of education and their combination are duly taken into account when implementing the package of personalised services;
 6. Notes that Spain started providing personalised services to the targeted beneficiaries on 17 January 2022 and that the period of eligibility for a financial contribution from the EGF will therefore be from 17 January 2022 until 24 months after the date of the entry into force of the financing decision;
 7. Recalls that personalised services to be provided to the displaced workers for a total of 37,8 % of the financial support consist of the following actions: workshops on job-searching methodologies, occupational guidance, trainings (horizontal competencies, re-skilling, up-skilling and internships, as well as vocational training), entrepreneurship support, business creation grants, intensive job-search assistance including identifying local and regional job perspectives, tutoring after reintegration into work and various financial incentives;

⁽³⁾ In accordance with Article 7(5) of the EGF Regulation.

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8. Welcomes that the co-ordinated package of personalised services was planned to be in line with the Spanish Circular Economy Strategy ⁽⁶⁾, which must be based on non-toxic material cycles, and the Strategy for the Sustainable Development of Catalonia ⁽⁷⁾ and that the EGF application was supported by representatives of SOC ⁽⁸⁾, CIAC ⁽⁹⁾, and the Agència per la Competitivitat de l'Empresa (ACCIO) ⁽¹⁰⁾, in a process which involved the social partners ⁽¹¹⁾; notes that training measures should cater to the requirement of disseminating the skills required in the digital industrial age and in a green and a resource-efficient economy, in accordance with Article 7(2) of the EGF Regulation;
9. Welcomes that incentives include contribution expenses for displaced workers with caring responsibilities of up to EUR 20 per day or for the people who return to work of EUR 350 per month, for a maximum of three months; underlines that the incentive is designed to encourage rapid re-employment and encourage older workers to remain in the labour market;
10. Stresses that the Spanish authorities have confirmed that the eligible actions do not receive assistance from other Union funds or financial instruments;
11. 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 any allowances or rights of the recipients of the EGF allocation to ensure full additionality of the allocation;
12. Reminds that the decarbonisation of the transport sector is imminent; notes that the digital and green transformation will also have an effect on the labour market and is expected to significantly shape the automotive sector; reiterates in this context the important role that the Union should play in providing the necessary qualifications for the just transformation in line with the European Green Deal; strongly supports that in 2021- 2027 the EGF will continue to show solidarity with persons affected and maintain the focus on the impact of restructuring on workers and calls for future applications to maximise policy coherence; considers that special attention should be paid to qualified education, including vocational training and promoting the so-called dual apprenticeship system, which has proven to be effective in several Member States;
13. Notes that all the procedural requirements were met; underlines the need for transparency at every step of the procedure; welcomes the social partners' involvement in the working group set up to define the package of measures for which the EGF co-financing is requested and calls for social partners' involvement in the package of service's implementation and evaluation;
14. Approves the decision annexed to this resolution;
15. 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*;
16. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

⁽⁶⁾ <https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/economia-circular/estrategia/>

⁽⁷⁾ Estrategia para el desarrollo sostenible de Cataluña

⁽⁸⁾ Servei Públic d'Ocupació de Catalunya

⁽⁹⁾ Cluster of the Automotive Industry of Catalonia (CIAC)

⁽¹⁰⁾ ACCIO is the Catalan agency for business competitiveness.

⁽¹¹⁾ Comisiones Obreras, UGT, Fomento del Trabajo Nacional (FOMENT) and PIMEC (association of SMEs of Catalonia).

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ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on the mobilisation of the European Globalisation Adjustment Fund for Displaced Workers following an
application from Spain (EGF/2021/006 ES/Cataluña automotive)

(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2022/458.)

Tuesday 8 March 2022

P9_TA(2022)0055

Mobilisation of the European Globalisation Adjustment Fund for Displaced Workers — application EGF/2022/000 TA 2022 — Technical assistance at the initiative of the Commission

European Parliament resolution of 8 March 2022 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund for Displaced Workers — EGF/2022/000 TA 2022 — Technical assistance at the initiative of the Commission (COM(2022)0025 — C9-0025/2022 — 2022/0015(BUD))

(2022/C 347/23)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2022)0025 — C9-0025/2022),
 - having regard to Regulation (EU) 2021/691 of the European Parliament and of the Council of 28 April 2021 on the European Globalisation Adjustment Fund for Displaced Workers (EGF) and repealing Regulation (EU) No 1309/2013 ⁽¹⁾ ('EGF Regulation'),
 - having regard to Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021-2027 ⁽²⁾, and in particular Article 8 thereof,
 - having regard to the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management as well as on new own resources, including a roadmap towards the introduction of new own resources ⁽³⁾, ('Interinstitutional Agreement of 16 December 2020'), and in particular point 9 thereof,
 - having regard to the report of the Committee on Budgets (A9-0037/2022),
- A. whereas the Union has set up legislative and budgetary instruments to provide additional support to workers who are suffering from the consequences of globalisation and of technological and environmental changes, such as changes in world trade patterns, trade disputes, significant changes in the trade relations of the Union or the composition of the internal market and financial or economic crises, as well as the transition to a low-carbon economy, or as a consequence of digitisation or automation;
- B. whereas the Union's assistance to displaced workers should be dynamic and made available as quickly and efficiently as possible, having due regard to the Interinstitutional Agreement of 16 December 2020 with respect to the adoption of decisions to mobilise the European Globalisation Adjustment Fund for Displaced Workers (EGF);
- C. whereas the Union had first extended the scope of the EGF to provide financial support in the case of any major restructuring event, and thus covering economic effects of the COVID-19 crisis;
- D. whereas the adoption of the new EGF Regulation in 2021 further expanded the scope of the EGF to major restructuring events caused by the transition to a low-carbon economy or as a consequence of digitisation or automation, while also reducing the required threshold for the activation of the EGF from 500 dismissed workers to 200;
- E. whereas Article 8(1) of Council Regulation (EU, Euratom) 2020/2093 sets the maximum annual amount for the EGF to EUR 186 million (in 2018 prices) and whereas Article 11(1) of the EGF Regulation provides that up to 0,5 % of that amount, can be made available for technical assistance at the initiative of the Commission;

⁽¹⁾ OJ L 153, 3.5.2021, p. 48.

⁽²⁾ OJ L 433 I, 22.12.2020, p. 11.

⁽³⁾ OJ L 433 I, 22.12.2020, p. 28.

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- F. whereas the Commission did not request any technical assistance support in 2021 due to uncertainty concerning general operations, in particular events that would require physical presence, caused by the COVID-19 pandemic;
- G. whereas technical assistance may consist of technical and administrative expenditure for the implementation of the EGF, such as preparatory, monitoring, control, audit and evaluation activities, as well as data gathering, including in relation to corporate information technology systems, communication activities and those enhancing the EGF's visibility as a fund or with regard to specific projects and other technical assistance measures;
- H. whereas the proposed amount of EUR 290 000 corresponds to approximately 0,14 % of the maximum annual budget available for the EGF in 2022;
1. Agrees with the measures proposed by the Commission to be financed as technical assistance in accordance with Article 11(1) and (4), as well as with Article 12(2), (3) and (4), of the EGF Regulation;
 2. Welcomes the setting up of a dedicated website for the EGF and calls on the Commission to regularly update and expand it, in order to increase the visibility of European solidarity demonstrated by the EGF to the general public and increase the transparency of Union action;
 3. Welcomes the continued work on the standardised procedures for EGF applications and management using the functionalities of the electronic data exchange system (Shared Fund Management Common System — SFC), which allows for the simplification and faster processing of applications, and better reporting;
 4. Takes note that the Commission will use the available budget under the administrative support for holding meetings of the Expert Group of Contact Persons of the EGF, which includes two members from each Member State, and one seminar with the participation of the implementing bodies of the EGF and social partners in order to promote networking among Member States;
 5. Calls on the Commission to continue to invite Parliament systematically to these meetings and seminars in accordance with the relevant provisions of the Framework Agreement on relations between Parliament and the Commission;
 6. Calls on the Commission to adapt the best practices which were developed during the times of the COVID-19 pandemic, when appropriate and needed, and not to eliminate them altogether when the circumstances of the pandemic allow, but to use them as a basis for better working methods and exchanges;
 7. Underlines the need to further strengthen the general awareness and the visibility of the EGF; points to the fact that such goal can be pursued by featuring the EGF in various Commission publications and audio-visual activities as provided for in Article 11(1) of the EGF Regulation;
 8. Reminds applicant Member States of their key role in widely publicising the actions funded by EGF to the targeted beneficiaries, local and regional authorities, social partners, the media and the general public, as set out in Article 12 of the EGF Regulation;
 9. Approves the decision annexed to this resolution;
 10. 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*;
 11. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.
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Tuesday 8 March 2022

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Globalisation Adjustment Fund for Displaced Workers (EGF/2022/000 TA 2022 — Technical assistance at the initiative of the Commission)

(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2022/457.)

Wednesday 9 March 2022

P9_TA(2022)0060

Tax-free shops situated in the French terminal of the Channel Tunnel *

European Parliament legislative resolution of 9 March 2022 on the proposal for a Council directive amending Directive 2008/118/EC and Directive (EU) 2020/262 (recast) as regards tax-free shops situated in the French terminal of the Channel Tunnel (COM(2021)0817 — C9-0016/2022 — 2021/0418(CNS))

(Special legislative procedure — consultation)

(2022/C 347/24)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2021)0817),
 - having regard to Article 113 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0016/2022),
 - having regard to Rule 82 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A9-0035/2022),
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, the Commission and the national parliaments.
-

Wednesday 9 March 2022

P9_TA(2022)0061

Rates of value added tax *

European Parliament legislative resolution of 9 March 2022 on the draft Council directive amending Directive 2006/112/EC as regards rates of value added tax (14754/2021 — C9-0456/2021 — 2018/0005(CNS))

(Special legislative procedure — renewed consultation)

(2022/C 347/25)

The European Parliament,

- having regard to the Council draft (14754/2021),
 - having regard to the Commission proposal to the Council (COM(2018)0020),
 - having regard to its position of 3 October 2018 ⁽¹⁾,
 - having regard to Article 113 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament again (C9-0456/2021),
 - having regard to Rules 82 and 84 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A9-0036/2022),
1. Approves the Council draft;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
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⁽¹⁾ OJ C 11, 13.1.2020, p. 211.

Thursday 10 March 2022

P9_TA(2022)0067

General Union Environment Action Programme to 2030 *I**

European Parliament legislative resolution of 10 March 2022 on the proposal for a decision of the European Parliament and of the Council on a General Union Environment Action Programme to 2030 (COM(2020)0652 — C9-0329/2020 — 2020/0300(COD))

(Ordinary legislative procedure: first reading)

(2022/C 347/26)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2020)0652),
 - having regard to Article 294(2) and Article 192(3) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0329/2020),
 - 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 27 January 2021 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 5 February 2021 ⁽²⁾,
 - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 10 December 2021 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 opinions of the Committee on Transport and Tourism and the Committee on Agriculture and Rural Development,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0203/2021),
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.

P9_TC1-COD(2020)0300

Position of the European Parliament adopted at first reading on 10 March 2022 with a view to the adoption of Decision (EU) 2022/... of the European Parliament and of the Council on a General Union Environment Action Programme to 2030

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision (EU) 2022/591.)

⁽¹⁾ OJ C 123, 9.4.2021, p. 76.

⁽²⁾ OJ C 106, 26.3.2021, p. 44.

⁽³⁾ This position replaces the amendments adopted on 8 July 2021 (Texts adopted, P9_TA(2021)0352).

Thursday 10 March 2022

P9_TA(2022)0069

Setting up a special committee on COVID-19 pandemic: lessons learned and recommendations for the future

European Parliament decision of 10 March 2022 on setting up a special committee on COVID-19 pandemic: lessons learned and recommendations for the future, its responsibilities, numerical strength and term of office (2022/2584(RSO))

(2022/C 347/27)

The European Parliament,

- having regard to the proposal from the Conference of Presidents,
 - having regard to its resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences ⁽¹⁾,
 - having regard to its resolution of 19 June 2020 on the situation in the Schengen area following the COVID-19 outbreak ⁽²⁾,
 - having regard to its resolution of 19 June 2020 on European protection of cross-border and seasonal workers in the context of the COVID-19 crisis ⁽³⁾,
 - having regard to its resolution of 10 July 2020 on the EU's public health strategy post-COVID-19 ⁽⁴⁾,
 - having regard to its resolution of 17 September 2020 on 'COVID-19: EU coordination of health assessments and risk classification, and the consequences for Schengen and the single market' ⁽⁵⁾,
 - having regard to its resolution of 13 November 2020 on the impact of COVID-19 measures on democracy, the rule of law and fundamental rights ⁽⁶⁾,
 - having regard to its resolution of 10 June 2021 on meeting the global COVID-19 challenge: effects of the waiver of the WTO TRIPS Agreement on COVID-19 vaccines, treatment, equipment and increasing production and manufacturing capacity in developing countries ⁽⁷⁾,
 - having regard to its resolution of 21 October 2021 on EU transparency in the development, purchase and distribution of COVID-19 vaccines ⁽⁸⁾,
 - having regard to the Commission's set of proposals on European Health Union of 11 November 2020 and its proposal for a regulation on serious cross-border threats to health (COM(2020)0727),
 - having regard to Rule 207 of its Rules of Procedure,
- A. whereas the spread of COVID-19 has tragically cost the lives of millions of people in Europe and the world, caused irreparable damage and confined over a billion people to their homes;
- B. whereas many actions have been taken at EU-level, including through the EU Vaccine Strategy and coordination of a common European response;

⁽¹⁾ OJ C 316, 6.8.2021, p. 2.

⁽²⁾ OJ C 362, 8.9.2021, p. 77.

⁽³⁾ OJ C 362, 8.9.2021, p. 82.

⁽⁴⁾ OJ C 371, 15.9.2021, p. 102.

⁽⁵⁾ OJ C 385, 22.9.2021, p. 159.

⁽⁶⁾ OJ C 415, 13.10.2021, p. 36.

⁽⁷⁾ OJ C 67, 8.2.2022, p. 64.

⁽⁸⁾ Texts adopted, P9_TA(2021)0435.

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- C. whereas Team Europe is one of the lead contributors to COVAX, the global initiative to ensure fair and equitable access to COVID-19 vaccines;
- D. whereas, in view of the great amount of funding addressing the consequences of the COVID-19 pandemic, transparency and accountability of public spending are important;
- E. whereas COVID-19 has disproportionately affected women, youth, persons with disability and vulnerable groups and has increased global inequalities;
1. Decides to set up a special committee on 'COVID-19 pandemic: lessons learned and recommendations for the future', tasked with looking into how the European response to the pandemic and the lessons learned can contribute to future action in the following areas:

Health

- (a) the response of the EU, its institutions and agencies, to the pandemic, building on the Health Union package to strengthen the EU's crisis prevention, preparedness and response to cross-border health threats;
- (b) the level of coordination and solidarity among Member States and the readiness of health systems to deal with the pandemic and future cross-border health threats;
- (c) the health impact of the pandemic, including on the continuity of healthcare and prevention, screening, diagnosis, treatment and monitoring of non-communicable diseases, mental health, 'long Covid', and sexual and reproductive health and rights;
- (d) the impact on healthcare provision of staff shortages and the availability of medicines and medical devices, including protective equipment, and the impact of the pandemic on care services, care-home residents, workers, informal carers and their dependants;
- (e) the impact of the pandemic on the rise of digital health, telemedicine and teleconsultation, remote monitoring, connected devices, digital health platforms and health apps;
- (f) the EU COVID-19 vaccine strategy and how it was able to ensure the delivery of safe and effective vaccines, including the negotiation of Advanced Purchase Agreements and Joint Purchase Agreements, the transparency and enforcement of contracts and licensing agreements, and vaccine production, storage and distribution, as well as the issue of legal liability and the role of the pharmaceutical industry in the above-mentioned elements, as well as in technology transfer, in aspects of patent protection and in lobbying transparency;
- (g) cooperation on science-based and coordinated risk-management measures, including the advisory panel on COVID-19;
- (h) the role and mandate of the European Health Emergency preparedness and Response Authority (HERA), the European Medicines Agency (EMA) and European Centre for Disease Prevention and Control (ECDC), and the COVID-19 Therapeutics Strategy in the development of accessible and affordable products;
- (i) vaccine hesitancy and the spread of misinformation in fighting the pandemic and additional EU measures to tackle these phenomena in the future;
- (j) the inter-linkage of animal health and human health, notably in relation to zoonotic diseases, following a 'One Health' approach;

A coordinated approach with respect for democracy and fundamental rights

- (k) the necessity and proportionality of Member States' border closures and other restrictions on the free movement of persons and the internal market and how to avoid unnecessary restrictions in the future, through, inter alia, developing a joint approach to travel measures;

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- (l) the impact on the individual and fundamental rights of vulnerable groups and on inequality in general;
- (m) the different approaches to the development and implementation of technological tools in the fight against COVID-19, such as contact tracing apps and the EU Digital Covid Certificate;
- (n) the use of different data sets by Member States, and the lessons to be learned concerning the use of the same data and criteria, especially the role of the data sets provided by the ECDC;
- (o) democratic oversight of the pandemic response, including the inclusion of the European Parliament and parliaments in the Member States in decision-making and transparency, taking into account the work of the Covid Contact Group;

Societal and economic impact

- (p) the impact on the organisation of work, teleworking and the future of work and the consequences of the pandemic on poverty, inequality and social exclusion, and the impact of the pandemic on the social protection systems;
- (q) solutions to overcome obstacles in the use of digital technologies and increase up-skilling and re-skilling of workers;
- (r) the impact on gender equality, including on those at risk of gender violence and domestic abuse and the attention given to integrating the gender perspective in the management of the crisis, in the response to future cross-border health threats;
- (s) the impact of the pandemic on education and training and the development of children and young people;
- (t) measures to ensure health-related EU strategic autonomy and the resilience of supply chains, including for critical pharmaceutical and medical products and other essential goods, and to support and adapt EU health-related research policies to tackle the current crisis and preventing its resurgence, as an important part of a strong EU industrial policy;
- (u) the impact on those sectors hardest hit by the pandemic, such as culture, hospitality, tourism and transport and the speed and adequacy of the EU response;

EU and the World

- (v) the EU's management and coordination role, among the Member States, in relation to the international aspects of the pandemic, including within the framework of the World Health Organisation (WHO), the World Trade Organisation (WTO) and other multilateral initiatives such as COVAX, and a possible international treaty on pandemics, revision of the International Health Regulations (IHR) and the need for a harmonised approach towards travellers to the EU from third countries;
- (w) the approach to vaccine diplomacy and to what extent it contributes to global solidarity, universal and equitable access to essential medical products and vaccines, and the notion that 'nobody is safe until everybody is safe';
- (x) the role of the EU and its Member States in addressing the inadequate supply and inequitable access to COVID-19 vaccines and medical products worldwide, by addressing their affordability and availability, supply-chain bottlenecks, trade-related barriers, infrastructure and ensuring supply chain transparency and providing expertise and technical know-how;

2. Stresses that the recommendations of the special committee should be followed up by Parliament's standing committees;

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3. Decides that the powers, staff and available resources of Parliament's standing committees with responsibility for matters concerning the adoption, monitoring and implementation of Union legislation relating to the areas of responsibility of the special committee will not be affected and thus remain unchanged; stresses the need to ensure good cooperation and information flow between the special committee and the relevant standing committees;
 4. Decides that, whenever the special committee's work includes the hearing of evidence of a confidential nature, testimonies involving personal data, or exchanges of views or hearings with authorities and bodies on confidential information, its meetings shall be held in camera; decides further that witnesses and experts shall have the right to make a statement or provide testimony in camera;
 5. Decides that the agendas, the list of people invited to public meetings, the list of those who attend them and the minutes of such meetings shall be made public;
 6. Decides that confidential documents that have been received by the special committee shall be assessed in accordance with the procedure set out in Rule 221 of its Rules of Procedure; decides further that such information shall be used exclusively for the purposes of drawing up the final report of the special committee;
 7. Decides that the special committee shall have 38 members;
 8. Decides that the term of office of the special committee shall be 12 months, at the end of which it shall present a report to Parliament containing, as appropriate, recommendations as to actions or initiatives to be taken.
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P9_TA(2022)0070

Setting up a special committee on foreign interference in all democratic processes in the European Union, including disinformation

European Parliament decision of 10 March 2022 on setting up a special committee on foreign interference in all democratic processes in the European Union, including disinformation (INGE 2), and defining its responsibilities, numerical strength and term of office (2022/2585(RSO))

(2022/C 347/28)

The European Parliament,

- having regard to the proposal from the Conference of Presidents,
 - having regard to the Commission communication on the European democracy action plan (COM(2020)0790),
 - having regard to the Digital Services Act package, including the proposal for a regulation on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (COM(2020)0825), and the proposal for a regulation on contestable and fair markets in the digital sector (Digital Markets Act) (COM(2020)0842),
 - having regard to its resolution of 20 October 2021 on Europe's Media in the Digital Decade: an Action Plan to Support Recovery and Transformation ⁽¹⁾,
 - having regard to the 2018 Code of Practice on Disinformation and the 2021 Guidance on Strengthening the Code of Practice on Disinformation (COM(2021)0262), and to the Recommendations for the New Code of Practice on Disinformation issued by the European Regulators Group for Audiovisual Media Services in October 2021,
 - having regard to the Commission proposal of 16 December 2020 for a directive of the European Parliament and of the Council on the resilience of critical entities (COM(2020)0829),
 - having regard to the March 2021 EU toolbox of risk mitigating measures on the cybersecurity of 5G networks,
 - having regard to the European Court of Auditors' Special Report 09/2021 on 'Disinformation affecting the EU: tackled but not tamed',
 - having regard to the joint communication from the Commission and the High Representative of the Union for Foreign and Security Policy of 10 June 2020 entitled 'Tackling COVID-19 disinformation — Getting the facts right' (JOIN(2020)0008),
 - having regard to the report of the Special Committee on Foreign Interference in all Democratic Processes in the European Union, including Disinformation (A9-0022/2022),
 - having regard to Rule 207 of its Rules of Procedure,
- A. whereas foreign interference constitutes a serious violation of the universal values and principles on which the EU is founded, such as human dignity, freedom, equality, solidarity, respect for human rights and fundamental freedoms, democracy and the rule of law; whereas evidence shows that malicious and authoritarian foreign state and non-state actors are using information manipulation and other tactics to interfere in democratic processes in the EU; whereas such attacks mislead and deceive citizens and affect their voting behaviour, amplify divisive debates, divide, polarise, and exploit the vulnerabilities of, societies, promote hate speech, worsen the situation of vulnerable groups which are more likely to become victims of disinformation, distort the integrity of democratic elections and referendums, sow distrust in national governments, public authorities and the liberal democratic order and have the goal of destabilising European democracy;

⁽¹⁾ Texts adopted, P9_TA(2021)0428.

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- B. whereas a campaign of disinformation of an unparalleled malice and magnitude with the purpose of deceiving both domestic citizens and the international community of States as a whole has been carried out by Russia since the eve of and during its war of aggression against Ukraine started on 24 February 2022;
 - C. whereas attempts by state actors from third countries and non-state actors to interfere in the functioning of democracy in the EU and its Member States, and put pressure on the values enshrined in Article 2 of the Treaty on the European Union by means of malicious interference, are part of a wider disruptive trend experienced by democracies worldwide;
 - D. whereas malicious actors continue to seek to interfere in electoral processes and take advantage of the openness and pluralism of our societies, and to attack democratic processes and the resilience of the EU and its Member States;
 - E. whereas the EU and its Member States do not currently have a specific regime of sanctions related to foreign interference and disinformation campaigns orchestrated by foreign state actors, meaning that such actors are in a position to safely assume that their destabilisation campaigns against the EU will meet with no consequences;
 - F. whereas there is a lack of a common definition and understanding of this phenomenon and many gaps and loopholes remain in current legislation and policies at EU and national level intended to detect, prevent and counter foreign interference;
 - G. whereas foreign interference, disinformation, and numerous attacks on and threats against democracy are expected to continue in ever-greater numbers and more sophisticated ways in the run-up to local, regional, national elections and the European Parliament elections in 2024;
 - H. whereas Parliament's previous recommendations to counter malign foreign interference operations in the democratic processes of the EU have contributed to an overall EU understanding and to a greater awareness of the issue;
 - I. whereas the hearings and work of the INGE Special Committee have contributed to public recognition and the contextualisation of these issues, and have successfully framed the European debate on foreign interference in democratic processes and disinformation;
 - J. whereas there is a need to further monitor these recommendations;
 - K. whereas there is a need for global, multilateral cooperation and support among like-minded partners, including between parliamentarians, in dealing with foreign malicious interference and disinformation; whereas democracies have developed advanced skills and counter-strategies in dealing with those threats;
1. Decides to set up a special committee on foreign interference in all democratic processes in the European Union, including disinformation (INGE 2), vested with the following responsibilities:
- (a) to scrutinise, in cooperation and consultation with standing committees where their powers and responsibilities under Annex VI of the Rules of Procedure are concerned, existing and planned legislation and policies to detect possible loopholes, gaps and overlaps that could be exploited for malicious interference in democratic processes, including as regards the following matters:
 - (i) policies contributing to EU democratic processes, resilience through situational awareness, media and information literacy, media pluralism, independent journalism and education;
 - (ii) interference using online platforms, in particular by evaluating, in-depth, the responsibility and effects the very large online platforms have on democracy and democratic processes in the EU;
 - (iii) critical infrastructure and strategic sectors;
 - (iv) interference during electoral processes;
 - (v) covert funding of political activities by foreign actors and donors;

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- (vi) cybersecurity and resilience in respect of cyberattacks, where related to democratic processes;
 - (vii) the role of non-state actors;
 - (viii) the impact of interference on the rights of minorities and other discriminated groups;
 - (ix) interference through global actors via elite capture, national diasporas, universities and cultural events;
 - (x) deterrence, attribution and collective countermeasures, including sanctions;
 - (xi) neighbourhood and global cooperation, and multilateralism;
 - (xii) interference by EU-based actors in EU and third countries;
- (b) to develop, in close cooperation with the standing committees following the working practices of the INGE 1 special committee, suggestions on how to remedy these gaps in order to foster the EU's legal resilience and on how to improve the EU's institutional framework;
- (c) to work closely with other EU institutions, Member States' authorities, international organisations, civil society, as well as state and non-state partners in third countries in order to reinforce EU action against hybrid threats and disinformation while all public activities of the INGE 2 special committee will respect the priorities set out in this decision;
- (d) to follow up in detail and in a rigorous manner on the implementation of the report of the INGE 1 special committee with an evaluation of steps taken by the EU institutions;
- (e) to contribute to overall institutional resilience against foreign interference, hybrid threats and disinformation in the run-up to European elections in 2024;
2. Decides that, whenever the special committee work includes the hearing of evidence of a confidential nature, testimonies involving personal data, or exchanges of views or hearings with authorities and bodies on confidential information, including scientific studies or parts thereof granted confidentiality status under Article 63 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council ⁽²⁾, the meetings shall be held *in camera*; decides further that witnesses and experts shall have the right to make a statement or provide testimony *in camera*;
3. Decides that the list of people invited to public meetings, the list of those who attend them and the minutes of such meetings shall be made public;
4. Decides that confidential documents that have been received by the special committee shall be assessed in accordance with the procedure set out in Rule 221 of its Rules of Procedure; decides further that such information shall be used exclusively for the purposes of drawing up the final report of the special committee;
5. Decides that the special committee shall have 33 members;
6. Decides that the term of office of the special committee shall be 12 months and that this term shall start running from the date of its constituent meeting;
7. Decides that the special committee shall, after having scrutinised the implementation of the report of the INGE 1 special committee and existing legislation and after having identified loopholes, gaps and overlaps, identify the appropriate legal basis for any necessary legal acts and prepare grounds for permanent EU institutional solutions to address foreign malicious interference and disinformation and, if necessary, request specific institutional steps be taken by the Commission, by drafting, under Rule 54 of the Rules of Procedure, an own-initiative report requesting the Commission to submit an appropriate proposal in this respect.
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⁽²⁾ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

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P9_TA(2022)0071

Setting up a committee of inquiry to investigate the use of the Pegasus and equivalent surveillance spyware**European Parliament decision of 10 March 2022 on setting up a committee of inquiry to investigate the use of the Pegasus and equivalent surveillance spyware, and defining the subject of the inquiry, as well as the responsibilities, numerical strength and term of office of the committee (2022/2586(RSO))**

(2022/C 347/29)

The European Parliament,

- having regard to the request presented by 290 Members for a committee of inquiry to be set up to look into and investigate alleged contraventions, or maladministration in implementation of Union law as regards the use of the Pegasus and equivalent surveillance spyware that is installed on mobile devices by exploiting IT vulnerabilities ('equivalent surveillance spyware'),
- having regard to the proposal from the Conference of Presidents,
- having regard to Article 226 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry ⁽¹⁾,
- having regard to the European Union's attachment to the values and principles of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law as outlined in the preamble to the Treaty on European Union (TEU) and notably in Articles 2, 6 and 21 of that Treaty,
- having regard to Article 4(2) TEU, which reaffirms Member States' exclusive competence in maintaining law and order and safeguarding national security,
- having regard to Articles 16 and 223 TFEU,
- having regard to the Charter of Fundamental Rights of the European Union (the 'Charter'), and in particular Articles 7, 8, 11, 21 and 47 thereof, that recognise the specific rights, freedoms and principles set out in it, such as respect for private and family life and the protection of personal data, freedom of expression and information, right to non-discrimination, as well as the right to effective remedy and fair trial, and which fully apply to Member States when they are implementing Union law, and Article 52(1) thereof that allows for certain limitation on the exercise of fundamental rights and freedoms,
- having regard to Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) ⁽²⁾,
- having regard to 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) ⁽³⁾,
- having regard to Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA ⁽⁴⁾,

⁽¹⁾ OJ L 113, 19.5.1995, p. 1.

⁽²⁾ OJ L 201, 31.7.2002, p. 37.

⁽³⁾ OJ L 119, 4.5.2016, p. 1.

⁽⁴⁾ OJ L 119, 4.5.2016, p. 89.

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- having regard to Council Decision (CFSP) 2019/797 of 17 May 2019 concerning restrictive measures against cyber-attacks threatening the Union or its Member States ⁽⁵⁾ as amended by Council Decision (CFSP) 2021/796 of 17 May 2021 ⁽⁶⁾,
 - having regard to Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items ⁽⁷⁾,
 - having regard to the Act concerning the election of the members of the European Parliament by direct universal suffrage ⁽⁸⁾,
 - having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms, and in particular Articles 8, 9, 13 and 17 thereof, and the Protocols to that Convention,
 - having regard to the United Nations Guiding Principles on Business and Human Rights ⁽⁹⁾,
 - having regard to its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs ⁽¹⁰⁾ and to its recommendations regarding the strengthening of IT security in the EU's institutions, bodies and agencies,
 - having regard to Rule 208 of its Rules of Procedure,
- A. whereas there have been recent revelations that several countries, including Member States, have used the Pegasus surveillance spyware against journalists, politicians, law enforcement officials, diplomats, lawyers, business people, civil society actors and other actors, and that such practices are extremely alarming and appear to confirm the dangers of the misuse of surveillance technology to undermine human rights and democracy;
1. Decides to set up a committee of inquiry to investigate alleged contraventions, or maladministration in the implementation, of Union law as regards the use of the Pegasus and equivalent surveillance spyware, without prejudice to the jurisdiction of national or Union courts;
 2. Decides that the committee of inquiry shall:
 - investigate the scope of alleged contraventions, or maladministration in the implementation, of Union law, resulting from the use of the Pegasus and equivalent surveillance spyware, collect information on the extent to which Member States, including but not limited to Hungary and Poland, or third countries use intrusive surveillance in a way that violates the rights and freedoms enshrined in the Charter, as well as assess the level of risk this poses to the values enshrined in Article 2 TEU, such as democracy, the rule of law and respect for human rights;
 - for the performance of its duties, collect and analyse information to ascertain:
 - the use and the functioning of the Pegasus and equivalent surveillance spyware and its alleged negative impact on fundamental rights under the Charter, in cases where Member States were implementing Union law;
 - the existing legal framework in which Member States have acquired and used the Pegasus and equivalent surveillance spyware;
 - whether Member States' authorities have used the Pegasus and equivalent surveillance spyware for political, economic or other unjustified purposes to spy on journalists, politicians, law enforcement officials, diplomats, lawyers, business people, civil society actors or other actors, in violation of Union law and of the values enshrined in Article 2 TEU, or the rights enshrined in the Charter;

⁽⁵⁾ OJ L 129 I, 17.5.2019, p. 13.

⁽⁶⁾ OJ L 174 I, 18.5.2021, p. 1.

⁽⁷⁾ OJ L 206, 11.6.2021, p. 1.

⁽⁸⁾ OJ L 278, 8.10.1976, p. 5.

⁽⁹⁾ https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

⁽¹⁰⁾ OJ C 378, 9.11.2017, p. 104.

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- whether the use, in contravention of Union law, of the Pegasus and equivalent surveillance spyware had an adverse impact on democratic processes in the Member States concerning elections on local, national and European levels;
 - the alleged contraventions or maladministration by Member States, resulting from the use of the Pegasus and equivalent surveillance spyware, of Directive 2002/58/EC, in particular regarding the principle of confidentiality of communications and the prohibition of listening, tapping, storage or other kinds of interception or surveillance of communications and the related traffic data of persons;
 - whether the use of the Pegasus and equivalent surveillance spyware by Member States have constituted, resulted in or revealed violations of Directive (EU) 2016/680 and Regulation (EU) 2016/679;
 - whether the Commission had evidence of the use of the Pegasus and equivalent surveillance spyware against persons;
 - whether the Member States have ensured sufficient institutional and legal safeguards to avoid the illegal use of spyware, and whether persons who suspect that their rights have been violated by the use of spyware have access to effective remedy;
 - the alleged failure of Member States to act in respect of the involvement of entities in the EU in the development, dissemination, or financing of the Pegasus and equivalent surveillance spyware, including the supply chain in terms of technology and its exploitation, in so far as it is in breach of Union law, including Regulation (EU) 2021/821, and including where surveillance software marketed for a certain purpose (e.g. fight against terrorism) is used in another context;
 - the role of the government of Israel and of other third countries in supplying the Pegasus and equivalent surveillance spyware to Member States;
 - whether the use of the Pegasus or equivalent surveillance spyware by Member State authorities has resulted in the transfer of personal data to third countries, in particular but not limited to it, to the NSO Group, as well as to third countries' governments;
 - whether the use of the Pegasus or equivalent surveillance spyware, directly or indirectly involving entities linked to the EU, contributed to illegal spying on journalists, politicians, law enforcement officials, diplomats, lawyers, business people, civil society actors or other actors in third countries and whether it led to human rights violations or abuses that are of serious concern as regards the objectives of the EU's common foreign and security policy, and whether such use was in contravention of the values enshrined in Article 21 TEU and in the Charter, also with due regard to the United Nations Guiding Principles on Business and Human Rights and other rights enshrined in international human rights law;
 - whether there were sufficient grounds for the Council to adopt restrictive measures or sanctions in the framework of the EU common foreign and security policy against one or more third countries where a decision, adopted in accordance with Chapter 2 of Title V TEU provided for the interruption or reduction of economic or financial relation, in accordance with Article 215(1) TFEU;
 - whether the use of the Pegasus or equivalent surveillance spyware by third countries had an impact on fundamental rights ensured under Union law and whether, there were sufficient grounds for the Council to reassess any international cooperation agreements in the Area of Freedom, Security and Justice concluded with third countries pursuant to Article 218 TFEU;
 - make any recommendations that it deems necessary in this matter;
 - make recommendations for protecting EU institutions and its Members and staff against such surveillance spyware;
3. Decides that the committee of inquiry shall submit its final report within 12 months of the adoption of this decision;
4. Decides that the committee of inquiry should take account in its work of any relevant developments within the remit of the committee that emerge during its term;

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5. Underlines that in order to ensure good cooperation and information flow between the committee of inquiry and the relevant standing committees and sub-committees, the Chair and the Rapporteur of the committee of inquiry could be involved in relevant debates of the standing committees and sub-committees, and vice versa, in particular for hearings of the committee of inquiry;
 6. Decides that any recommendations drawn up by the committee of inquiry should be referred to the relevant standing committees and subcommittees in their respective fields of competences as defined by Annex VI to the Rules of Procedure;
 7. Decides that the committee of inquiry shall have 38 members;
 8. Instructs its President to arrange for publication of this decision in the *Official Journal of the European Union*.
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Thursday 10 March 2022

P9_TA(2022)0077

Batteries and waste batteries *I**

Amendments adopted by the European Parliament on 10 March 2022 on the proposal for a regulation of the European Parliament and of the Council concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) 2019/1020 (COM(2020)0798 — C9-0400/2020 — 2020/0353(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2022/C 347/30)

Amendment 1**Proposal for a regulation****Recital 2***Text proposed by the Commission*

- (2) Batteries are thus an important source of energy and one of the key enablers for sustainable development, green mobility, clean energy and climate neutrality. It is expected that the demand for batteries will grow rapidly in the coming years, notably for electric road transport vehicles using batteries for traction, making this market an increasingly strategic one at the global level. Significant scientific and technical progress in the field of battery technology will continue. In view of the strategic importance of batteries, and to provide legal certainty to all operators involved and to avoid discrimination, barriers to trade and distortions on the market for batteries, it is necessary to set out rules on sustainability parameters, performance, safety, collection, recycling and second life of batteries as well as on information about batteries. It is necessary to create a harmonised regulatory framework for dealing with the entire life cycle of batteries that are placed on the market in the Union.

Amendment

- (2) Batteries are thus an important source of energy and one of the key enablers for sustainable development, green mobility, clean energy and climate neutrality. It is expected that the demand for batteries will grow rapidly in the coming years, notably for electric road transport vehicles **and light means of transport** using batteries for traction, making this market an increasingly strategic one at the global level. Significant scientific and technical progress in the field of battery technology will continue. In view of the strategic importance of batteries, and to provide legal certainty to all operators involved and to avoid discrimination, barriers to trade and distortions on the market for batteries, it is necessary to set out rules on sustainability parameters, performance, safety, collection, recycling and second life of batteries as well as on information about batteries **for consumers and economic operators**. It is necessary to create a harmonised regulatory framework for dealing with the entire life cycle of batteries that are placed on the market in the Union .

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0031/2022).

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

Text proposed by the Commission

Amendment

- (2a) ***It is also necessary to update Union legislation on the management of battery waste and to take measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste, by reducing the impact of resource use and by improving resource efficiency. Such measures are crucial for the transition to a circular and climate-neutral economy and toxic-free environment, and for the Union's long-term competitiveness and strategic autonomy. They can create important economic opportunities, increasing synergies between the circular economy and energy, climate, transport, industry and research policies, and protecting the environment and reducing greenhouse gas emissions.***

Amendment 3
Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

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|---|--|
| <p>(10) This Regulation should apply to all types of batteries and accumulators placed on the market or put into service within the Union, whether on their own or incorporated into appliances or otherwise supplied with electrical and electronic appliances and vehicles. This Regulation should apply regardless of whether a battery is specifically designed for a product or is of general use and regardless of whether it is incorporated into a product or is supplied together with or separately from a product in which it is to be used.</p> | <p>(10) This Regulation should apply to all types of batteries and accumulators placed on the market or put into service within the Union, <i>regardless of whether they were produced in the Union or imported</i>, whether on their own or incorporated into appliances or otherwise supplied with electrical and electronic appliances and vehicles. This Regulation should apply regardless of whether a battery is specifically designed for a product or is of general use and regardless of whether it is incorporated into a product or is supplied together with or separately from a product in which it is to be used.</p> |
|---|--|

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Amendment 4
Proposal for a regulation
Recital 12

Text proposed by the Commission

- (12) Within the Regulation's wide scope, it is appropriate to distinguish between different categories of batteries in accordance with their design and use, independent of the battery chemistry. The classification into portable batteries, on one hand, and industrial batteries and automotive batteries on the other hand under Directive 2006/66/EC should be further developed to better reflect new developments in the use of batteries. Batteries that are used for traction in electric vehicles and which under Directive 2006/66/EC fall in the category of industrial batteries, constitute a large and growing part of the market due to the quick growth of electric road transport vehicles. It is therefore appropriate to classify those batteries that are used for traction in road vehicles as a new category of electric vehicle batteries. Batteries used for traction in other transport vehicles including rail, waterborne and aviation transport, continue to fall under the category of industrial batteries under this Regulation. The industrial battery type encompasses a broad group of batteries, intended to be used for industrial activities, communication infrastructure, agricultural activities or generation and distribution of electric energy. In addition to this non exhaustive list of examples, any battery that is neither a portable battery nor an automotive battery nor an electric vehicle battery should be considered an industrial battery. Batteries used for energy storage in private or domestic environments, are considered industrial batteries for the purposes of this Regulation. **Furthermore, in order to ensure that all batteries used in light means of transport, such as ebikes and scooters, are classified as portable batteries, it is necessary to clarify the definition of portable batteries and to introduce a weight limit for such batteries.**

Amendment

- (12) Within the Regulation's wide scope, it is appropriate to distinguish between different categories of batteries in accordance with their design and use, independent of the battery chemistry. The classification into portable batteries, on one hand, and industrial batteries and automotive batteries on the other hand under Directive 2006/66/EC should be further developed to better reflect new developments **and market spread** in the use of batteries. Batteries that are used for traction in electric vehicles and which under Directive 2006/66/EC fall in the category of industrial batteries, constitute a large and growing part of the market due to the quick growth of electric road transport vehicles. It is therefore appropriate to classify those batteries that are used for traction in road vehicles as a new category of electric vehicle batteries. Batteries used for traction in other transport vehicles including rail, waterborne and aviation transport, continue to fall under the category of industrial batteries under this Regulation. **Batteries used for traction in light means of transport, such as e-bikes and e-scooters, were not clearly classified as batteries under Directive 2006/66/EC, and constitute a significant part of the market due to their growing use in urban sustainable mobility. It is therefore appropriate to classify those batteries that are used for traction in light means of transport as a new category of batteries, namely light means of transport batteries.** The industrial battery type encompasses a broad group of batteries, intended to be used for industrial activities, communication infrastructure, agricultural activities or generation and distribution of electric energy. In addition to this non exhaustive list of examples, any battery that is neither a portable battery nor an automotive battery **nor a light means of transport battery** nor an electric vehicle battery should be considered an industrial battery. Batteries used for energy storage in private or domestic environments are considered industrial batteries for the purposes of this Regulation.

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Amendment 5
Proposal for a regulation
Recital 13

Text proposed by the Commission

- (13) Batteries should be designed and manufactured so as to optimise their performance, durability and safety and to minimise their environmental footprint. It is appropriate to lay down specific sustainability requirements for **rechargeable** industrial batteries and electric vehicle batteries **with internal storage with a capacity above 2 kWh** as such batteries represent the market segment which is expected to increase most in the coming years.

Amendment

- (13) Batteries should be designed and manufactured so as to optimise their performance, durability and safety and to minimise their environmental footprint. It is appropriate to lay down specific sustainability requirements for industrial batteries, **light means of transport batteries** and electric vehicle batteries as such batteries represent the market segment which is expected to increase most in the coming years.

Amendment 6
Proposal for a regulation
Recital 15

Text proposed by the Commission

- (15) The use of hazardous substances in batteries should be restricted in order to protect human health and the environment and to reduce the presence of such substances in waste. Thus, in addition to the restrictions set out in Annex XVII of Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁽²⁹⁾, it is appropriate to set out restrictions for mercury **and** cadmium in certain types of batteries. Batteries used in vehicles which benefit from an exemption under Annex II to Directive 2000/53/EC of the European Parliament and of the Council⁽³⁰⁾ should be excluded from the prohibition to contain cadmium.

⁽²⁹⁾ 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 (OJ L 396, 30.12.2006, p. 1)

⁽³⁰⁾ Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34).

Amendment

- (15) The use of hazardous substances in batteries should be restricted in order to protect human health and the environment and to reduce the presence of such substances in waste. Thus, in addition to the restrictions set out in Annex XVII of Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁽²⁹⁾, it is appropriate to set out restrictions for mercury, cadmium **and lead** in certain types of batteries. Batteries used in vehicles which benefit from an exemption under Annex II to Directive 2000/53/EC of the European Parliament and of the Council⁽³⁰⁾ should be excluded from the prohibition to contain cadmium. **The Commission should, assisted by the Agency, make a holistic and systemic assessment of hazardous substances in batteries. This assessment should in particular focus on battery chemistries that are used in large quantities on the market, evolving and emerging chemistries and the availability of suitable alternatives to lead-acid industrial and automotive batteries and to nickel-cadmium industrial batteries.**

⁽²⁹⁾ 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 (OJ L 396, 30.12.2006, p. 1)

⁽³⁰⁾ Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34).

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Amendment 7
Proposal for a regulation
Recital 17

Text proposed by the Commission

- (17) The procedure for adopting new and amending current restrictions on hazardous substances in batteries should be fully streamlined with Regulation (EC) No 1907/2006. To ensure effective decision-making, coordination and management of the related technical, scientific and administrative aspects of this Regulation, the European Chemicals Agency set up under Regulation (EC) No 1907/2006 ('the Agency') should carry out specified tasks with regard to the evaluation of risks from substances in the manufacture and use of batteries, as well as those that may occur after their end-of-life as well as the evaluation of the socio-economic elements and the analysis of alternatives, in accordance with relevant guidance by the Agency. Consequently, the Committees for Risk Assessment and Socio-economic Analysis of the Agency should facilitate the carrying out of certain tasks conferred on the Agency by this Regulation.

Amendment

- (17) The procedure for adopting new and amending current restrictions on hazardous substances in batteries should be fully streamlined with Regulation (EC) No 1907/2006. To ensure effective decision-making, coordination and management of the related technical, scientific and administrative aspects of this Regulation, **there should be good cooperation, coordination and exchange of information between the Member States**, the European Chemicals Agency set up under Regulation (EC) No 1907/2006 ('the Agency'), **the Commission and interested parties. Member States or the Agency** should carry out specified tasks with regard to the evaluation of risks from substances in the manufacture and use of batteries, as well as those that may occur after their end-of-life as well as the evaluation of the socio-economic elements and the analysis of alternatives, in accordance with relevant guidance by the Agency. Consequently, the Committees for Risk Assessment and Socio-economic Analysis of the Agency should facilitate the carrying out of certain tasks conferred on the Agency by this Regulation.

Amendment 8
Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

- (17 a) **In order to ensure that this Regulation is coherent with any future amendment of the provisions of Regulation (EC) No 1907/2006 or with other future Union legislation concerning sustainability criteria for hazardous substances and chemicals, the Commission should assess whether an amendment of Article 6, Article 71 or Annex I to this Regulation or all of those provisions is required. 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 amending those provisions where appropriate.**

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Amendment 9
Proposal for a regulation
Recital 18

Text proposed by the Commission

- (18) The expected massive deployment of batteries in sectors like mobility and energy storage should reduce carbons emissions, but to maximise this potential it is necessary that their overall life cycle has a low carbon footprint. According to the Product Environmental Footprint Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications⁽³¹⁾, climate change is the second highest related impact category for batteries after *the* use of minerals and metals. The technical documentation for **rechargeable** industrial batteries and electric vehicle batteries **with internal storage and a capacity above 2 kWh** placed on the Union market should therefore be accompanied by a carbon footprint declaration, *which should be specific, if necessary, per manufacturing batch. Batteries are manufactured in batches, made in specific amounts within certain timeframes* Harmonising the technical rules for calculating the carbon footprint for all **rechargeable** industrial batteries and electric vehicle batteries **with internal storage with a capacity above 2 kWh** placed on the Union market is a prerequisite for introducing a requirement for the technical documentation of the batteries to include a carbon footprint declaration and subsequently establishing carbon footprint performance classes that will allow identifying the batteries with overall lower carbon footprints. Information and clear labelling requirements on batteries' carbon footprint is not expected in itself to lead to the behavioural change necessary to ensure that the Union's objective to decarbonise the mobility and energy storage sectors is achieved, in line with the internationally agreed objectives on climate change⁽³²⁾. Therefore, maximum carbon thresholds will be introduced, further to a dedicated impact assessment to determine those values. In proposing the level of the maximum carbon footprint threshold, the Commission will, inter alia, take into account the relative distribution of the carbon footprint values in batteries on the market, the extent of progress in the reduction of carbon footprint of batteries placed on the Union market and the effective and potential contribution of this measure to the Union's objectives on sustainable mobility and climate neutrality by 2050. In order to bring about transparency on the batteries' carbon footprint, and

Amendment

- (18) The expected massive deployment of batteries in sectors like mobility and energy storage should reduce carbons emissions, but to maximise this potential it is necessary that their overall life cycle has a low carbon footprint. According to the Product Environmental Footprint Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications⁽³¹⁾, **greenhouse gas emissions exacerbating** climate change is the second highest related impact category for batteries after **mining and** use of minerals and metals. The technical documentation for industrial **batteries, light means of transport** batteries and electric vehicle batteries placed on the Union market should therefore be accompanied by a carbon footprint declaration. Harmonising the technical rules for calculating the carbon footprint for all industrial **batteries, light means of transport** batteries and electric vehicle batteries placed on the Union market is a prerequisite for introducing a requirement for the technical documentation of the batteries to include a carbon footprint declaration and subsequently establishing carbon footprint performance classes that will allow identifying the batteries with overall lower carbon footprints.. Information and clear labelling requirements on batteries' carbon footprint is not expected in itself to lead to the behavioural change necessary to ensure that the Union's objective to decarbonise the mobility and energy storage sectors is achieved, in line with the internationally agreed objectives on climate change⁽³²⁾. Therefore, maximum carbon thresholds will be introduced, further to a dedicated impact assessment to determine those values. In proposing the level of the maximum carbon footprint threshold, the Commission will, inter alia, take into account the relative distribution of the carbon footprint values in batteries on the market, the extent of progress in the reduction of carbon footprint of batteries placed on the Union market and the effective and potential contribution of this measure to the Union's objectives on sustainable mobility and climate neutrality by 2050 **at the latest**. In order to bring about transparency on the batteries' carbon footprint, and shift the Union market towards lower carbon batteries, regardless of where they are produced, a gradual and cumulative increase in the carbon footprint

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Text proposed by the Commission

shift the Union market towards lower carbon batteries, regardless of where they are produced, a gradual and cumulative increase in the carbon footprint requirements is justified. As a result of these requirements, the avoided carbon emissions in batteries' life cycle, will contribute to the Union's **objective** of reaching climate neutrality by 2050. This may also enable other policies at Union and national level, such as incentives or green public procurement criteria, fostering the production of batteries with lower environmental impacts.

- ⁽³¹⁾ Product Environmental Footprint — Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications https://ec.europa.eu/environment/eusd/smgp/pdf/PEFCR_Batteries.pdf
- ⁽³²⁾ Paris agreement (OJ L 282, 19.10.2016, p. 4) and the United Nations Framework Convention on Climate Change, available at <https://unfccc.int/resource/docs/convkp/conveng.pdf>

Amendment

requirements is justified. As a result of these requirements, the avoided carbon emissions in batteries' life cycle, will contribute to the Union's **climate objectives, particularly that** of reaching climate neutrality by 2050 **at the latest**. This may also enable other policies at Union and national level, such as incentives or green public procurement criteria, fostering the production of batteries with lower environmental impacts.

- ⁽³¹⁾ Product Environmental Footprint — Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications https://ec.europa.eu/environment/eusd/smgp/pdf/PEFCR_Batteries.pdf
- ⁽³²⁾ Paris agreement (OJ L 282, 19.10.2016, p. 4) and the United Nations Framework Convention on Climate Change, available at <https://unfccc.int/resource/docs/convkp/conveng.pdf>

Amendment 10

Proposal for a regulation

Recital 18 a (new)

Text proposed by the Commission

Amendment

- (18 a) The maximum life cycle carbon footprint thresholds should be future-proof and evolve progressively in line with the best available manufacturing and production processes. Therefore, when adopting a delegated act determining the maximum life cycle carbon footprint threshold, the European Commission should take into account the best available manufacturing and production processes and ensure that the selected technical criteria are consistent with the objective of this Regulation of ensuring that batteries placed on the Union market guarantee a high level of protection of human health, safety, property and the environment.**

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Amendment 11
Proposal for a regulation
Recital 19

Text proposed by the Commission

- (19) Certain substances contained in batteries, such as cobalt, lead, lithium or nickel, are acquired from scarce resources which are not easily available in the Union, and some are considered critical raw materials by the Commission. ***This is an area where*** Europe needs to enhance its strategic autonomy and increase its resilience in preparation for potential disruptions in supply due to health or other crises. Enhancing circularity and resource efficiency with increased recycling and recovery of those raw materials, will contribute to reaching that goal.

Amendment

- (19) Certain substances contained in batteries, such as cobalt, lead, lithium or nickel, are acquired from scarce resources which are not easily available in the Union, and some are considered critical raw materials by the Commission. ***In line with the Union's Industrial Strategy***, Europe needs to enhance its strategic autonomy, ***including facilitating investments in factories that will produce batteries on a massive scale***, and increase its resilience in preparation for potential disruptions in supply due to health or other crises. Enhancing circularity and resource efficiency with increased recycling and recovery of those raw materials, will contribute to reaching that goal. ***Substituting scarce raw materials with alternative more widely available materials, including renewable raw materials, would also contribute to enhancing the Union's own battery production and strategic autonomy. It is therefore crucial that the Union and Member States support relevant research and development initiatives.***

Amendment 12
Proposal for a regulation
Recital 21

Text proposed by the Commission

- (21) In order to take into account the risk of supply of cobalt, lead, lithium and nickel and to assess their availability, ***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 amending*** the targets for the minimum share of recycled cobalt, lead, lithium or nickel present in active materials in batteries.

Amendment

- (21) In order to take into account the risk of supply of cobalt, lead, lithium and nickel and to assess their availability, ***and in view of technical and scientific progress***, the Commission ***should assess whether it is appropriate to revise*** the targets for the minimum share of recycled cobalt, lead, lithium or nickel present in active materials in batteries ***and, where appropriate, submit a legislative proposal for that purpose.***

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Amendment 13
Proposal for a regulation
Recital 21 a (new)

Text proposed by the Commission

Amendment

- (21a) *In order to take into account changes in battery technologies impacting the types of materials that can be recovered, 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 to insert further raw materials and respective targets in the list of minimum shares of recycled content present in active materials in batteries.*

Amendment 14
Proposal for a regulation
Recital 22

Text proposed by the Commission

Amendment

- (22) In order to ensure uniform conditions for the **implementation of the rules on calculating and verifying, per battery model and batch per manufacturing plant, the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in batteries and the information requirements for** technical documentation, implementing powers should be conferred on the Commission.

- (22) In order to ensure uniform conditions **across the Union** for the **declaration on** recovered materials **that is to be provided by means of a harmonised format and for** the technical documentation, implementing powers should be conferred on the Commission **to lay down the format and the technical documentation for the declaration on recovered materials.**

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Amendment 15
Proposal for a regulation
Recital 23

Text proposed by the Commission

- (23) Batteries placed on the Union market should be durable and highly performant. It is therefore necessary to set out performance and durability parameters for portable batteries **of general use** as well as for **rechargeable** industrial batteries and electric vehicle batteries. For electric vehicle batteries, the informal UNECE Working Group on Electric Vehicles and the Environment is developing in-vehicle durability requirements, so this Regulation **is refraining from setting additional durability requirements**. On the other hand, in the area of batteries for energy storage, existing measurement methods to test battery performance and durability are not considered sufficiently precise and representative to enable introducing minimum requirements. The introduction of minimum requirements related to performance and durability of these batteries should be accompanied by available adequate harmonised standards or common specifications.

Amendment

- (23) Batteries placed on the Union market should be durable and highly performant. It is therefore necessary to set out performance and durability parameters for portable batteries as well as for industrial **batteries, light means of transport** batteries and electric vehicle batteries. For electric vehicle batteries, the informal UNECE Working Group on Electric Vehicles and the Environment is developing in-vehicle durability requirements, so this Regulation **should be coherent with its conclusions**. On the other hand, in the area of batteries for energy storage, existing measurement methods to test battery performance and durability are not considered sufficiently precise and representative to enable introducing minimum requirements. The introduction of minimum requirements related to performance and durability of these batteries should be accompanied by available adequate harmonised standards or common specifications.

Amendment 16
Proposal for a regulation
Recital 24

Text proposed by the Commission

- (24) In order to reduce the life cycle environmental impact batteries, 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 amending the performance and durability parameters and establishing minimum values for those parameters for portable batteries **of general use** and for rechargeable industrial batteries.

Amendment

- (24) In order to reduce the life cycle environmental impact batteries, 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 amending the performance and durability parameters and establishing minimum values for those parameters for portable batteries, **light means of transport batteries** and for rechargeable industrial batteries.

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Amendment 17
Proposal for a regulation
Recital 24 a (new)

Text proposed by the Commission

Amendment

- (24a) *In order to ensure that the Union's rules on electrochemical performance and durability for electric vehicle batteries are coherent in relation to technical specifications of the informal UNECE Working Group on Electric Vehicles and the Environment and in view of technical and scientific progress, 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 amending the performance and durability parameters and minimum values for those parameters for electric vehicle batteries.*

Amendment 18
Proposal for a regulation
Recital 25

Text proposed by the Commission

Amendment

- (25) Some non-rechargeable batteries of general use may imply an inefficient use of resources and energy. Objective requirements regarding the performance and durability of such batteries should be established in order to ensure that fewer low performing non-rechargeable portable batteries of general use are placed on the market, **in particular, where**, based on a life cycle assessment, the alternative use of rechargeable batteries would result in overall environmental benefits.

- (25) Some non-rechargeable batteries of general use may imply an inefficient use of resources and energy. **However, non-rechargeable batteries are still used for certain devices.** Objective requirements regarding the performance and durability of such batteries should be established in order to ensure that fewer low performing non-rechargeable portable batteries of general use are placed on the market. **The Commission should assess, as regards specific product groups that use non-rechargeable batteries**, based on a life cycle assessment, **whether the alternative use of rechargeable batteries would result in overall environmental benefits and therefore whether the use of non-rechargeable portable batteries of general use should be phased out. It should also be possible to complement the requirements of this Regulation with the requirements laid down by implementing measures under Directive 2009/125/EC of the European Parliament and of the Council⁽¹⁾ for particular products powered by batteries.**

⁽¹⁾ Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10).

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Amendment 19
Proposal for a regulation
Recital 26

Text proposed by the Commission

- (26) In order to ensure that portable batteries incorporated into appliances are subject to proper separate collection, treatment and high quality recycling once they have become waste, provisions to ensure their removability and replaceability in such appliances are necessary. Used batteries should also be replaceable so as to prolong the expected lifetime of the appliances they are part of. The general provisions of this Regulation may be complemented with requirements set up for particular products powered by batteries under implementing measures under Directive 2009/125/EC **of the European Parliament and of the Council**⁽³³⁾. Where other Union legislation lays down more specific requirements, for safety reasons, regarding the removal of batteries from products (e.g. toys), those specific rules should apply.

⁽³³⁾ Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10).

Amendment

- (26) In order to ensure that portable batteries incorporated into appliances are subject to proper separate collection, treatment and high quality recycling once they have become waste, provisions to ensure their removability and replaceability in such appliances are necessary. **Rules should also be established for light means of transport batteries.** Used batteries should also be replaceable so as to prolong the expected lifetime of the appliances they are part of. The general provisions of this Regulation may be complemented with requirements set up for particular products powered by batteries under implementing measures under Directive 2009/125/EC. Where other Union legislation lays down more specific requirements, for safety reasons, regarding the removal of batteries from products (e.g. toys), those specific rules should apply. **Provisions should also be laid down to ensure that industrial batteries, automotive batteries and electric vehicle batteries can be removed and replaced, while taking into consideration their differing nature and specific safety requirements.**

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Amendment 20
Proposal for a regulation
Recital 26 a (new)

Text proposed by the Commission

Amendment

- (26a) *Automotive batteries, electric vehicle batteries and industrial batteries should be removable and replaceable by qualified independent operators. Provisions to ensure that such batteries can be removed, replaced and disassembled should be laid down. It is important that the safety of such batteries when repaired can be assessed based on non-destructive tests adapted to them. In order to facilitate the repair of automotive batteries, electric vehicle batteries and industrial batteries, 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 to establish criteria for the removability, replaceability and disassembly of automotive batteries, electric vehicle batteries and industrial batteries. In order to be able to assess the safety of such batteries when repaired, 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 defining appropriate non-destructive test methods.*

Amendment 21
Proposal for a regulation
Recital 26 b (new)

Text proposed by the Commission

Amendment

- (26b) *In order to further reduce waste, the interoperability of batteries, of connectors and of chargers across product types should be promoted in product-specific eco-design implementing legislation, and in the upcoming sustainable products initiative.*

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Amendment 22
Proposal for a regulation
Recital 26 c (new)

Text proposed by the Commission

Amendment

- (26c) *Interoperability of chargers within specific categories of batteries could reduce unnecessary waste and costs for the benefit of consumers and other end-users. It should be possible therefore to recharge batteries for electric vehicles, light means of transport, and rechargeable batteries incorporated into specific categories of electrical and electronic equipment by making use of common chargers that allow interoperability within each category of batteries. This Regulation should therefore include provisions requiring the Commission to assess how best to introduce harmonised standards for common chargers applicable no later than 1 January 2026 for those categories of batteries. This assessment should be accompanied by a legislative proposal, where appropriate.*

Amendment 23
Proposal for a regulation
Recital 27

Text proposed by the Commission

Amendment

- (27) Reliable batteries are fundamental for the operation and safety of many products, appliances and services. Therefore, batteries should be designed and manufactured to ensure their safe operation and use. This aspect is particularly relevant for stationary battery energy storage systems, which are currently not covered by other Union legislation. Parameters to be considered in safety tests should therefore be laid down for those **energy storage systems**.

- (27) Reliable batteries are fundamental for the operation and safety of many products, appliances and services. Therefore, batteries should be designed and manufactured to ensure their safe operation and use, **in order not to cause harm or damage to humans or to the environment or property**. This aspect is particularly relevant for **batteries within** stationary battery energy storage systems, which are currently not covered by other Union legislation. Parameters to be considered in safety tests should therefore be laid down for those **batteries and be complemented by applicable CEN, CENELEC and IEC standards**.

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Amendment 24
Proposal for a regulation
Recital 28

Text proposed by the Commission

- (28) In order to provide end users with transparent, reliable and clear information about batteries and their main characteristics, and waste batteries, to enable the end users to make informed decisions when buying and discarding batteries and to enable waste operators to appropriately treat waste batteries, batteries should be labelled. Batteries should be labelled with all the necessary information concerning their main characteristics, including their capacity and content of certain hazardous substances. To ensure the availability of information over time, that information should also be made available by means of QR codes.

Amendment

- (28) In order to provide end users with transparent, reliable and clear information about batteries and their main characteristics, and waste batteries, to enable the end users to make informed decisions when buying and discarding batteries and to enable waste operators to appropriately treat waste batteries, batteries should be labelled. Batteries should be labelled with all the necessary information concerning their main characteristics, including their capacity, **production characteristics** and content of certain hazardous substances. To ensure the availability of information over time, that information should also be made available by means of QR codes **which should respect the guidelines of ISO IEC Standard 18004. The QR code printed or engraved on all batteries should give access to a battery's product passport. Labels and QR codes should be accessible for persons with disabilities in accordance with the requirements laid down in Directive (EU) 2019/882 of the European Parliament and of the Council ⁽¹⁾.**

⁽¹⁾ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

Amendment 25
Proposal for a regulation
Recital 29

Text proposed by the Commission

- (29) Information about the performance of batteries is essential to ensure that end-users **as** consumers are well and timely informed and in particular that they have a common basis to compare different batteries before making their purchase. Therefore, portable batteries **of general use** and automotive batteries should be marked with a label containing the information on their minimum average duration when used in specific applications. Additionally, it is important to guide the end-user to discard waste batteries in an appropriate way.

Amendment

- (29) Information about the performance of batteries is essential to ensure that end-users, **especially** consumers are well and timely informed and in particular that they have a common basis to compare different batteries before making their purchase. Therefore, portable batteries, **light means of transport batteries** and automotive batteries should be marked with a label containing the information on their minimum average duration when used in specific applications **and their expected lifetime**. Additionally, it is important to guide the end-user to discard waste batteries in an appropriate way.

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Amendment 26
Proposal for a regulation
Recital 30

Text proposed by the Commission

- (30) **Rechargeable industrial** batteries and electric-vehicle batteries **with internal storage with a capacity above 2 kWh should** contain a battery management system that stores data **so that** the state of health and expected lifetime of batteries may be determined at any time by the end-user or any other third party acting on his behalf. In order to **repurpose or remanufacture** a battery, access to the battery management system should be provided to the person that has purchased the battery or any third party acting on its behalf at any time for evaluating the residual value of the battery, facilitating the reuse, repurposing or remanufacturing of the battery and for making the battery available to independent aggregators, as defined in Directive (EU) **201/944** of the European Parliament and of the Council ⁽³⁴⁾, which operate virtual power plants in electricity grids. This requirement should apply in addition to Union law on type of approval of vehicles, including technical specifications that may originate from the work of the informal UNECE Working Group on Electric Vehicles and the Environment on data access in electric vehicles.

⁽³⁴⁾ Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125)

Amendment

- (30) **Batteries within stationary battery energy storage systems, light means of transport** batteries and electric-vehicle batteries contain a battery management system that stores data. **That battery management system should include information on** the state of health, **safety** and expected lifetime of batteries **so that those aspects** may be determined at any time by the end-user or any other third party acting on his behalf. In order to **facilitate the reuse, repurposing or remanufacturing of** a battery, **read-only data from** access to the battery management system should be provided to the person that has purchased the battery or any third party acting on its behalf at any time for evaluating the residual value of the battery, facilitating the **preparation for reuse, reuse, preparation for repurposing**, repurposing or remanufacturing of the battery and for making the battery available to independent aggregators, as defined in Directive (EU) **2019/944** of the European Parliament and of the Council ⁽³⁴⁾, which operate virtual power plants in electricity grids, **including the necessary features enabling the operation of vehicle-to-grid services. With a view to facilitating their uptake and usage in the Union, electric vehicle batteries and light means of transport batteries should have available, in real-time read-only in-vehicle data related to battery state of health, battery state of charge, battery power set point and battery capacity. The battery management system for electric vehicle batteries should also have a communication function so as to make it possible to have smart charging functions such as vehicle-to-grid, vehicle-to-load, vehicle-to-vehicle and vehicle-to-powerbank and vehicle-to-building charging.** This requirement should apply in addition to Union law on type of approval of vehicles, including technical specifications that may originate from the work of the informal UNECE Working Group on Electric Vehicles and the Environment

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Text proposed by the Commission

Amendment

on data access in electric vehicles. ***The technical specifications based on the UNECE Global Technical Regulations (UNECE GTR) once applicable in Union law should be considered to be a benchmark for the data on the parameters for determining the state of health and expected lifetime of batteries to be contained in the battery management system.***

- (³⁴) Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125)

Amendment 27

Proposal for a regulation

Recital 31

Text proposed by the Commission

Amendment

- (31) A number of product-specific requirements under this Regulation, including on performance, durability, repurposing and safety, should be measured by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements and calculation methodologies. In order to ensure that there are no barriers to trade on the internal market, standards should be harmonised at Union level. Such methods and standards should, to the extent possible, take into account the real-life usage of batteries, reflect the average range of consumer behaviour and be robust in order to deter intentional and unintentional circumvention. Once a reference to such a standard has been adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council (³⁵) and published in the Official Journal of the European Union, presumption of conformity shall be established with those product-specific requirements adopted on the basis of this Regulation, provided that the outcome of such methods demonstrate that the minimum values established for those substantive requirements are attained. In the absence of published standards at the time of the application of product-specific requirements, the Commission should adopt common specifications through implementing acts and the compliance with such specifications should also give rise to the presumption of conformity. In cases where the common specifications are, at a later stage, found to have

- (31) A number of product-specific requirements under this Regulation, including on performance, durability, repurposing and safety, should be measured by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements, ***standards*** and calculation methodologies. In order to ensure that there are no barriers to trade on the internal market, standards should be harmonised at Union level. Such methods and standards should, to the extent possible, take into account the real-life usage of batteries, reflect the average range of consumer behaviour and be robust in order to deter intentional and unintentional circumvention. Once a reference to such a standard has been adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council (³⁵) and published in the Official Journal of the European Union, presumption of conformity shall be established with those product-specific requirements adopted on the basis of this Regulation, provided that the outcome of such methods demonstrate that the minimum values established for those substantive requirements are attained. ***In order to avoid doubling of standards, to maximise efficiency and to include the highest expertise and state-of the art knowledge, the Commission should seek to request one or more European standardisation organisations to draft a standard where there is an absence of such a standard. In the absence of published standards at the time of the***

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Text proposed by the Commission

shortcomings, the Commission should by implementing act amend or repeal the common specifications in question.

- ⁽³⁵⁾ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12)

Amendment

application of product-specific requirements, **or in the event of a non satisfactory response by the relevant European standardisation organisation** the Commission should adopt, **in exceptional, justified cases and after consultation with the relevant stakeholders**, common specifications through implementing acts and the compliance with such specifications should also give rise to the presumption of conformity. In cases where the common specifications are, at a later stage, found to have shortcomings, the Commission should by implementing act amend or repeal the common specifications in question.

- ⁽³⁵⁾ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12)

Amendment 28

Proposal for a regulation

Recital 31 a (new)

Text proposed by the Commission

Amendment

- (31a) **An active involvement in the work of international standardisation committees is an important strategic prerequisite for placing future technologies into the market. In some cases, participation of the Union has been underrepresented in these committees. Therefore, the Commission and Member States should actively support the work of European companies in such international standardisation committees. Before considering the adoption of standards by secondary legislation, the Commission should carefully assess the work done at international level.**

Amendment 29

Proposal for a regulation

Recital 31 b (new)

Text proposed by the Commission

Amendment

- (31b) **The Commission should ensure that there is consistency regarding harmonised standards and common specifications under this regulation and when reviewing Regulation (EU) No 1025/2012.**

Thursday 10 March 2022

Amendment 30
Proposal for a regulation
Recital 32

Text proposed by the Commission

- (32) To ensure effective access to information for market surveillance purposes, to adapt to new technologies and to ensure resilience in case of global crises, such as the Covid-19 pandemic, **it should be possible to give** information regarding conformity with all Union acts applicable to batteries online in the form of a single EU declaration of conformity.

Amendment

- (32) To ensure effective access to information for market surveillance purposes, to adapt to new technologies and to ensure resilience in case of global crises, such as the Covid-19 pandemic, information regarding conformity with all Union acts applicable to batteries **could be provided** online in the form of a single EU declaration of conformity.

Amendment 31
Proposal for a regulation
Recital 35

Text proposed by the Commission

- (35) The chosen modules do not however reflect certain specific aspects of batteries and thus, it is necessary to adapt the modules chosen for the conformity assessment procedure. In order to take account of the novelty and complexity of the sustainability, safety **and** labelling requirements set out in this Regulation and for the purpose of ensuring the conformity of batteries placed on the market with the legal requirements, 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 amending the conformity assessment procedures by adding verifications steps or changing assessment module, on the basis of developments on the battery market or in the battery value chain.

Amendment

- (35) The chosen modules do not however reflect certain specific aspects of batteries and thus, it is necessary to adapt the modules chosen for the conformity assessment procedure. In order to take account of the novelty and complexity of the sustainability, safety, labelling **and information** requirements set out in this Regulation and for the purpose of ensuring the conformity of batteries placed on the market with the legal requirements, 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 amending the conformity assessment procedures by adding verifications steps or changing assessment module, on the basis of developments on the battery market or in the battery value chain. **Robust conformity assessment procedures are needed to ensure that there is conformity with sustainable requirements and value chain due diligence obligations set out in this Regulation.**

Thursday 10 March 2022

Amendment 32
Proposal for a regulation
Recital 38

Text proposed by the Commission

- (38) Due to the novelty and complexity of the sustainability, safety **and** labelling requirements for batteries and in order to ensure a consistent level of quality in the performance of conformity assessment of batteries, it is necessary to set requirements for notifying authorities involved in the assessment, notification and monitoring of notified bodies. In particular, it should be ensured that the notifying authority is objective and impartial with regard to its activity. Furthermore, notifying authorities should be required to safeguard the confidentiality of the information it obtains but should nonetheless be able to exchange information on notified bodies with national authorities, the notifying authorities of other Member States and the Commission to ensure consistency in the conformity assessment.

Amendment

- (38) Due to the novelty and complexity of the sustainability, **performance**, safety, labelling **and information** requirements for batteries and in order to ensure a consistent level of quality in the performance of conformity assessment of batteries, it is necessary to set requirements for notifying authorities involved in the assessment, notification and monitoring of notified bodies. In particular, it should be ensured that the notifying authority is objective and impartial with regard to its activity **and has a sufficient number of technically competent members of staff to perform its tasks**. Furthermore, notifying authorities should be required to safeguard the confidentiality of the information it obtains but should nonetheless be able to exchange information on notified bodies with national authorities, the notifying authorities of other Member States and the Commission to ensure consistency in the conformity assessment.

Amendment 33
Proposal for a regulation
Recital 39

Text proposed by the Commission

- (39) It is essential that all notified bodies perform their functions to the same level and under conditions of fair competition and autonomy. Therefore, requirements for conformity assessment bodies wishing to be notified in order to provide conformity assessment activities should be set. Those requirements should continue to apply as a prerequisite for the maintenance of the competence of the notified body. To ensure its autonomy, the notified body and the staff it employs should be required to maintain independence from economic operators in the battery value chain and from other companies, including business associations and parent companies and subsidiaries. The notified body should be required to document its independence and provide that documentation to the notifying authority.

Amendment

- (39) It is essential that all notified bodies perform their functions to the same level and under conditions of fair competition and autonomy. Therefore, requirements for conformity assessment bodies wishing to be notified in order to provide conformity assessment activities should be set. Those requirements should continue to apply as a prerequisite for the maintenance of the competence of the notified body. To ensure its autonomy, the notified body and the staff it employs should be required to maintain independence from economic operators in the battery value chain and from other companies, including business associations and parent companies and subsidiaries. The notified body should be required to document its independence and provide that documentation to the notifying authority. **The rotation of teams and appropriate 'cooling off' periods should also be required.**

Thursday 10 March 2022

Amendment 34
Proposal for a regulation
Recital 42

Text proposed by the Commission

- (42) Since the services offered by notified bodies in a Member State might relate to batteries made available on the market throughout the Union, it is appropriate to give the other Member States **and** the Commission the opportunity to raise objections concerning a notified body. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in order to request the notifying authority to take corrective action in case a notified body does not meet or no longer meets the requirements of this Regulation.

Amendment

- (42) Since the services offered by notified bodies in a Member State might relate to batteries made available on the market throughout the Union, it is appropriate to give the other Member States, the Commission, **economic operators and relevant stakeholders** the opportunity to raise objections concerning a notified body. **The Commission, during the investigation proceedings, should seek the advice of a Union testing facility designated in accordance with Regulation (EU) 2019/1020.** In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in order to request the notifying authority to take corrective action in case a notified body does not meet or no longer meets the requirements of this Regulation.

Amendment 35
Proposal for a regulation
Recital 43

Text proposed by the Commission

- (43) In the interests of facilitating and accelerating the conformity assessment procedure, the certification and ultimately the market access and in view of the novelty and complexity of the sustainability, safety **and** labelling requirements for batteries, it is crucial that notified bodies have continuous access to all testing equipment and testing facilities needed and that they apply the procedures without creating unnecessary burdens for economic operators. For the same reason, and to ensure equal treatment of economic operators, it is necessary that the notified bodies apply the conformity assessment procedures consistently.

Amendment

- (43) In the interests of facilitating and accelerating the conformity assessment procedure, the certification and ultimately the market access and in view of the novelty and complexity of the sustainability, safety, labelling **and information** requirements for batteries, it is crucial that notified bodies have continuous access to all testing equipment and testing facilities needed and that they apply the procedures without creating unnecessary burdens for economic operators. For the same reason, and to ensure equal treatment of economic operators, it is necessary that the notified bodies apply the conformity assessment procedures consistently.

Thursday 10 March 2022

Amendment 36
Proposal for a regulation
Recital 51

Text proposed by the Commission

- (51) In order to facilitate communication between economic operators, market surveillance authorities and consumers, economic operators should, as part of their contact details, indicate a website address **in addition to the postal address**.

Amendment

- (51) In order to facilitate communication between economic operators, market surveillance authorities and consumers, economic operators should, as part of their contact details, indicate a **telephone number, postal, email and** website address.

Amendment 37
Proposal for a regulation
Recital 52

Text proposed by the Commission

- (52) It is necessary to ensure that batteries from third countries entering the Union market comply with the requirements of this Regulation, whether imported as self-standing batteries or contained in products, and in particular that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those batteries. Provision should therefore be made for importers to make sure that the batteries they place on the market and put into service comply with the requirements of this Regulation and that the CE marking on batteries and documentation drawn up by manufacturers are available for inspection by the national authorities.

Amendment

- (52) It is necessary to ensure that batteries from third countries entering the Union market comply with the requirements of this Regulation, **and with relevant applicable Union law**, whether imported as self-standing batteries or contained in products, and in particular that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those batteries. **Special attention should be given to ensuring that the third party auditing of requirements of this Regulation relating to the production process of batteries is robust and independent. Compliance with the carbon footprint declaration, recycled content, as well as human rights and battery value chain due diligence obligations laid down in this Regulation should be therefore fully ensured.** Provision should therefore be made for importers to make sure that the batteries they place on the market and put into service comply with the requirements of this Regulation and that the CE marking on batteries and documentation drawn up by manufacturers are available for inspection by the national authorities. **Those authorities, in particular when carrying out controls on products entering the Union market from third countries, should ensure that there is consistent enforcement of Union law through an effective and uniform level of control, in accordance with Regulation (EU) 2019/1020.**

Thursday 10 March 2022

Amendment 38
Proposal for a regulation
Recital 53

Text proposed by the Commission

- (53) When placing a battery on the market or putting it into service, every importer should indicate on the battery the importer's name, registered trade name or registered trade mark as well as the postal address. Exceptions should be provided for in cases where the size of the battery does not allow it. ***This includes*** cases where the importer would have to open the packaging to put the name and ***address on*** the battery or where ***the battery is too small in size to affix*** this information..

Amendment

- (53) When placing a battery on the market or putting it into service, every importer should indicate on the battery the importer's name, registered trade name or registered trade mark as well as the postal address, ***e-mail address and telephone number***. Exceptions should be provided for in cases where the size of the battery does not allow it ***because the battery is too small in size to affix that information***. ***Exceptions should also be provided for in cases where the importer would have to open the packaging to put the name and the other contact details. In those exceptional cases, the importer should provide that information in a document accompanying the battery or in another immediately accessible way. Where packaging exists, it should be used to indicate this information.***

Amendment 39
Proposal for a regulation
Recital 56

Text proposed by the Commission

- (56) Distributors ***and*** importers, being close to the market place, should be involved in market surveillance tasks carried out by the national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the battery concerned.

Amendment

- (56) Distributors, importers ***and fulfilment service providers, including market places***, being close to the market place, should be involved in market surveillance tasks carried out by the national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the battery concerned.

Thursday 10 March 2022

Amendment 40
Proposal for a regulation
Recital 57

Text proposed by the Commission

- (57) Ensuring traceability of a battery throughout the whole supply chain helps to make market surveillance simpler and more efficient. An efficient traceability system facilitates the market surveillance authorities' task of tracing economic operators who placed on the market or made available on the market or put into service non-compliant batteries. The economic operators should therefore be required to keep the information on their transactions of batteries for a certain period of time.

Amendment

- (57) Ensuring traceability of a battery throughout the whole supply chain helps to make market surveillance simpler and more efficient, **and provides transparency to consumers.** An efficient traceability system facilitates the market surveillance authorities' task of tracing economic operators who placed on the market or made available on the market or put into service non-compliant batteries. The economic operators should therefore be required to keep the information on their transactions of batteries for a certain period of time, **including in electronic form.**

Amendment 41
Proposal for a regulation
Recital 59

Text proposed by the Commission

- (59) Only few countries supply those materials and, in some cases, low standards of governance may exacerbate environmental and social problems. **Both** cobalt **and** nickel mining and refining are related to a large range of social and environmental issues, including environmental hazard potential and human health. While the social and environmental impacts for natural graphite are less severe, its mining has high shares of artisanal and small scale operations, which mostly takes place in informal settings and can lead to serious health and environmental impacts, including no regular mine closure and no rehabilitation, which results in the destruction of ecosystems and soils. For lithium, the expected increase in its use in battery manufacturing is likely to put additional pressure on extraction and refining operations, what would recommend including lithium in the scope of the **supply** chain due diligence obligations. The expected massive increase in demand for batteries in the Union should not contribute to an increase of such environmental and social risks.

Amendment

- (59) Only few countries supply those materials and, in some cases, low standards of governance may exacerbate environmental and social problems. Cobalt, **copper**, nickel, **iron and bauxite** mining and refining are related to a large range of social and environmental issues, including environmental hazard potential and human health. While the social and environmental impacts for natural graphite are less severe, its mining has high shares of artisanal and small scale operations, which mostly takes place in informal settings and can lead to serious health and environmental impacts, including no regular mine closure and no rehabilitation, which results in the destruction of ecosystems and soils. For lithium, the expected increase in its use in battery manufacturing is likely to put additional pressure on extraction and refining operations, what would recommend including lithium in the scope of the **battery value** chain due diligence obligations. The expected massive increase in demand for batteries in the Union should not contribute to an increase of such environmental and social risks **abroad.**

Thursday 10 March 2022

Amendment 42
Proposal for a regulation
Recital 60

Text proposed by the Commission

- (60) Some of the raw materials in question, such as cobalt, lithium and natural graphite, are considered as critical raw materials for the EU ⁽³⁸⁾ and their sustainable sourcing is required for the EU battery ecosystem to perform adequately.

⁽³⁸⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Critical Raw Materials Resilience: Charting a Path towards greater Security and Sustainability (COM(2020)0474 final).

Amendment

- (60) Some of the raw materials in question, such as ***bauxite***, cobalt, lithium and natural graphite, are considered as critical raw materials for the EU ⁽³⁸⁾ and their sustainable sourcing is required for the EU battery ecosystem to perform adequately.

⁽³⁸⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Critical Raw Materials Resilience: Charting a Path towards greater Security and Sustainability (COM(2020)0474 final).

Amendment 43
Proposal for a regulation
Recital 62

Text proposed by the Commission

- (62) In the Union, general requirements on due diligence in relation to certain minerals and metals were introduced by Regulation (EU) **No** 2017/821 of the European Parliament and of the Council ⁽³⁹⁾. That Regulation does not, however, address the minerals and materials used for battery production.

⁽³⁹⁾ Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas (OJ L 130, 19.5.2017, p. 1)

Amendment

- (62) ***The United Nations Guiding Principles on Business and Human Rights and the OECD Guidelines for Multi-national Enterprises stipulate that economic operators should carry out due diligence as a means to meet their corporate responsibility with respect to human rights and the environment.*** In the Union, general requirements on due diligence in relation to certain minerals and metals were introduced by Regulation (EU) 2017/821 of the European Parliament and of the Council ⁽³⁹⁾. That Regulation does not, however, address the minerals and materials used for battery production.

⁽³⁹⁾ Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas (OJ L 130, 19.5.2017, p. 1)

Thursday 10 March 2022

Amendment 44
Proposal for a regulation
Recital 63

Text proposed by the Commission

- (63) Therefore, in view of the expected exponential growth in battery demand in the EU, ***the economic operator that places a battery on the EU market should set up a supply chain due diligence policy. The requirements therefore*** should be laid down, with the objective to address the social and environmental risks inherent in the extraction, processing and trading of certain raw materials for battery manufacturing purposes.

Amendment

- (63) ***The responsibility to respect human rights, social rights, human health and the environment should apply to all manufacturing operations and other related business relationships of an economic operator throughout the battery value chain.*** Therefore, in view of the expected exponential growth in battery demand in the EU ***and the fact that the extraction, processing and trading of certain raw materials, chemicals and secondary raw materials that are used in the battery manufacturing and occur in waste battery treatment, carry particular risks, certain requirements for the battery value chain*** due diligence ***process*** should be laid down, with the objective to address the social and environmental risks inherent in the extraction, processing and trading of certain raw materials, ***chemicals and secondary raw materials*** for battery manufacturing purposes, ***waste battery treatment, the manufacturing process itself as well as all related other business relationships.***

Thursday 10 March 2022

Amendment 45
Proposal for a regulation
Recital 64

Text proposed by the Commission

- (64) When putting in place a risk-based due diligence **policy**, it should be based on internationally recognised due diligence principles in the Ten Principles of the United Nations Global Compact ⁽⁴⁰⁾, the Guidelines for Social Life Cycle Assessment of Products ⁽⁴¹⁾, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy ⁽⁴²⁾, and the OECD Due Diligence Guidance for Responsible Business Conduct (RBC) ⁽⁴³⁾, which reflect a common understanding amongst governments and stakeholders, and should be tailored to the specific context and circumstances of each economic operator. In relation to the extraction, processing and trading of natural mineral resources used for battery production, the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas ⁽⁴⁴⁾ ('OECD Due Diligence Guidance') represents a long-standing effort by governments and stakeholders to establish good practice in this area.

⁽⁴⁰⁾ The **Ten Principles of the UN Global Compact**, available at <https://www.unglobalcompact.org/what-is-gc/mission/principles>

⁽⁴¹⁾ UNEP Guidelines for social life cycle assessment of products, available at <https://www.lifecycleinitiative.org/wp-content/uploads/2012/12/2009%20-%20Guidelines%20for%20sLCA%20-%20EN.pdf>

⁽⁴²⁾ **Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy**, available at https://www.ilo.org/wcmsp5/groups/public/-ed_emp/-emp_ent/-multi/documents/publication/wcms_094386.pdf

⁽⁴³⁾ OECD (2018), OECD Due Diligence Guidance for Responsible Business Conduct, available at <http://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf>

⁽⁴⁴⁾ OECD (2016), OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Third Edition, OECD Publishing, Paris, <https://doi.org/10.1787/9789264252479-en>.

Amendment

- (64) When putting in place a risk-based due diligence **process**, it should be based on internationally recognised due diligence **standards and** principles in **the United Nations Guiding Principles on Business and Human Rights**, the Ten Principles of the United Nations Global Compact ⁽⁴⁰⁾, the Guidelines for Social Life Cycle Assessment of Products ⁽⁴¹⁾, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy ⁽⁴²⁾, **the OECD Guidelines for Multinational Enterprises** and the OECD Due Diligence Guidance for Responsible Business Conduct (RBC) ⁽⁴³⁾, which reflect a common understanding amongst governments and stakeholders, and should be tailored to the specific context and circumstances of each economic operator. In relation to the extraction, processing and trading of natural mineral resources **from high-risk areas** used for battery production, the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas ⁽⁴⁴⁾ ('OECD Due Diligence Guidance') represents **an internationally acknowledged standard addressing specific risks of gross human rights violations related to the sourcing and trading of certain raw materials in the context of conflict**, and a long-standing effort by governments and stakeholders to establish good practice in this area.

⁽⁴⁰⁾ The **United Nations Guiding Principles on Business and Human Rights**, available at https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinessshr_en.pdf

⁽⁴¹⁾ UNEP Guidelines for social life cycle assessment of products, available at <https://www.lifecycleinitiative.org/wp-content/uploads/2012/12/2009%20-%20Guidelines%20for%20sLCA%20-%20EN.pdf>

⁽⁴²⁾ **OECD Guidelines for Multinational Enterprises**, available at <http://mneguidelines.oecd.org/guidelines/>

⁽⁴³⁾ OECD (2018), OECD Due Diligence Guidance for Responsible Business Conduct, available at <http://mneguidelines.oecd.org/due-diligence-guidance-for-responsible-business-conduct.htm>

⁽⁴⁴⁾ OECD (2016), OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Third Edition, OECD Publishing, Paris, <https://doi.org/10.1787/9789264252479-en>.

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Amendment 46
Proposal for a regulation
Recital 65

Text proposed by the Commission

- (65) According to **the OECD Due Diligence Guidance** ⁽⁴⁵⁾, due diligence is an on-going, proactive and reactive process through which companies can ensure that they respect human rights and do not contribute to conflict ⁽⁴⁶⁾. Risk-based due diligence refers to the steps companies should take to identify **and address actual or potential risks in order to** prevent or mitigate adverse impacts associated with their activities or sourcing decisions. A company can assess risk posed by its activities and relationships and adopt risks mitigating measures in line with relevant standards provided under national and international law, recommendations on responsible business conduct by international organisations, government-backed tools, private sector voluntary initiatives and a company's internal policies and systems. This approach also helps to scale the due diligence exercise to the size of the company's activities or supply chain relationships.

⁽⁴⁵⁾ **Page 15 of the OECD Due Diligence Guidance.**

⁽⁴⁶⁾ OECD (2011), OECD Guidelines for Multinational Enterprises, OECD, Paris; OECD (2006), OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, OECD, Paris; and, Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework (Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and other Business Enterprises, John Ruggie, A/HRC/17/31, 21 March 2011).

Amendment

- (65) According to **the UN, ILO and OCED standards and principles**, due diligence is an on-going, proactive and reactive process through which companies can ensure that they respect human rights, **the environment** and do not contribute to conflict ⁽⁴⁶⁾. Risk-based due diligence refers to the steps companies should take to identify, prevent, **cease**, mitigate **and account for** adverse impacts associated with their activities or sourcing decisions. **Economic operators should conduct informed, effective and meaningful consultation with affected communities.** A company can assess risk posed by its activities and relationships and adopt risks mitigating measures, **which may include requiring additional information, negotiating with a view to redress the situation, or suspending or discontinuing engagement with suppliers**, in line with relevant standards provided under national and international law, recommendations on responsible business conduct by international organisations, government-backed tools, private sector voluntary initiatives and a company's internal policies and systems. This approach also helps to scale the due diligence exercise to the size of the company's activities or supply chain relationships. **Battery value chain due diligence requirements should apply to any economic operator, including online platforms, that places batteries on the European market.**

⁽⁴⁶⁾ OECD (2011), OECD Guidelines for Multinational Enterprises, OECD, Paris; OECD (2006), OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, OECD, Paris; and, Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework (Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and other Business Enterprises, John Ruggie, A/HRC/17/31, 21 March 2011).

Thursday 10 March 2022

Amendment 47
Proposal for a regulation
Recital 65 a (new)

Text proposed by the Commission

Amendment

- (65a) *While private sector due diligence schemes can support economic operators in their due diligence, economic operators should be individually responsible for compliance with the battery value chain due diligence obligations set out in this Regulation.*

Amendment 48
Proposal for a regulation
Recital 65 b (new)

Text proposed by the Commission

Amendment

- (65b) *Specific technical assistance should be provided to economic operators, especially to small and medium-sized companies, by Member States so that they can comply with battery value chain due diligence requirements.*

Amendment 49
Proposal for a regulation
Recital 66

Text proposed by the Commission

Amendment

- (66) Mandatory **supply** chain due diligence policies should be adopted or modified and address, at least, the most prevalent social and environmental risk categories. This should cover the current and foreseeable impacts, on one hand, on social life, in particular human rights, human health and safety as well as occupational health and safety and labour rights, and, on the other hand, on the environment, in particular on water use, soil protection, air pollution and biodiversity, including community life.

- (66) Mandatory **battery value** chain due diligence policies should be adopted or modified and address, at least, the most prevalent social and environmental risk categories. This should cover the current and foreseeable impacts, on one hand, on social life, in particular human rights, human health and safety as well as occupational health and safety and labour rights, and, on the other hand, on the environment, in particular on water use, soil protection, air pollution, **climate change** and biodiversity, including community life.

Thursday 10 March 2022

Amendment 50
Proposal for a regulation
Recital 67

Text proposed by the Commission

(67) As regards the social risk categories, due diligence policies should address the risks in the battery **supply** chain in relation to the protection of human rights, including human health, protection of children and gender equality, in line with international human rights law ⁽⁴⁷⁾. The due diligence policies should include information on how the economic operator has contributed to the prevention of human rights abuses and on the instruments in place with the operator's business structure to fight corruption and bribery. The due diligence policies should also ensure correct implementation of the rules of fundamental conventions of the International Labour Organisation ⁽⁴⁸⁾ as listed in Annex I of the ILO Tripartite Declaration.

⁽⁴⁷⁾ Including The Universal Declaration of Human Rights, The International Covenant on Economic, Social and Cultural Rights, The International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

⁽⁴⁸⁾ The eight fundamental Conventions are 1. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2. Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 3. Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol), 4. Abolition of Forced Labour Convention, 1957 (No. 105), 5. Minimum Age Convention, 1973 (No. 138), 6. Worst Forms of Child Labour Convention, 1999 (No. 182), 7. Equal Remuneration Convention, 1951 (No. 100), 8. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Amendment

(67) As regards the social risk categories, **battery value chain** due diligence policies should address the risks in the battery **value** chain in relation to the protection of human rights, including human health, **the rights of indigenous peoples, the** protection of children and gender equality, in line with international human rights law ⁽⁴⁷⁾. The **battery value chain** due diligence policies should include information on how the economic operator has contributed to the prevention of human rights abuses and on the instruments in place with the operator's business structure to fight corruption and bribery. The **battery value chain** due diligence policies should also ensure correct implementation of the rules of fundamental conventions of the International Labour Organisation ⁽⁴⁸⁾ as listed in Annex I of the ILO Tripartite Declaration.

⁽⁴⁷⁾ Including The Universal Declaration of Human Rights, The International Covenant on Economic, Social and Cultural Rights, The International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities **and the UN Declaration on the Rights of Indigenous Peoples.**

⁽⁴⁸⁾ The eight fundamental Conventions are 1. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2. Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 3. Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol), 4. Abolition of Forced Labour Convention, 1957 (No. 105), 5. Minimum Age Convention, 1973 (No. 138), 6. Worst Forms of Child Labour Convention, 1999 (No. 182), 7. Equal Remuneration Convention, 1951 (No. 100), 8. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Thursday 10 March 2022

Amendment 51
Proposal for a regulation
Recital 68

Text proposed by the Commission

- (68) As regards the environmental risk categories, the due diligence policies should address the risks in the battery **supply** chain in relation to protection of the natural environment and of the biological diversity in line with the Convention on Biological Diversity⁽⁴⁹⁾, which includes also the consideration of local communities, and the protection and the development of those communities.

⁽⁴⁹⁾ Such as set out in the Convention on biological diversity, available at <https://www.cbd.int/convention/text/> and, in particular, Decision COP VIII/28 “Voluntary guidelines on Biodiversity-Inclusive impact assessment, available at <https://www.cbd.int/decision/cop/?id=11042> .

Amendment

- (68) As regards the environmental risk categories, the **battery value chain** due diligence policies should address the risks in the battery **value** chain in relation to protection of the natural environment and of the biological diversity in line with the Convention on Biological Diversity⁽⁴⁹⁾, which includes also the consideration of local communities, and the protection and the development of those communities. **It should also address the risks in relation to climate change, in line with the Paris agreement and its goal to limit global warming to below 1,5 degrees Celsius, compared to pre-industrial levels, as well as environmental risks covered by other international environmental conventions.**

⁽⁴⁹⁾ Such as set out in the Convention on biological diversity, available at <https://www.cbd.int/convention/text/> and, in particular, Decision COP VIII/28 “Voluntary guidelines on Biodiversity-Inclusive impact assessment, available at <https://www.cbd.int/decision/cop/?id=11042> .

Amendment 52
Proposal for a regulation
Recital 69

Text proposed by the Commission

- (69) The **supply** chain due diligence obligations on the identification and mitigation of social and environmental risks associated with raw materials going into battery manufacturing should contribute to the implementation of UNEP Resolution 19 on Mineral Resource Governance, which recognizes the important contribution of the mining sector towards the achievement of the 2030 Agenda and the Sustainable Development Goals.

Amendment

- (69) The **battery value** chain due diligence obligations on the identification and mitigation of social and environmental risks associated with raw materials going into battery manufacturing should contribute to the implementation of UNEP Resolution 19 on Mineral Resource Governance, which recognizes the important contribution of the mining sector towards the achievement of the 2030 Agenda and the Sustainable Development Goals.

Thursday 10 March 2022

Amendment 53
Proposal for a regulation
Recital 69 a (new)

Text proposed by the Commission

Amendment

(69a) *Even when due diligence has been carried out, harm might occur. Economic operators should actively remedy such harm, by themselves or in cooperation with other actors. Such operators should be liable for any adverse impact they, or the entities they control or are able to control, caused or contributed to. Persons adversely impacted should be entitled to remedies and should be provided with access to justice.*

Amendment 54
Proposal for a regulation
Recital 70

Text proposed by the Commission

Amendment

(70) Other EU legislative instruments that lay down requirements regarding **supply chain** due diligence should apply in so far as there are no specific provisions with the same objective, nature and effect in this Regulation which may be adapted in the light of future legislative amendments.

(70) Other EU legislative instruments that lay down requirements regarding due diligence should apply **to both Union companies and companies established outside of the Union that intend to place batteries on the Union market, to ensure a level playing field**, in so far as there are no specific provisions with the same objective, nature and effect in this Regulation which may be adapted in the light of future legislative amendments.

Amendment 55
Proposal for a regulation
Recital 71

Text proposed by the Commission

Amendment

(71) In order to adapt to developments in the battery value chain, including to changes in the scope and nature of the relevant environmental and social risks, as well as to technical and scientific progress in batteries and battery chemistries, 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 amending the list of raw materials and risk categories and the **supply** chain due diligence requirements.

(71) In order to adapt to developments in the battery value chain, including to changes in the scope and nature of the relevant environmental and social risks, as well as to technical and scientific progress in batteries and battery chemistries, 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 amending the list of raw materials and risk categories and the **battery value** chain due diligence requirements.

Thursday 10 March 2022

Amendment 56
Proposal for a regulation
Recital 71 a (new)

Text proposed by the Commission

Amendment

- (71a) *In the event that future Union legislation laying down general rules for sustainable corporate governance and due diligence is adopted, the Commission should assess whether that new Union legislation requires amendment of paragraphs 2 to 5 of Article 39 or of Annex X, or both. 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 amending those provisions accordingly.*

Amendment 57
Proposal for a regulation
Recital 72

Text proposed by the Commission

Amendment

- (72) Harmonised rules for waste management are necessary to ensure that producers and other economic operators are subject to the same rules across the Member States in the implementation of the extended producer responsibility for batteries. Maximising separate collection of waste batteries and ensuring that all batteries collected are recycled through processes that reach common minimum recycling efficiencies is necessary to attain a high level of material recovery. The evaluation of the Directive 2006/66/EC found that one of its shortcomings is lack of detail in its provisions, leading to uneven implementation and creating significant barriers to the functioning of recycling markets and suboptimal levels of recycling. Consequently, more detailed and harmonised rules should avoid distortion of the market for the collection, treatment and recycling of waste batteries, ensure even implementation of the requirements across the Union, further harmonisation of the quality of waste management services provided by economic operators and facilitate the markets of secondary raw materials.

- (72) Harmonised rules for waste management are necessary to ensure that producers and other economic operators are subject to the same rules across the Member States in the implementation of the extended producer responsibility for batteries **and to ensure a high level of protection of human health and the environment across the Union. Extended producer responsibility can contribute to reducing overall resource use, in particular by reducing the generation of battery waste and the adverse impacts linked to the management of battery waste.** Maximising separate collection of waste batteries and ensuring that all batteries collected are recycled through processes that reach common minimum recycling efficiencies is necessary to attain a high level of material recovery. The evaluation of the Directive 2006/66/EC found that one of its shortcomings is lack of detail in its provisions, leading to uneven implementation and creating significant barriers to the functioning of recycling markets and suboptimal levels of recycling. Consequently, more detailed and harmonised rules should avoid distortion of the market for the collection, treatment and recycling of waste batteries, ensure even implementation of the requirements across the Union, further harmonisation of the quality of waste management services provided by economic operators and facilitate the markets of secondary raw materials.

Thursday 10 March 2022

Amendment 58
Proposal for a regulation
Recital 73

Text proposed by the Commission

- (73) This Regulation builds on the waste management rules and general principles laid down in Directive 2008/98/EC of the European Parliament and of the Council ⁽⁵⁰⁾, which should be adapted to reflect the specific **situation of batteries**. For the collection of waste batteries to be organised in the most effective way, it is important that this is done in close connection to the place where the batteries are sold in a Member State, and close to the end user. Also, waste batteries may be collected both together with waste electrical and electronic equipment and with end-of-life vehicles, by way of national collection schemes set up on the basis of Directive 2012/19/EU of the European Parliament and of the Council ⁽⁵¹⁾, and of Directive 2000/53/EC. While the current Regulation sets up specific rules for batteries there is a need for a coherent and complementary approach, building upon and further harmonising existing waste management structures. Consequently, and in order to effectively realise extended producer responsibility related to the waste management, obligations should be laid down with respect to the Member State where batteries are made available on the market for the first time.

⁽⁵⁰⁾ 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).

⁽⁵¹⁾ Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 24.7.2012, p. 38).

Amendment

- (73) This Regulation builds on the waste management rules and general principles laid down in Directive 2008/98/EC of the European Parliament and of the Council ⁽⁵⁰⁾, which should be adapted to reflect the specific **nature of battery waste**. For the collection of waste batteries to be organised in the most effective way, it is important that this is done in close connection to the place where the batteries are sold in a Member State, and close to the end user. **Waste batteries should be collected separately from other waste streams, such as metals, paper and cardboard, glass, plastics, wood, textiles and bio-waste.** Also, waste batteries may be collected both together with waste electrical and electronic equipment and with end-of-life vehicles, by way of national collection schemes set up on the basis of Directive 2012/19/EU of the European Parliament and of the Council ⁽⁵¹⁾, and of Directive 2000/53/EC. While the current Regulation sets up specific rules for batteries there is a need for a coherent and complementary approach, building upon and further harmonising existing waste management structures. Consequently, and in order to effectively realise extended producer responsibility related to the waste management, obligations should be laid down with respect to the Member State where batteries are made available on the market for the first time.

⁽⁵⁰⁾ 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).

⁽⁵¹⁾ Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 24.7.2012, p. 38).

Thursday 10 March 2022

Amendment 59
Proposal for a regulation
Recital 76

Text proposed by the Commission

- (76) Producers should have extended producer responsibility for the management of their batteries at the end-of-life stage. Accordingly, they should finance the costs of **collecting, treating** and recycling **all collected** batteries, for reporting on batteries and waste batteries and for **the provision of information to end-users and waste operators about batteries and appropriate re-use and management of** waste batteries. The obligations related to extended producer responsibility should apply to all forms of supply, including distance selling. Producers should be able to exercise those obligations collectively, by means of producer responsibility organisations taking up the responsibility on their behalf. Producers or producer responsibility organisations should be subject to authorisation and they should document that they have the financial means to cover the costs entailed by the extended producer responsibility. Where necessary to avoid distortion of the internal market and to ensure uniform conditions for the modulation of the financial contributions paid to producer responsibility organisations by producers, implementing powers should be conferred on the Commission.

Amendment

- (76) Producers should have extended producer responsibility for the management of their batteries at the end-of-life stage. **It should consist of a set of rules defining specific operational and financial obligations for producers of products in which the producer's responsibility is extended to the post-consumer stage of a product's life cycle.** Accordingly, they should finance **at least the costs referred to in point (a) of paragraph 4 of Article 8a of Directive 2008/98/EC, including** the costs of **organising the separate collection, preparation for repurposing and remanufacturing, treatment, preparation for reuse** and recycling **of waste** batteries, for reporting on batteries and waste batteries and for **awareness campaigns to encourage** end-users **to discard** waste batteries **in an appropriate manner**. The obligations related to extended producer responsibility should apply to all forms of supply, including distance **and online** selling. Producers should be able to exercise those obligations collectively, by means of producer responsibility organisations taking up the responsibility on their behalf. Producers or producer responsibility organisations should be subject to authorisation and they should document that they have the financial means to cover the costs entailed by the extended producer responsibility. Where necessary to avoid distortion of the internal market and to ensure uniform conditions for the modulation of the financial contributions paid to producer responsibility organisations by producers, implementing powers should be conferred on the Commission.

Thursday 10 March 2022

Amendment 60
Proposal for a regulation
Recital 76 a (new)

Text proposed by the Commission

Amendment

- (76a) *Introducing producer responsibility requirements should contribute to reducing costs and boosting performance, as well as to ensuring there is a level playing field, including for small and medium-sized enterprises and e-commerce enterprises, and avoid obstacles to the smooth functioning of the internal market. They should also contribute to the incorporation of end-of-life costs into product prices and provide incentives for producers to comply with sustainability provisions when designing their products. Overall, such requirements should improve the governance and transparency of extended producer responsibility schemes and reduce the possibility of conflicts of interest emerging between extended producer responsibility organisations and waste operators that they contract. The requirements should apply to both new and existing extended producer responsibility schemes.*

Amendment 61
Proposal for a regulation
Recital 77

Text proposed by the Commission

Amendment

- (77) This Regulation should regulate the extended producer responsibility for batteries exhaustively and therefore the rules laid down on extended producer responsibility schemes in Directive 2008/98/EC should **not apply to batteries**.
- (77) This Regulation should regulate the extended producer responsibility for batteries exhaustively and **should** therefore **be considered to supplement** the rules laid down on extended producer responsibility schemes in Directive 2008/98/EC, **which** should **be understood to be minimum requirements**.

Thursday 10 March 2022

Amendment 62
Proposal for a regulation
Recital 78

Text proposed by the Commission

- (78) In order to ensure high quality recycling in the batteries **supply** chains, boost the uptake of quality secondary raw materials and protect the environment, a high level of collection and recycling of waste batteries should be the rule. The collection of waste batteries is a fundamental crucial step for closing the loop for the valuable materials contained in batteries through their recycling and to keep the batteries value chain inside the Union, **thus** facilitating the access to the recovered materials that can further be used to manufacture new products.

Amendment

- (78) In order to ensure high quality recycling in the batteries **value** chains, boost the uptake of quality secondary raw materials, and protect the environment, a high level of collection and recycling of waste batteries should be the rule. The collection of waste batteries is a fundamental crucial step for closing the loop for the valuable materials contained in batteries through their recycling and to keep the batteries value chain inside the Union **and boost its strategic autonomy in this sector**, facilitating the access to the recovered materials that can further be used to manufacture new products. **Appropriate measures regarding the collection, treatment, preparation for reuse, preparation for repurposing and recycling of waste batteries should be included in national waste management plans. Member States' waste management plans should therefore be updated on the basis of the provisions laid down in this Regulation.**

Thursday 10 March 2022

Amendment 63
Proposal for a regulation
Recital 79

Text proposed by the Commission

- (79) Producers of all batteries should be responsible for financing and organising the separate collection of waste batteries. They should do so by establishing a collection network that covers the whole territory of the Member States, that is close to the end user and that does not only target areas and batteries where the collection is profitable. The collection network should include any distributor, authorised treatment facility for waste electric and electronic equipment and end-of-life vehicles, civic amenity sites and other actors based on their own accord, such as public authorities and schools. In order to verify and improve the effectiveness of the collection network and the information campaigns, regular compositional surveys at least at NUTS 2 level⁽⁵³⁾ should be carried out on mixed municipal waste and waste electrical and electronic equipment collected to determine the amount of waste portable batteries therein.

⁽⁵³⁾ Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

Amendment

- (79) Producers of all batteries should be responsible for **financing or** financing and organising the separate collection of waste batteries. They should do so by establishing a **take-back and** collection network that covers the whole territory of the Member States, that is close to the end user and that does not only target areas and batteries where the collection is profitable. The collection network should include any distributor, authorised treatment facility for waste electric and electronic equipment and end-of-life vehicles, civic amenity sites and other actors based on their own accord, such as public authorities and schools. In order to verify and improve the effectiveness of the collection network and the information campaigns, regular compositional surveys at least at NUTS 2 level⁽⁵³⁾ should be carried out on mixed municipal waste and waste electrical and electronic equipment collected to determine the amount of waste portable batteries therein.

⁽⁵³⁾ Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

Amendment 64
Proposal for a regulation
Recital 81

Text proposed by the Commission

- (81) Considering the environmental impact and the loss of materials due to waste batteries not being separately collected, and consequently not treated in an environmentally sound way, the collection target for portable batteries already established under Directive 2006/66/EC should continue to apply and should be gradually increased. **This Regulation entails that portable batteries also include batteries powering light means of transport. Since the current increase in sales of this type of batteries makes it difficult to calculate the amount of them that are placed in the market and collected at the end of their life, these portable batteries should be excluded from the current collection rate for portable batteries. This exclusion is to be reviewed along with the collection target for waste portable batteries, which may also address changes in the methodology to calculate the collection rate for portable batteries. The Commission shall prepare a report to underpin these reviews.**

Amendment

- (81) Considering the environmental impact and the loss of materials due to waste batteries not being separately collected, and consequently not treated in an environmentally sound way, the collection target for portable batteries already established under Directive 2006/66/EC should continue to apply and should be gradually increased. **In order to maximise collection and reduce safety risks, the feasibility and potential benefits of establishing a Union-wide deposit return system for batteries, in particular for portable batteries of general use should be assessed. National deposit return systems should not prevent the adoption of harmonised Union-wide systems.**

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Amendment 65
Proposal for a regulation
Recital 82 a (new)

Text proposed by the Commission

Amendment

- (82a) *In order to update the methodology on calculating and verifying the collection target for waste light means of transport batteries with a view to reflecting the quantity available for collection, 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. It is crucial that the new methodology maintains or increases the level of environmental ambition with regard to the collection of waste batteries compared to the existing methodology.*

Amendment 66
Proposal for a regulation
Recital 82 b (new)

Text proposed by the Commission

Amendment

- (82b) *The Commission should also consider introducing a calculation methodology for the calculation of the separate collection target with a view to reflecting the quantity of waste portable batteries available for collection. It is crucial that the new methodology maintains or increases the level of environmental ambition with regard to the collection of waste batteries compared to the existing methodology.*

Amendment 67
Proposal for a regulation
Recital 84

Text proposed by the Commission

Amendment

- (84) In view of the waste hierarchy as established by Article 4 of Directive 2008/98/EC which prioritises prevention, preparing for reuse and recycling and in line with Article 11(4) of Directive 2008/98/EC and Article 5(3)(f) of Directive 1999/31/EC ⁽⁵⁴⁾, batteries collected should not be ***incinerated or disposed of in landfill***.

⁽⁵⁴⁾ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).

- (84) In view of the waste hierarchy as established by Article 4 of Directive 2008/98/EC which prioritises prevention, preparing for reuse and recycling and in line with Article 11(4) of Directive 2008/98/EC and Article 5(3)(f) of Directive 1999/31/EC ⁽⁵⁴⁾, batteries collected should not be ***subject to waste-to-energy or to disposal operations***.

⁽⁵⁴⁾ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).

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Amendment 68
Proposal for a regulation
Recital 87

Text proposed by the Commission

(87) It should only be possible to carry out treatment and recycling outside the Member State concerned or outside the Union, where the shipment of waste batteries is in compliance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council ⁽⁵⁸⁾ and Commission Regulation (EC) No 1418/2007 ⁽⁵⁹⁾ and where the treatment and recycling activities meet the requirements applicable for this type of wastes, according to their classification in Commission Decision 2000/532/EC, as amended ⁽⁶⁰⁾. That Decision, as amended, should be revised to reflect all battery chemistries. Where such treatment or recycling takes places outside the Union, in order to be counted towards the recycling efficiencies and targets, the operator for whose account it is carried out should be obliged to report on it to the competent authority of the respective Member State and to prove that the treatment is carried out in conditions equivalent to those under this Regulation. In order to lay down what are the requirements for such treatment to be considered equivalent, 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 laying down detailed rules containing criteria for the assessment of equivalent conditions.

⁽⁵⁸⁾ Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).

⁽⁵⁹⁾ Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply (OJ L 316, 4.12.2007, p. 6).

⁽⁶⁰⁾ 2000/532/EC: Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste, OJ L 226, 6.9.2000, p. 3.

Amendment

(87) It should only be possible to carry out treatment, **preparation for reuse, preparation for repurposing** and recycling outside the Member State concerned or outside the Union, where the shipment of waste batteries is in compliance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council ⁽⁵⁸⁾ and Commission Regulation (EC) No 1418/2007 ⁽⁵⁹⁾ and where the treatment and recycling activities meet the requirements applicable for this type of wastes, according to their classification in Commission Decision 2000/532/EC, as amended ⁽⁶⁰⁾. That Decision, as amended, should be revised to reflect all battery chemistries, **including the addition of codes for lithium-ion waste batteries, in order to facilitate proper sorting and reporting of lithium-ion waste batteries**. Where such treatment or recycling takes places outside the Union, in order to be counted towards the recycling efficiencies and targets, the operator for whose account it is carried out should be obliged to report on it to the competent authority of the respective Member State and to prove **with documentary evidence approved by the competent authority of the destination country** that the treatment is carried out in conditions equivalent to those under this Regulation **and relevant environmental and human health protection requirements in other Union legislation**. In order to lay down what are the requirements for such treatment to be considered equivalent, 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 laying down detailed rules containing criteria for the assessment of equivalent conditions.

⁽⁵⁸⁾ Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).

⁽⁵⁹⁾ Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply (OJ L 316, 4.12.2007, p. 6).

⁽⁶⁰⁾ 2000/532/EC: Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste, OJ L 226, 6.9.2000, p. 3.

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Amendment 69
Proposal for a regulation
Recital 87 a (new)

Text proposed by the Commission

Amendment

- (87a) *In the event waste batteries are exported from the Union for preparation for re-use, preparation for repurposing, or recycling, Member States' competent authorities should make effective use of the powers provided for in Article 50(4) of Regulation (EC) No 1013/2006 to require documentary evidence to ascertain compliance with the requirements set out in this Regulation. It should be possible for Member States' competent authorities to cooperate with other relevant actors, such as the competent authorities in the country of destination, independent third party verification bodies or producer responsibility organisations established under extended producer responsibility schemes, which may carry out physical and other checks of facilities in third countries.*

Amendment 70
Proposal for a regulation
Recital 88

Text proposed by the Commission

Amendment

- (88) **Industrial and electric vehicle** batteries that are no longer fit for the initial purpose for which they were manufactured may be used for a different purpose as stationary energy storage batteries. A market for the second life of used **industrial and electric vehicle** batteries is emerging and in order to support the practical application of the waste hierarchy, specific rules should thus be defined to allow responsible repurposing of used batteries while taking into account the precautionary principle and ensuring safety of use for end users. Any such used battery should undergo an assessment of its state of health and available capacity to ascertain its suitability for use for any other than its original purpose. In order to ensure uniform conditions for the implementation of provisions related to the estimation of the state of health of batteries, implementing powers should be conferred on the Commission.

- (88) Batteries that are no longer fit for the initial purpose for which they were manufactured may be used for a different purpose as stationary energy storage batteries. A market for the second life of used batteries is emerging and in order to support the practical application of the waste hierarchy, specific rules should thus be defined to allow responsible repurposing of used batteries while taking into account the precautionary principle and ensuring safety of use for end users. Any such used battery should undergo an assessment of its state of health and available capacity to ascertain its suitability for use for any other than its original purpose. **Batteries that are found to be suitable for use other than for their original purpose should ideally be repurposed.** In order to ensure uniform conditions for the implementation of provisions related to the estimation of the state of health of batteries, implementing powers should be conferred on the Commission.

Thursday 10 March 2022

Amendment 71
Proposal for a regulation
Recital 89

Text proposed by the Commission

- (89) Producers and distributors should be actively involved in providing information to end users that batteries should be collected separately, that collection schemes are available and that end users have an important role in ensuring an environmentally optimal management of waste batteries. The disclosure of information to all end users as well as reporting on batteries should make use of modern information technologies. The information should be provided either by classical means, such as outdoors, posters and social media campaigns, or by more innovative means, such as electronic access to websites provided by QR codes affixed to the battery.

Amendment

- (89) Producers and distributors, **including online market-places**, should be actively involved in providing information to end users that batteries should be collected separately, that collection schemes are available and that end users have an important role in ensuring an environmentally optimal management of waste batteries, **in particular by explaining how safer and cleaner waste streams could contribute to the reduction of waste exports to third countries and to closed materials loops within the Union**. The disclosure of information to all end users as well as reporting on batteries should make use of modern information technologies. The information should be provided either by classical means, such as outdoors, posters and social media campaigns, **and/or** by more innovative means, such as electronic access to websites provided by QR codes affixed to the battery **in an accessible and understandable way**.

Amendment 72
Proposal for a regulation
Recital 90

Text proposed by the Commission

- (90) To enable the verification of compliance with and the effectiveness of the obligations regarding the collection and treatment of batteries, it is necessary that the respective operators report back to the competent authorities. Producers of batteries and other waste management operators collecting batteries should report for each calendar year, where applicable, the data on batteries sold and waste batteries collected. Regarding treatment and recycling, reporting obligations should be incumbent upon the waste management operators and recyclers respectively.

Amendment

- (90) To enable the verification of compliance with and the effectiveness of the obligations regarding the collection and treatment of batteries, it is necessary that the respective operators report back to the competent authorities. Producers of batteries and other waste management operators collecting batteries should report for each calendar year, where applicable, the data on batteries sold and waste batteries collected. Regarding treatment and recycling, reporting obligations should be incumbent upon the waste management operators and recyclers respectively. **Waste management operators carrying out treatment in accordance with this Regulation should be subject to a selection procedure by producers of the relevant batteries or by producer responsibility organisations acting on their behalf, in accordance with Articles 8 and 8a of Directive 2008/98/EC.**

Thursday 10 March 2022

Amendment 73
Proposal for a regulation
Recital 95

Text proposed by the Commission

- (95) Regulation (EU) 2019/1020 of the European Parliament and of the Council⁽⁶²⁾ lays down rules on market surveillance and control of products entering the Union market. In order to ensure that products benefiting from the free movement of goods fulfil requirements providing a high level of protection of public interests such as human health, safety, protection of property and of the environment, that Regulation should apply to batteries covered by this Regulation. Therefore, Regulation (EU) 2019/1020 should be amended accordingly.

- ⁽⁶²⁾ Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1)

Amendment

- (95) Regulation (EU) 2019/1020 of the European Parliament and of the Council⁽⁶²⁾ lays down rules on market surveillance and control of products entering the Union market. In order to ensure that products benefiting from the free movement of goods fulfil requirements providing a high level of protection of public interests such as human health, safety, protection of property and of the environment, that Regulation should apply to batteries covered by this Regulation, **including batteries produced outside the Union and that enter the Union market**. Therefore, Regulation (EU) 2019/1020 should be amended accordingly.

- ⁽⁶²⁾ Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1)

Amendment 74
Proposal for a regulation
Recital 97

Text proposed by the Commission

- (97) A procedure should exist under which interested parties are informed of measures intended to be taken with regard to batteries presenting a risk to human health, safety, property or the environment. It should also allow market surveillance authorities in the Member States, in cooperation with the relevant economic operators, to act at an early stage in respect of such batteries. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers to adopt acts should be conferred on the Commission in order to determine whether national measures in respect of non-compliant batteries are justified or not.

Amendment

- (97) A procedure should exist under which interested parties are informed of measures intended to be taken with regard to batteries presenting a risk to human health, safety, property or the environment. It should also allow market surveillance authorities in the Member States, in cooperation with the relevant economic operators, to act at an early stage in respect of such batteries. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers to adopt acts should be conferred on the Commission in order to **swiftly** determine whether national measures in respect of non-compliant batteries are justified or not.

Thursday 10 March 2022

Amendment 75
Proposal for a regulation
Recital 98

Text proposed by the Commission

- (98) The market surveillance authorities should have the right to require economic operators to take corrective actions on the basis of findings that either the battery is not compliant with the requirements of this Regulation or the economic operator infringes the rules on the placing or making available on the market of a battery, or on sustainability, safety **and** labelling or on supply chain due diligence.

Amendment

- (98) The market surveillance authorities should have the right to require economic operators to take corrective actions on the basis of findings that either the battery is not compliant with the requirements of this Regulation or the economic operator infringes the rules on the placing or making available on the market of a battery, or on sustainability, safety, labelling **and information** or on supply chain due diligence.

Amendment 76
Proposal for a regulation
Recital 98 a (new)

*Text proposed by the Commission**Amendment*

- (98a) *To ensure the effectiveness and consistency of testing across the Union in the framework for market surveillance established by Regulation (EU) 2019/1020 with regard to batteries, as well as to provide independent technical and scientific advice in the course of evaluations carried out regarding batteries presenting a risk, the Commission should designate a Union testing facility. Furthermore, compliance with the Union legislative framework on batteries established by this Regulation should be promoted also at national level.*

Amendment 77
Proposal for a regulation
Recital 98 b (new)

*Text proposed by the Commission**Amendment*

- (98b) *The free movement of goods in the Union is often hindered by barriers set at national level that impede the full realisation of the internal market and reduce the opportunities for companies to do business and develop, in particular SMEs, which represent the backbone of the Union economy. Member States should therefore make full use of the possibility of entering into agreements with one another to allow arbitration procedures for the purpose of swiftly settling disputes arising in relation to the access to the internal market for batteries.*

Thursday 10 March 2022

Amendment 78
Proposal for a regulation
Recital 99

Text proposed by the Commission

- (99) Public procurement constitutes an important sector with regard to reducing the impacts on the environment of human activities and to stimulate market transformation towards more sustainable products. Contracting authorities, as defined in Directive 2014/24/EU⁽⁶³⁾ of the European Parliament and of the Council and Directive 2014/25/EU of the European Parliament and of the Council⁽⁶⁴⁾, and contracting entities as defined in Directive 2014/25/EU should take account of the environmental impacts when procuring batteries or products containing batteries, in order to promote and stimulate the market for clean and energy-efficient mobility and energy-storage and thus **contribute** to the environment, climate and energy policy objectives of the Union.

⁽⁶³⁾ 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)

⁽⁶⁴⁾ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243)

Amendment

- (99) Public procurement constitutes an important sector with regard to reducing the impacts on the environment of human activities and to stimulate market transformation towards more sustainable products. Contracting authorities, as defined in Directive 2014/24/EU⁽⁶³⁾ of the European Parliament and of the Council and Directive 2014/25/EU⁽⁶⁴⁾ of the European Parliament and of the Council, and contracting entities as defined in Directive 2014/25/EU should take account of the environmental impacts when procuring batteries or products containing batteries **and ensure effective compliance with social and environmental requirements by the economic operators**, in order to promote and stimulate the market for clean and energy-efficient mobility and energy-storage, and thus **contributing** to the environment, climate and energy policy objectives of the Union. **Furthermore, improving access for SMEs to public procurement in the batteries market and encouraging more local and Union stakeholders to join would also significantly contribute to reaching those objectives.**

⁽⁶³⁾ 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)

⁽⁶⁴⁾ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243)

Thursday 10 March 2022

Amendment 79
Proposal for a regulation
Recital 105

Text proposed by the Commission

- (105) The Commission should adopt immediately applicable implementing acts determining whether a national measure taken in respect of a compliant battery that presents a risk is justified or not where, in duly justified cases relating to the protection of human health, safety, property or the environment, imperative grounds of urgency so require.

Amendment

- (105) The Commission should adopt, **without delay**, immediately applicable implementing acts determining whether a national measure taken in respect of a compliant battery that presents a risk is justified or not where, in duly justified cases relating to the protection of human health, safety, property or the environment, imperative grounds of urgency so require.

Amendment 80
Proposal for a regulation
Recital 106

Text proposed by the Commission

- (106) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive.

Amendment

- (106) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive. **In order to ensure harmonised enforcement across the Union, 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 developing harmonised criteria or guidance for penalties and for compensation of damages caused to individuals.**

Amendment 81
Proposal for a regulation
Recital 109 a (new)

Text proposed by the Commission

Amendment

- (109a) **It is important that in the implementation of this Regulation, environmental, social and economic impacts are considered. Moreover, in order to ensure that there is a level playing field, it is important that in the implementation of this regulation all relevant available technologies are equally taken into consideration, provided that those technologies allow for full compliance by batteries with any relevant requirement set out in this Regulation. Furthermore, no excessive administrative burden should be imposed on economic operators, in particular on SMEs.**

Thursday 10 March 2022

Amendment 82
Proposal for a regulation
Recital 110

Text proposed by the Commission

(110) Since the objective of this Regulation, namely to guarantee the functioning of the internal market **while ensuring** that batteries placed on the market fulfil the requirements providing for a high level of protection of human health, safety, property and the environment, cannot be sufficiently achieved by the Member States but can rather, by reason of the need for harmonisation, 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 on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

Amendment

(110) Since the objective of this Regulation, namely to guarantee the functioning of the internal market **and to ensure** that batteries placed on the market **as well as the operations linked to waste batteries** fulfil the requirements providing for a high level of protection of human health, safety, property and the environment, cannot be sufficiently achieved by the Member States but can rather, by reason of the need for harmonisation, 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 on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

Amendment 83
Proposal for a regulation
Article 1 — paragraph 1

Text proposed by the Commission

1. This Regulation establishes requirements on sustainability, safety, labelling and information to allow the placing on the market or putting into service of batteries, **as well as requirements for the collection, treatment and recycling of waste batteries.**

Amendment

1. This Regulation establishes requirements on **environmental, economic and social** sustainability, safety, labelling and information to allow the placing on the market or putting into service of batteries.

Amendment 84
Proposal for a regulation
Article 1 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In addition, this Regulation lays down measures to protect the environment and human health by preventing and reducing the generation of waste batteries and the adverse impacts of the generation and management of such batteries, as well as by reducing the overall impacts of resource use and by improving the efficiency of such use.

Thursday 10 March 2022

Amendment 85

Proposal for a regulation

Article 1 — paragraph 2

Text proposed by the Commission

2. This Regulation shall apply to all batteries, namely portable batteries, automotive batteries, electric vehicle batteries and industrial batteries, regardless of their shape, volume, weight, design, material composition, use or purpose. It shall also apply to batteries incorporated in or added to other products.

Amendment

2. This Regulation shall apply to all batteries, namely portable **batteries, light means of transport** batteries, automotive batteries, electric vehicle batteries and industrial batteries, regardless of their shape, volume, weight, design, material composition, use or purpose. It shall also apply to batteries incorporated in or added to other products.

Amendment 86

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) *Equipment specifically designed for the safety of nuclear installations, as defined in Article 3 of Council Directive 2009/71/Euratom* ^(1a).

^(1a) *Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (OJ L 172, 2.7.2009, p. 18).*

Amendment 87

Proposal for a regulation

Article 1 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *With the exception of Chapter VII, this regulation shall not apply to batteries which the producer can prove were produced before the entry into force of this regulation.*

Amendment 88

Proposal for a regulation

Article 2 — paragraph 1 — point 1

Text proposed by the Commission

(1) 'battery' means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more non-rechargeable or rechargeable battery cells or of groups of them;

Amendment

(1) 'battery' means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more non-rechargeable or rechargeable battery cells or of groups of them, **such as battery packs and battery modules**;

Thursday 10 March 2022

Amendment 89

Proposal for a regulation

Article 2 — paragraph 1 — point 6

Text proposed by the Commission

Amendment

(6) ‘battery with internal storage’ means a battery with no attached external devices to store energy;

deleted

Amendment 90

Proposal for a regulation

Article 2 — paragraph 1 — point 7 — indent 3

Text proposed by the Commission

Amendment

— is not designed for industrial **purposes**; and

— is not designed **exclusively** for industrial **uses**; and

Amendment 91

Proposal for a regulation

Article 2 — paragraph 1 — point 7 — indent 4

Text proposed by the Commission

Amendment

— is neither an electric vehicle battery nor an automotive battery;

— is neither **a light means of transport battery nor** an electric vehicle battery nor an automotive battery

Amendment 92

Proposal for a regulation

Article 2 — paragraph 1 — point 8

Text proposed by the Commission

Amendment

(8) ‘portable batteries of general use’ means portable batteries with the following common formats: 4,5 Volts (3R12), D, C, AA, AAA, AAAA, A23, 9 Volts (PP3);

(8) ‘portable batteries of general use’ means portable batteries with the following common formats: 4,5 Volts (3R12), **button cell**, D, C, AA, AAA, AAAA, A23, 9 Volts (PP3);

Thursday 10 March 2022

Amendment 93

Proposal for a regulation

Article 2 — paragraph 1 — point 9

Text proposed by the Commission

- (9) 'light means of transport' means **wheeled** vehicles **that have an electric motor of less than 750 watts, on which travellers are seated when the vehicle is moving and** that can be powered by the electric motor alone or by a combination of motor and **human power**;

Amendment

- (9) 'light means of transport **battery**' means **any battery in** vehicles that can be powered by the electric motor alone or by a combination of motor and **human power, including type-approved vehicles belonging to the vehicle categories laid down in Regulation(EU) No 168/2013 of the European Parliament and of the Council^(1a), and with a weight below 25 kg**

- ^(1a) **Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52)**

Amendment 94

Proposal for a regulation

Article 2 — paragraph 1 — point 10

Text proposed by the Commission

- (10) 'automotive battery' means any battery used **only** for automotive starter, lighting or ignition power;

Amendment

- (10) 'automotive battery' means any battery used **primarily** for automotive **and non-road mobile machinery** starter, lighting or ignition power **or other support functions**;

Amendment 95

Proposal for a regulation

Article 2 — paragraph 1 — point 11

Text proposed by the Commission

- (11) 'industrial battery' means any battery designed for industrial uses and any other battery excluding portable batteries, electric vehicle batteries and automotive batteries;

Amendment

- (11) 'industrial battery' means any battery designed **exclusively** for industrial uses and any other battery, **including batteries within stationary energy storage systems**, excluding portable **batteries, light means of transport** batteries, electric vehicle batteries and automotive batteries;

Thursday 10 March 2022

Amendment 96

Proposal for a regulation

Article 2 — paragraph 1 — point 12

Text proposed by the Commission

- (12) ‘electric vehicle battery’ means any battery specifically designed to provide traction **to hybrid and electric vehicles for road transport**;

Amendment

- (12) ‘electric vehicle battery’ means any battery specifically designed to provide **energy for the** traction **of a vehicle of L category as provided for in Regulation (EU) No 168/2013, and with a weight above 25 kg, or to a vehicle of categories M, N or O as provided for in Regulation (EU) 2018/858 of the European Parliament and of the Council** ^(1a);

- ^(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 97

Proposal for a regulation

Article 2 — paragraph 1 — point 13

Text proposed by the Commission

- (13) ‘stationary **battery** energy storage system’ means a rechargeable industrial battery **with internal storage** specifically designed to store and deliver electric energy **into the** grid, regardless of where and by whom this battery is being used;

Amendment

- (13) ‘**battery within a** stationary energy storage system’ means a rechargeable industrial battery specifically designed to store and deliver electric energy **when connected to an electricity** grid, regardless of where and by whom this battery is being used

Amendment 98

Proposal for a regulation

Article 2 — paragraph 1 — point 21

Text proposed by the Commission

- (21) ‘QR code’ means a matrix **barcode** that links to information **about a battery model**;

Amendment

- (21) ‘QR code’ means a **machine-readable** matrix **code** that links to information **as required by this Regulation**;

Thursday 10 March 2022

Amendment 99

Proposal for a regulation

Article 2 — paragraph 1 — point 22

Text proposed by the Commission

(22) ‘battery management system’ means an electronic device that controls or manages the electric and thermal functions of the battery, that manages and stores the data on the parameters for determining the state of health and expected lifetime of batteries laid down in Annex VII and that communicates with the vehicle or appliance in which the battery is incorporated;

Amendment

(22) ‘battery management system’ means an electronic device that controls or manages the electric and thermal functions of the battery **in order to influence the battery’s safety, performance and service life**, that manages and stores the data on the parameters for determining the state of health and expected lifetime of batteries laid down in Annex VII and that communicates with the vehicle or appliance in which the battery is incorporated;

Amendment 100

Proposal for a regulation

Article 2 — paragraph 1 — point 26 a (new)

Text proposed by the Commission

Amendment

(26a) **‘preparing for repurposing’ means any operation by which parts of or a complete waste battery is prepared so that it can be used for a purpose or application different from that which the battery was originally designed for;**

Amendment 101

Proposal for a regulation

Article 2 — paragraph 1 — point 26 b (new)

Text proposed by the Commission

Amendment

(26b) **‘remanufacturing’ means any operation of disassembly, restoring, replacing components of used battery packs, battery modules and/or battery cells to return a battery to a level of performance and quality equivalent to that of the original battery, for the original or a different purpose;**

Amendment 102

Proposal for a regulation

Article 2 — paragraph 1 — point 38

Text proposed by the Commission

Amendment

(38) ‘producer responsibility organisation’ means a legal entity that financially or operationally organises the fulfilment of extended producer responsibility obligations on behalf of several producers;

(38) ‘producer responsibility organisation’ means a legal entity that financially or **financially and** operationally organises the fulfilment of extended producer responsibility obligations on behalf of several producers;

Thursday 10 March 2022

Amendment 103**Proposal for a regulation****Article 2 — paragraph 1 — point 39***Text proposed by the Commission*

(39) ‘waste battery’ means any battery **which is** waste within the meaning of Article 3(1) of Directive 2008/98/EC;

Amendment

(39) ‘waste battery’ means any battery **or battery cell covered by the definition of** waste within the meaning of Article 3(1) of Directive 2008/98/EC;

Amendment 104**Proposal for a regulation****Article 2 — paragraph 1 — point 40***Text proposed by the Commission*

(40) ‘reuse’ means the complete or partial direct re-use of the battery for the **original** purpose the battery was designed for;

Amendment

(40) ‘reuse’ means the complete or partial direct re-use of the battery **that is not waste** for the **same** purpose the battery was designed for;

Amendment 105**Proposal for a regulation****Article 2 — paragraph 1 — point 41 — introductory part***Text proposed by the Commission*

(41) ‘hazardous substance’ means any substance which fulfils the criteria for any of the **following** hazard classes or categories set out in Annex I of Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽⁶⁷⁾:

⁽⁶⁷⁾ 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

(41) ‘hazardous substance’ means any substance which fulfils the criteria for any of the hazard classes or categories set out in Annex I of Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽⁶⁷⁾:

⁽⁶⁷⁾ 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 106**Proposal for a regulation****Article 2 — paragraph 1 — point 41 — point a***Text proposed by the Commission*

(a) **hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;**

Amendment

deleted

Thursday 10 March 2022

Amendment 107

Proposal for a regulation

Article 2 — paragraph 1 — point 41 — point b

Text proposed by the Commission

Amendment

(b) *hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;*

deleted

Amendment 108

Proposal for a regulation

Article 2 — paragraph 1 — point 41 — point c

Text proposed by the Commission

Amendment

(c) *hazard class 4.1;*

deleted

Amendment 109

Proposal for a regulation

Article 2 — paragraph 1 — point 41 — point d

Text proposed by the Commission

Amendment

(d) *hazard class 5.1;*

deleted

Amendment 110

Proposal for a regulation

Article 2 — paragraph 1 — point 36

Text proposed by the Commission

Amendment

(36) 'supply chain due diligence' means the obligations of the economic operator which places a **rechargeable industrial battery or an electric-vehicle** battery on the market, in relation to its management system, risk management, third party verifications by notified bodies and disclosure of information with a view to identifying and addressing actual and potential risks linked to the sourcing, processing and trading of the raw materials required for battery manufacturing;

(36) '**battery value** chain due diligence' means the obligations of the economic operator which places a battery on the market, **with regard to social and environmental risk categories**, in relation to its management system, risk management, third party verifications by notified bodies and disclosure of information with a view to identifying, **preventing** and addressing actual and potential risks linked to the sourcing, processing and trading of the raw materials, **chemicals and secondary raw materials** required for battery manufacturing **and waste battery treatment, linked to its manufacturing operations and linked to related other business relationships**;

Thursday 10 March 2022

Amendment 111

Proposal for a regulation

Article 2 — paragraph 1 — point 36 a (new)

Text proposed by the Commission

Amendment

(36 a) *'business relationships' means the relationships between an undertaking and its subsidiaries and the commercial relationships of an undertaking throughout its value chain, including suppliers and sub-contractors, and which are directly linked to the undertaking's business operations, products or services;*

Amendment 112

Proposal for a regulation

Article 2 — paragraph 1 — point 36 b (new)

Text proposed by the Commission

Amendment

(36b) *'high-risk areas' means areas in which there is weak or non-existent governance and security, such as failed states, or areas where there are widespread and systematic violations of international law, including human rights abuses;*

Amendment 113

Proposal for a regulation

Article 3 — paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall not, for reasons relating to sustainability, safety, labelling and information requirements of batteries or management of waste batteries covered by this Regulation, prohibit, restrict or impede the making available on the market or the putting into service of batteries that comply with this Regulation.

1. Member States shall not, for reasons relating to **social and environmental** sustainability, safety, labelling and information requirements of batteries or management of waste batteries covered by this Regulation, prohibit, restrict or impede the making available on the market or the putting into service of batteries that comply with this Regulation.

Amendment 114

Proposal for a regulation

Article 3 — paragraph 2

Text proposed by the Commission

Amendment

2. At trade fairs, exhibitions, demonstrations or similar events, Member States shall not prevent the showing of batteries, which do not comply with this Regulation, provided that a visible sign clearly indicates that such batteries do not comply with this Regulation and that they **are not for sale** until they have been brought into conformity.

2. At trade fairs, exhibitions, demonstrations or similar events, Member States shall not prevent the showing of batteries, which do not comply with this Regulation, provided that a visible sign clearly indicates that such batteries do not comply with this Regulation and that they **cannot be made available on the market** until they have been brought into conformity. **During demonstrations, the relevant economic operator shall take adequate measures to ensure the safety of persons.**

Thursday 10 March 2022

Amendment 115

Proposal for a regulation

Article 4 — title

Text proposed by the Commission

Sustainability, safety, labelling **and** information requirements for batteries

Amendment

Sustainability, safety, labelling, information **and due diligence** requirements for batteries

Amendment 116

Proposal for a regulation

Article 4 — paragraph 1 — point b a (new)

Text proposed by the Commission

Amendment

(ba) the due diligence requirements set out in Article 39.

Amendment 117

Proposal for a regulation

Article 4 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For electric vehicle batteries and automotive batteries placed on the market as replacements for defective batteries, the same requirements shall apply as for the replaced batteries in accordance with the ‘repair as produced’ principle.

Amendment 118

Proposal for a regulation

Article 4 — paragraph 2

Text proposed by the Commission

2. For any aspects not covered by Chapters II and III, batteries shall not present a risk to human health, to safety, to property or to the environment.

Amendment

2. For any aspects not covered by Chapters II and III **and Article 39**, batteries shall not present a risk to human health, to safety, to property or to the environment.

Amendment 119

Proposal for a regulation

Article 5 — paragraph 1 — subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Each Member State shall also designate one contact point, among the competent authorities referred to in the first subparagraph, for the purpose of communicating with the Commission pursuant to paragraph 3.

Thursday 10 March 2022

Amendment 120

Proposal for a regulation

Article 5 — paragraph 3

Text proposed by the Commission

3. By [three months after the date of entry into force of this Regulation], Member States shall notify the Commission of the **names and addresses** of the **competent authorities** designated pursuant to paragraph 1. Member States shall inform the Commission without undue delay of any changes to the **names or addresses of those competent authorities**.

Amendment

3. By [three months after the date of entry into force of this Regulation], Member States shall notify the Commission of the **name and address** of the **contact point** designated pursuant to paragraph 1. Member States shall inform the Commission without undue delay of any changes to the **name or address of the contact point**.

Amendment 121

Proposal for a regulation

Article 6 — paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Within 6 months of any amendment of Regulation (EC) No 1907/2006 or of the entry into force of future Union legislation concerning sustainability criteria for hazardous substances and chemicals, the Commission shall assess whether such amendment or that future Union legislation requires an amendment of this Article or of Annex I to this Regulation, or both, and adopt, where appropriate, a delegated act in accordance with Article 73 of this Regulation to amend those provisions accordingly.

Amendment 122

Proposal for a regulation

Article 6 — paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. By 31 December 2025, the Commission, assisted by the European Chemicals Agency, shall systematically review hazardous substances in batteries to identify potential risks to human health or the environment. This assessment shall take into account the extent to which the use of a hazardous substance is necessary for health, safety or is critical for the functioning of society as well as the availability of suitable alternatives from the standpoint of environment and health. To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking the appropriate measures, including the adoption of the delegated acts referred to in the second paragraph.

Thursday 10 March 2022

Amendment 123

Proposal for a regulation

Article 7 — title

Text proposed by the Commission

Carbon footprint of electric vehicle batteries and **rechargeable** industrial batteries

Amendment

Carbon footprint of electric vehicle batteries, **light means of transport** and industrial batteries

Amendment 124

Proposal for a regulation

Article 7 — paragraph 1 — subparagraph 1 — introductory part

Text proposed by the Commission

1. Electric vehicle batteries and **rechargeable** industrial batteries **with internal storage and a capacity above 2 kWh** shall be accompanied by technical documentation that includes, for each battery model and **batch** per manufacturing plant, a carbon footprint declaration drawn up in accordance with the delegated act referred to in the second sub-paragraph and containing, at least, the following information:

Amendment

1. Electric vehicle batteries, **light means of transport batteries** and industrial batteries shall be accompanied by technical documentation that includes, for each battery model and per manufacturing plant, a carbon footprint declaration drawn up in accordance with the delegated act referred to in the second sub-paragraph and containing, at least, the following information:

Amendment 125

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ca) **information about the raw materials used, including the share of renewable content;**

Amendment 126

Proposal for a regulation

Article 7 — paragraph 1 — subparagraph 1 — point d

Text proposed by the Commission

(d) the total carbon footprint of the battery, calculated as kg of carbon dioxide equivalent;

Amendment

(d) the total carbon footprint of the battery, calculated as kg of carbon dioxide equivalent **and the carbon footprint of the battery, calculated as kg of carbon dioxide equivalent per one kWh of the total energy provided over the expected service life by the battery system;**

Thursday 10 March 2022

Amendment 127

Proposal for a regulation

Article 7 — paragraph 1 — subparagraph 2

Text proposed by the Commission

The carbon footprint declaration requirement in the first subparagraph shall apply as of 1 July 2024 to electric vehicle batteries and to **rechargeable** industrial batteries.

Amendment

The carbon footprint declaration requirement in the first subparagraph shall apply as of 1 July 2024 to electric vehicle batteries, **light means of transport batteries** and to industrial batteries.

Amendment 128

Proposal for a regulation

Article 7 — paragraph 1 — subparagraph 3 — introductory part

Text proposed by the Commission

The Commission shall, no later than 1 **July** 2023, adopt:

Amendment

The Commission shall, no later than 1 **January** 2023, adopt:

Amendment 129

Proposal for a regulation

Article 7 — paragraph 1 — subparagraph 3 — point a

Text proposed by the Commission

(a) a delegated act in accordance with Article 73 to supplement this Regulation by establishing the methodology **to calculate the total** carbon footprint of the battery referred to in point (d), in accordance with the essential elements set out in Annex II;

Amendment

(a) a delegated act in accordance with Article 73 to supplement this Regulation by establishing the methodology **for calculation and verification of the** carbon footprint of the battery referred to in point (d), in accordance with the essential elements set out in Annex II;

Amendment 130

Proposal for a regulation

Article 7 — paragraph 1 — subparagraph 4

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 73 to amend the information requirements set out in the first subparagraph.

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 73 to amend the information requirements set out in the first subparagraph **in view of scientific and technical progress**.

Thursday 10 March 2022

Amendment 131

Proposal for a regulation

Article 7 — paragraph 2 — subparagraph 1

Text proposed by the Commission

Electric vehicle batteries and **rechargeable** industrial batteries **with internal storage and a capacity above 2 kWh** shall bear a conspicuous, clearly legible and indelible label indicating the carbon footprint performance class that the individual battery corresponds to.

Amendment

Electric vehicle batteries, **light means of transport batteries** and industrial batteries shall bear a conspicuous, clearly legible and indelible label indicating the carbon footprint **of the battery referred to in point (d) of paragraph 1 and the carbon footprint** performance class that the individual battery corresponds to.

Amendment 132

Proposal for a regulation

Article 7 — paragraph 2 — subparagraph 3

Text proposed by the Commission

The carbon footprint performance class requirements in the first subparagraph shall apply as of **1 January 2026** for electric vehicle batteries and for **rechargeable** industrial batteries.

Amendment

The carbon footprint performance class requirements in the first subparagraph shall apply as of **1 July 2025** for electric vehicle batteries, **light means of transport batteries** and for industrial batteries.

Amendment 133

Proposal for a regulation

Article 7 — paragraph 2 — subparagraph 4 — introductory part

Text proposed by the Commission

The Commission shall, no later than **31 December** 2024, adopt

Amendment

The Commission shall, no later than **1 January** 2024, adopt:

Amendment 134

Proposal for a regulation

Article 7 — paragraph 3 — subparagraph 1

Text proposed by the Commission

Electric vehicle batteries and **rechargeable** industrial batteries with **internal storage and a capacity** above 2 kWh shall, for each battery model **and batch** per manufacturing plant, be accompanied by technical documentation demonstrating that the declared life cycle carbon footprint value, is below the maximum threshold established in the delegated act adopted by the Commission pursuant to the third subparagraph.

Amendment

Electric vehicle batteries, **light means of transport batteries** and industrial batteries with **nominal energy** above 2 kWh shall, for each battery model per manufacturing plant, be accompanied by technical documentation demonstrating that the declared life cycle carbon footprint value, is below the maximum threshold established in the delegated act adopted by the Commission pursuant to the third subparagraph.

Thursday 10 March 2022

Amendment 135

Proposal for a regulation

Article 7 — paragraph 3 — subparagraph 2

Text proposed by the Commission

The requirement for a maximum life cycle carbon footprint threshold in the first subparagraph shall apply as of 1 **July** 2027 for electric vehicle batteries and for **rechargeable** industrial batteries.

Amendment

The requirement for a maximum life cycle carbon footprint threshold in the first subparagraph shall apply as of 1 **January** 2027 for electric vehicle batteries, **light means of transport batteries** and for industrial batteries **with nominal energy above 2 Kwh**.

Amendment 136

Proposal for a regulation

Article 7 — paragraph 3 — subparagraph 3

Text proposed by the Commission

The Commission shall, no later than 1 July **2026**, adopt a delegated act in accordance with Article 73 to supplement this Regulation by determining the maximum life cycle carbon footprint threshold referred to in the first subparagraph. In preparing that delegated act, the Commission shall take into account the relevant essential elements set out in Annex II.

Amendment

The Commission shall, no later than 1 July **2025**, adopt a delegated act in accordance with Article 73 to supplement this Regulation by determining the maximum life cycle carbon footprint threshold referred to in the first subparagraph. In preparing that delegated act, the Commission shall take into account the relevant essential elements set out in Annex II.

Amendment 137

Proposal for a regulation

Article 7 — paragraph 3 — subparagraph 4

Text proposed by the Commission

The introduction of a maximum life cycle carbon footprint threshold shall trigger, if necessary, a reclassification of the carbon footprint performance classes of the batteries referred to in paragraph 2.

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 73 to amend the maximum life cycle carbon footprint threshold referred to in the first subparagraph based on the latest available data reported in accordance with paragraph 1. The introduction of a maximum life cycle carbon footprint threshold shall trigger, if necessary, a reclassification of the carbon footprint performance classes of the batteries referred to in paragraph 2.

Thursday 10 March 2022

Amendment 138

Proposal for a regulation

Article 7 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. By 31 December 2025, the Commission shall assess the feasibility of extending the requirements in this article to portable batteries, and the requirement referred to in paragraph 3 to industrial batteries with nominal energy below 2kWh. To that end, the Commission shall submit a report to the European Parliament and the Council and consider taking the appropriate measures, including the adoption of legislative proposals.

Amendment 139

Proposal for a regulation

Article 8 — title

Text proposed by the Commission

Amendment

Recycled content in industrial batteries, electric vehicle batteries and automotive batteries

Recycled content in **portable batteries, light means of transport batteries**, industrial batteries, electric vehicle batteries and automotive batteries

Amendment 140

Proposal for a regulation

Article 8 — paragraph 1 — subparagraph 1

Text proposed by the Commission

Amendment

From 1 **January 2027**, industrial batteries, electric vehicle batteries and automotive batteries **with internal storage and a capacity above 2 kWh** that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation containing information about the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model **and batch** per manufacturing plant.

From 1 **July 2025**, **portable batteries, with the exception of portable batteries of general use, light means of transport batteries**, industrial batteries, electric vehicle batteries and automotive batteries that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation containing information about the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model per manufacturing plant.

Thursday 10 March 2022

Amendment 141

Proposal for a regulation

Article 8 — paragraph 1 — subparagraph 2

Text proposed by the Commission

By 31 December **2025**, the Commission shall adopt **an implementing act** laying down the methodology for the calculation and verification of the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in the batteries referred to in the first subparagraph **and** the format **for** the technical documentation. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).

Amendment

By 31 December **2023** the Commission shall adopt:

- (a) **a delegated act in accordance with Article 73 to supplement this Regulation by** laying down the methodology for the calculation and verification of the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in the batteries referred to in the first subparagraph.
- (b) **an implementing act laying down** the format **and** the technical documentation **for the declaration on recovered materials**. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).

Amendment 142

Proposal for a regulation

Article 8 — paragraph 2 — introductory part

Text proposed by the Commission

2. From 1 January 2030, industrial batteries, electric vehicle batteries and automotive batteries **with internal storage and a capacity above 2 kWh** that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model **and batch** per manufacturing plant:

Amendment

2. From 1 January 2030, **portable batteries, with the exception of portable batteries of general use, light means of transport batteries**, industrial batteries, electric vehicle batteries and automotive batteries that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model per manufacturing plant:

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Amendment 143

Proposal for a regulation

Article 8 — paragraph 3 — introductory part

Text proposed by the Commission

3. From 1 January 2035, industrial batteries, electric vehicle batteries and automotive batteries **with internal storage and a capacity above 2 kWh** that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by a technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model **and batch** per manufacturing plant:

Amendment

3. **From 1 January 2035, portable batteries, with the exception of portable batteries of general use, light means of transport batteries**, industrial batteries, electric vehicle batteries and automotive batteries that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by a technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model per manufacturing plant:

Amendment 144

Proposal for a regulation

Article 8 — paragraph 4

Text proposed by the Commission

4. **Where justified and appropriate** due to the **availability** of cobalt, lead, lithium or nickel recovered from waste, or **the lack thereof, the Commission shall be empowered to adopt, by 31 December 2027, a delegated act in accordance with Article 73, to amend** the targets laid down in paragraphs 2 and 3.

Amendment

4. **Following the establishment of the methodology referred to in paragraph 1 and no later than 31 December 2027, the Commission shall assess whether, due to the existing and forecasted availability for 2030 and 2035** of cobalt, lead, lithium or nickel recovered from waste, or lack thereof, **and in view of technical and scientific progress, it is appropriate to revise** the targets laid down in paragraphs 2 and 3. **The Commission shall also assess to what extent those targets are achieved through pre-consumption or post-consumption waste, and whether it is appropriate to limit the achievement of the targets to only post-consumption waste. On the basis of the assessment, the Commission shall, where appropriate, submit a legislative proposal.**

Amendment 145

Proposal for a regulation

Article 8 — paragraph 4 a (new)

Text proposed by the Commission

4a. **Where justified by changes in battery technologies impacting the type of materials that can be recovered, the Commission is empowered to adopt delegated acts in accordance with Article 73, to supplement this Regulation by inserting further raw materials and targets in the lists laid down in paragraphs 2 and 3.**

Amendment

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Amendment 146
Proposal for a regulation
Article 9 — title

Text proposed by the Commission

Performance and durability requirements for portable batteries
of general use

Amendment

Performance and durability requirements for portable batteries

Amendment 147
Proposal for a regulation
Article 9 — paragraph 1

Text proposed by the Commission

1. From 1 January 2027, portable batteries **of general use** shall meet the values for the electrochemical performance and durability parameters set out in Annex III as laid down in the delegated act adopted by the Commission pursuant to paragraph 2.

Amendment

1. From 1 January 2027, portable batteries shall meet the values for the electrochemical performance and durability parameters set out in Annex III as laid down in the delegated act adopted by the Commission pursuant to paragraph 2.

Amendment 148
Proposal for a regulation
Article 9 — paragraph 2 — subparagraph 1

Text proposed by the Commission

By **31 December** 2025, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Annex III that portable batteries of general use shall attain.

Amendment

By **1 July** 2025, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Annex III that portable batteries, **including portable batteries** of general use, shall attain.

Amendment 149
Proposal for a regulation
Article 9 — paragraph 2 — subparagraph 2

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical performance and durability parameters laid down in Annex III in view of technical and scientific progress.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the **minimum values and add further** electrochemical performance and durability parameters laid down in Annex III in view of technical and scientific progress.

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Amendment 150

Proposal for a regulation

Article 9 — paragraph 2 — subparagraph 3

Text proposed by the Commission

In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of portable batteries **of general use** and take into consideration relevant international standards and labelling schemes. The Commission shall also ensure that the provisions laid down by that delegated act do not have a significant negative impact on the functionality of those batteries or the appliances into which those batteries are incorporated, the affordability and the cost for end-users and the industry's competitiveness. **No excessive administrative burden shall be imposed on manufacturers of the batteries and the appliances concerned.**

Amendment

In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact **and increase resource efficiency** of portable batteries and take into consideration relevant international standards and labelling schemes. The Commission shall also ensure that the provisions laid down by that delegated act do not have a significant negative impact on the **safety and** functionality of those batteries or the appliances into which those batteries are incorporated, the affordability and the cost for end-users and the industry's competitiveness.

Amendment 151

Proposal for a regulation

Article 9 — paragraph 3

Text proposed by the Commission

3. By 31 December **2030**, the Commission shall assess the feasibility of measures to phase out the use of non-rechargeable portable batteries of general use in view of minimising their environmental impact based on the life cycle assessment methodology. To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking the appropriate measures, including the adoption of legislative proposals.

Amendment

3. By 31 December **2027**, the Commission shall assess the feasibility of measures to phase out the use of non-rechargeable portable batteries of general use in view of minimising their environmental impact based on the life cycle assessment methodology **and viable alternatives for end-users**. To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking the appropriate measures, including the adoption of legislative proposals **for phase out, the setting of eco-design requirements, or both, where environmentally beneficial.**

Amendment 152

Proposal for a regulation

Article 10 — title

Text proposed by the Commission

Performance and durability requirements for **rechargeable** industrial batteries **and** electric vehicle batteries

Amendment

Performance and durability requirements for industrial batteries, electric vehicle batteries **and light means of transport batteries**

Thursday 10 March 2022

Amendment 153

Proposal for a regulation

Article 10 — paragraph 1 — subparagraph 1

Text proposed by the Commission

From [12 months after entry into force of the Regulation], **rechargeable** industrial batteries and electric vehicle batteries **with internal storage and a capacity above 2 kWh** shall be accompanied by a technical documentation containing values for the electrochemical performance and durability parameters laid down in Part A of Annex IV.

Amendment

From [12 months after entry into force of the Regulation], industrial **batteries, light means of transport** batteries and electric vehicle batteries shall be accompanied by a technical documentation containing values for the electrochemical performance and durability parameters laid down in Part A of Annex IV.

Amendment 154

Proposal for a regulation

Article 10 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By 1 January 2026, information on the performance and durability of industrial batteries, light means of transport batteries and electric vehicle batteries referred to in paragraph 1 shall be available via the publicly available part of the electronic exchange system as set out in Article 64 and Annex XIII. The information on the performance and durability of such batteries shall be available to consumers prior to purchase.

Amendment 155

Proposal for a regulation

Article 10 — paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical performance and durability parameters for electric vehicle batteries laid down in Annex IV, in view of technical and scientific progress.

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Amendment 156

Proposal for a regulation

Article 10 — paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. The Commission shall adopt a delegated act in accordance with Article 73 to amend the electrochemical performance and durability parameters for electric vehicle batteries laid down in Annex IV, within 6 months following the adoption of technical specifications of the informal UNECE Working Group on Electric Vehicles and the Environment, with a view to ensuring the coherence of the parameters of Annex IV and the technical specifications of UNECE.

Amendment 157

Proposal for a regulation

Article 10 — paragraph 2

Text proposed by the Commission

Amendment

2. From 1 January 2026, **rechargeable** industrial batteries **with internal storage and a capacity above 2 kWh** shall meet the minimum values laid down in the delegated act adopted by the Commission pursuant to paragraph 3 for the electrochemical performance and durability parameters set out in Part A of Annex IV.

2. From 1 January 2026 industrial batteries, **light means of transport batteries and electric vehicle batteries** shall meet the minimum values **for the specific battery type** laid down in the delegated act adopted by the Commission pursuant to paragraph 3 for the electrochemical performance and durability parameters set out in Part A of Annex IV.

Amendment 158

Proposal for a regulation

Article 10 — paragraph 3 — subparagraph 1

Text proposed by the Commission

Amendment

By 31 December 2024, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Part A of Annex IV that **rechargeable** industrial batteries **with internal storage and capacity above 2 kWh** shall attain.

By 31 December 2024, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Part A of Annex IV that **light means of transport batteries, electric vehicle batteries and** industrial batteries shall attain

Thursday 10 March 2022

Amendment 159

Proposal for a regulation

Article 10 — paragraph 3 — subparagraph 2

Text proposed by the Commission

In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of **rechargeable** industrial batteries **with internal storage and a capacity above 2 kWh** and ensure that the requirements laid down therein do not have a significant negative impact on the functionality of those batteries or the appliances into which those batteries are incorporated, its affordability and industry's competitiveness. **No excessive administrative burden shall be imposed on manufacturers of the batteries and the appliances concerned.**

Amendment

In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of industrial batteries, **electric vehicle batteries and light means of transport batteries** and ensure that the requirements laid down therein do not have a significant negative impact on the functionality of those batteries or the appliances into which those batteries are incorporated, its affordability and industry's competitiveness.

Amendment 160

Proposal for a regulation

Article 10 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical performance and durability minimum values laid down in Annex IV, in view of technical and scientific progress, to ensure synergies with minimum values that may originate from the work of the informal UNECE Working Group on Electric Vehicles and the Environment, and in order to avoid unnecessary overlap. The amendment of the electrochemical performance and durability minimum values shall not lead to a decreased level of performance and durability for electric vehicle batteries.

Amendment 161

Proposal for a regulation

Article 11 — title

Text proposed by the Commission

Amendment

Removability and replaceability of portable batteries

Removability and replaceability of portable batteries **and batteries for light means of transport**

Thursday 10 March 2022

Amendment 162

Proposal for a regulation

Article 11 — paragraph 1 — subparagraph 1

Text proposed by the Commission

Portable batteries incorporated in appliances shall be readily removable and replaceable by the end-user or by independent operators during the lifetime of the appliance, if the batteries have a shorter lifetime than the appliance, or at the latest at the end of the lifetime of the appliance.

Amendment

By 1 January 2024 portable batteries incorporated in appliances **and batteries for light means of transport** shall **be designed in such a manner that they can** be readily **and safely removed and replaced with basic and commonly available tools and without causing damage to the appliance or the batteries**. **Portable batteries shall be** removable and replaceable by the end-user **and batteries for light means of transport shall be removable and replaceable by the end-users** or by independent operators during the lifetime of the appliance, if the batteries have a shorter lifetime than the appliance, or at the latest at the end of the lifetime of the appliance. **Battery cells for light means of transport shall be removable and replaceable by independent operators.**

Amendment 163

Proposal for a regulation

Article 11 — paragraph 1 — subparagraph 2

Text proposed by the Commission

A battery is readily replaceable where, after its removal from an appliance, it can be substituted by a **similar** battery, without affecting the functioning **or** the performance of that appliance.

Amendment

A battery is readily replaceable where, after its removal from an appliance **or a light means of transport**, it can be substituted by a **compatible** battery without affecting the functioning, the performance **or the safety** of that appliance **or light means of transport**.

Amendment 164

Proposal for a regulation

Article 11 — paragraph 1 — subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Portable batteries and light means of transport batteries shall be available as spare parts of the equipment they power for a minimum of 10 years after placing the last unit of the model on the market, with a reasonable and non-discriminatory price for independent operators and end users.

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Amendment 165

Proposal for a regulation

Article 11 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Clear and detailed instructions for removal and replacement shall be provided by the relevant economic operator at the time of purchase of the appliance and, shall be made available permanently online in an easily understandable way for end users, including consumers, on its website for the expected lifetime of the product.

Amendment 166

Proposal for a regulation

Article 11 — paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Software shall not be used to affect the replacement of a portable battery or light means of transport or of their key components with another compatible battery or key components.

Amendment 167

Proposal for a regulation

Article 11 — paragraph 2 — point a

Text proposed by the Commission

Amendment

(a) continuity of power supply is necessary and a permanent connection between the appliance and the portable battery is required for safety, **performance, medical or data integrity reasons; or**

(a) continuity of power supply is necessary and a permanent connection between the appliance and the portable battery is required for safety **and it can be proved by the manufacturer that there is no alternative available on the market;**

Amendment 168

Proposal for a regulation

Article 11 — paragraph 2 — point a a (new)

Text proposed by the Commission

Amendment

(aa) continuity of power supply is necessary and a permanent connection between the appliance and the portable battery is required for medical or data integrity reasons and it can be proved by the manufacturer that there is no alternative available on the market;

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Amendment 169

Proposal for a regulation

Article 11 — paragraph 2 — point b

Text proposed by the Commission

(b) the functioning of the battery is only possible when the battery is integrated into the structure of the appliance.

Amendment

(b) the functioning of the battery is only possible when the battery is integrated into the structure of the appliance **and it can be proved by the manufacturer that there is no alternative available on the market.**

Amendment 170

Proposal for a regulation

Article 11 — paragraph 2 — subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The relevant economic operator shall inform end-users in a clear and comprehensible manner at the time of purchase of the appliance, including through labelling, of any case where the derogation provided for in the first subparagraph applies. The information provided shall indicate the expected lifetime of the battery.

Amendment 171

Proposal for a regulation

Article 11 — paragraph 3

Text proposed by the Commission

3. The Commission shall adopt guidance to facilitate harmonised application of the derogations set out in paragraph 2.

Amendment

3. The Commission shall adopt, **no later than 12 months after the entry into force of this Regulation**, guidance to facilitate harmonised application of the derogations set out in paragraph 2.

Amendment 172

Proposal for a regulation

Article 11 a (new)

Text proposed by the Commission

Amendment**Article 11a**

Removability and replaceability of automotive batteries, electric vehicle batteries and industrial batteries

1. Automotive batteries, industrial batteries and electric vehicle batteries shall be readily removable and replaceable, if the battery has a shorter lifetime than the appliance or vehicle it is used in, by qualified independent operators, which shall be able to discharge the battery safely and without prior disassembly of the battery pack.

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Text proposed by the Commission

Amendment

2. Industrial batteries and electric vehicle batteries shall be designed, including as regards joining, fastening and sealing elements, so as to enable the removability, replaceability and disassembly of the case, of individual battery cells or other key components without damaging the battery.

3. Software shall not be used to affect the replacement of industrial batteries or electric vehicle batteries or of their key components with another compatible battery or key components.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 73 laying down detailed rules supplementing those set out in this Article, by laying down the criteria for the removability, replaceability and disassembly of automotive batteries, electric vehicle batteries and industrial batteries, taking into account technical and scientific and progress.

Amendment 173

Proposal for a regulation

Article 11 b (new)

Text proposed by the Commission

Amendment

Article 11b

Safety of repaired automotive batteries, industrial batteries, light means of transport batteries and electric vehicle batteries

1. The safety of repaired automotive batteries, industrial batteries, light means of transport batteries and electric vehicle batteries shall be assessed based on non-destructive tests adapted to them.

2. The Commission is empowered to adopt delegated acts in accordance with Article 73 to define the appropriate testing methods to ensure that repaired batteries are safe.

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Amendment 174
Proposal for a regulation
Article 11 c (new)

Text proposed by the Commission

Amendment

Article 11c

Common chargers

By 1 January 2024, the Commission shall assess how best to introduce harmonised standards for a common charger, to be applicable no later than 1 January 2026, for, respectively, rechargeable batteries designed for electric vehicles, for light means of transport, as well as for rechargeable batteries incorporated into specific categories of electrical and electronic equipment covered by Directive 2012/19/EU.

When undertaking the assessment referred to in paragraph 1, the Commission shall take into account the size of the market, the reduction of waste, the availability and reduction of costs for consumers and other end-users.

To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking the appropriate measures, including the adoption of legislative proposals.

The assessment of the Commission shall be without prejudice to the adoption of any legislation providing for the introduction of such common chargers at an earlier date.

Amendment 175
Proposal for a regulation
Article 12 — title

Text proposed by the Commission

Amendment

Safety of stationary **battery energy** storage systemsSafety of **batteries within energy** stationary storage systems

Amendment 176
Proposal for a regulation
Article 12 — paragraph 1

Text proposed by the Commission

Amendment

1. Stationary **battery** energy storage systems shall be accompanied by technical documentation demonstrating that they are safe during their normal operation and use, including evidence that they have been successfully tested for the safety parameters laid down in Annex V, for which state-of-the-art testing methodologies **should** be used.

1. **Batteries within** stationary energy storage systems shall be accompanied by technical documentation demonstrating that they are safe during their normal operation and use, including evidence that they have been successfully tested for the safety parameters laid down in Annex V, for which state-of-the-art testing methodologies **shall** be used.

Thursday 10 March 2022

Amendment 177

Proposal for a regulation

Article 13 — paragraph 1

Text proposed by the Commission

1. From **1 January 2027**, batteries shall be marked with a label containing the information laid down in Part A of Annex VI.

Amendment

1. From ... [**24 months after the entry into force of this Regulation**], batteries shall be marked with a label containing the information laid down in Part A of Annex VI **and the specific information required pursuant to Regulation (EU) 2017/1369 of the European Parliament and of the Council.**

Amendment 178

Proposal for a regulation

Article 13 — paragraph 2

Text proposed by the Commission

2. From 1 January 2027, portable and automotive batteries shall be marked with a label containing information on their capacity and **portable batteries shall be** marked with a label containing information on their minimum average duration when used in specific applications.

Amendment

2. From 1 January 2027, portable **batteries, light means of transport batteries** and automotive batteries shall be marked with a label containing information on their **nominal energy** capacity and marked with a label containing information on their minimum average duration when used in specific applications **and the expected lifetime in terms of number of cycles and calendar years.**

Amendment 179

Proposal for a regulation

Article 13 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. From 1 January 2023, non-rechargeable portable batteries of general use shall be marked with a label indicating 'non-rechargeable'.

Amendment 180

Proposal for a regulation

Article 13 — paragraph 3 — subparagraph 4

Text proposed by the Commission

Where the size of the battery is such that the symbol would be smaller than **0,5 × 0,5** cm, the battery does not need to be marked but a symbol measuring at least 1 × 1 cm shall be printed on the packaging.

Amendment

Where the size of the battery is such that the symbol would be smaller than **0,47 × 0,47** cm, the battery does not need to be marked but a symbol measuring at least 1 × 1 cm shall be printed on the packaging.

Thursday 10 March 2022

Amendment 181

Proposal for a regulation

Article 13 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. From 1 July 2023, batteries shall be labelled with a symbol indicating a harmonised colour code based on the battery type and its chemical composition.

Amendment 182

Proposal for a regulation

Article 13 — paragraph 5 — point — a a (new)

Text proposed by the Commission

Amendment

(- aa) from 1 January 2025, the information laid down in Part Aa of Annex VI;

Amendment 183

Proposal for a regulation

Article 13 — paragraph 5 — point b

Text proposed by the Commission

Amendment

(b) from 1 January 2027, for portable and automotive batteries the information referred to in paragraph 2;

(b) from 1 January 2027, for portable, **light means of transport batteries** and automotive batteries, the information referred to in paragraph 2;

Amendment 184

Proposal for a regulation

Article 13 — paragraph 5 — point b a (new)

Text proposed by the Commission

Amendment

(ba) from 1 January 2023, for portable batteries of general use, the information referred to in paragraph 2a;

Amendment 185

Proposal for a regulation

Article 13 — paragraph 5 — point e

Text proposed by the Commission

Amendment

(e) from [12 months after the entry into force of this Regulation], for **rechargeable industrial batteries and electric vehicle** batteries the report referred to in Article 39(6);

(e) from [12 months after the entry into force of this Regulation], for **all** batteries, the report referred to in Article 39(6);

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Amendment 186

Proposal for a regulation

Article 13 — paragraph 5 — point f

Text proposed by the Commission

- (f) from **1 July 2024**, for electric vehicle batteries and for **rechargeable** industrial batteries **with internal storage and a capacity above 2 kWh** the carbon footprint declaration referred to in Article 7(1);

Amendment

- (f) from July 2024, for electric vehicle batteries, **light means of transport batteries** and for industrial batteries, the carbon footprint declaration referred to in Article 7(1);

Amendment 187

Proposal for a regulation

Article 13 — paragraph 5 — point g

Text proposed by the Commission

- (g) from **1 January 2026**, for electric vehicle batteries and for **rechargeable** industrial batteries with internal storage **and a capacity above 2 kWh** the carbon footprint performance class referred to in Article 7(2);

Amendment

- (g) from **1 July 2025**, for electric vehicle batteries, **light means of transport vehicles** and for industrial batteries with internal storage the carbon footprint performance class referred to in Article 7(2);

Amendment 188

Proposal for a regulation

Article 13 — paragraph 5 — point h

Text proposed by the Commission

- (h) **from 1 January 2027, for rechargeable** industrial batteries, automotive batteries and electric vehicle batteries **with internal storage and a capacity above 2 kWh** the amount of cobalt, lead, lithium or nickel recovered from waste and present in active materials in the battery, in accordance with Article 8;

Amendment

- (h) **from 1 July 2025, for portable batteries, with the exception of portable batteries of general use, light means of transport batteries**, industrial batteries, automotive batteries and electric vehicle batteries, the amount of cobalt, lead, lithium or nickel recovered from waste and present in active materials in the battery, in accordance with Article 8;

Amendment 189

Proposal for a regulation

Article 13 — paragraph 5 — point j a (new)

Text proposed by the Commission

Amendment

- (ja) **from 1 January 2026, for light means of transport batteries, electric vehicle batteries and industrial batteries the information contained in the battery passport referred to in Article 65.**

Thursday 10 March 2022

Amendment 190

Proposal for a regulation

Article 13 — paragraph 6

Text proposed by the Commission

6. Labels and QR code referred to in paragraphs 1 to 5 shall be printed or engraved visibly, legibly and indelibly on the battery. Where this is not possible or not warranted on account of the nature and size of the battery, labels shall be affixed to the packaging and to the documents accompanying the battery.

Amendment

6. Labels and QR code referred to in paragraphs 1 to 5 shall be printed or engraved visibly, legibly and indelibly on the battery. Where this is not possible or not warranted on account of the nature and size of the battery, labels shall be affixed to the packaging and to the documents accompanying the battery. **In the event of remanufacturing or repurposing, labels shall be updated by a new label reflecting the new status of the battery.**

Where batteries are incorporated in appliances, the labels and QR code referred to in paragraphs 1, 2, 3 and 5 shall be printed or engraved visibly, legibly and indelibly on the appliances.

The QR code shall also provide access to the publicly accessible part of the battery passport established pursuant to Article 65.

Amendment 191

Proposal for a regulation

Article 13 — paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Commission is empowered to adopt delegated acts in accordance with Article 73 to provide for alternative types of smart labels instead of or in addition to the QR-code, in view of technical and scientific progress.

Amendment 192

Proposal for a regulation

Article 13 — paragraph 7

Text proposed by the Commission

7. The Commission shall, by **31 December** 2025, adopt implementing acts to establish harmonised specifications for the labelling requirements referred to in paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).

Amendment

7. The Commission shall, by **1 July** 2025, adopt implementing acts to establish harmonised specifications for the labelling requirements referred to in paragraphs 1 and 2. **For portable batteries of general use, such labelling shall include an easily recognisable classification of their performance and durability.** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).

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Amendment 193

Proposal for a regulation

Article 13 — paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The Commission shall, by 1 January 2023, adopt implementing acts to establish harmonised specifications for the labelling requirements referred to in paragraph 3 concerning the harmonised colour code. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).

Amendment 194

Proposal for a regulation

Article 14 — paragraph 1

Text proposed by the Commission

Amendment

1. **Rechargeable industrial** batteries **and** electric vehicle batteries **with internal storage and a capacity above 2 kWh** shall include a battery management system **containing** data on the parameters for determining the state of health and expected lifetime of batteries as laid down in Annex VII.

1. Batteries **within stationary energy storage systems,** electric vehicle batteries **and light means of transport batteries** that include a battery management system **shall contain within the battery management system real time** data on the parameters for determining the state of health, **safety** and expected lifetime of batteries as laid down in Annex VII.

Amendment 195

Proposal for a regulation

Article 14 — paragraph 2 — introductory part

Text proposed by the Commission

Amendment

2. Access to the data in the battery management system referred to in paragraph 1 shall be provided on **a non-discriminatory** basis to the legal or natural person who has legally purchased the battery or any third party acting on their behalf at any time for the purpose of:

2. **Read-only** access to the data in the battery management system, referred to in paragraph 1, **and in portable batteries that include a battery management system,** shall be provided on **a non-discriminatory** basis to the legal or natural person who has legally purchased the battery or any third party acting on their behalf at any time for the purpose of:

Amendment 196

Proposal for a regulation

Article 14 — paragraph 2 — point b

Text proposed by the Commission

Amendment

(b) facilitating the reuse, repurposing or remanufacturing of the battery;

(b) facilitating the **preparation for** reuse, **reuse, the preparation for repurposing,** repurposing or remanufacturing of the battery;

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Amendment 197

Proposal for a regulation

Article 14 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Manufacturers shall make available for electric vehicle batteries and light means of transport batteries that contain a battery management system real-time in-vehicle data related to the battery state of health, battery state of charge, battery power set point and battery capacity.

Amendment 198

Proposal for a regulation

Article 14 — paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. By 1 January 2024, the battery management system for electric vehicle batteries shall be designed in such a manner that it can communicate with smart charging systems, including by having vehicle-to-grid, vehicle-to-load, vehicle-to-vehicle, vehicle-to-power bank and vehicle-to-building charging functions.

Amendment 199

Proposal for a regulation

Article 14 — paragraph 3 — subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission is empowered to adopt a delegated act in accordance with Article 73 to amend the parameters for determining the state of health and expected lifetime of batteries as laid down in Annex VII, in view of technical and scientific progress, and to ensure synergies with the parameters that may originate from the work of the informal UNECE Working Group on Electric Vehicles and the Environment.

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Amendment 200
Proposal for a regulation
Article 15 — paragraph 1

Text proposed by the Commission

1. For the purposes of compliance and verification of compliance with the requirements set out in Articles 9, 10, 12, 13 and 59(5)(a) of this Regulation, measurements and calculations shall be made using a reliable, accurate and reproducible method, which takes into account the generally recognised state-of-the-art methods, and whose results are deemed to be of low uncertainty, including methods set out in standards, the reference numbers of which have been published for that purpose in the Official Journal of the European Union.

Amendment

1. For the purposes of compliance and verification of compliance with the requirements set out in Articles 9, 10, **11a**, 12, 13 and 59(5)(a) of this Regulation, measurements and calculations shall be made using a reliable, accurate and reproducible method, which takes into account the generally recognised state-of-the-art methods, and whose results are deemed to be of low uncertainty, including methods set out in standards, the reference numbers of which have been published for that purpose in the Official Journal of the European Union.

Amendment 201
Proposal for a regulation
Article 15 — paragraph 2

Text proposed by the Commission

2. Batteries which are tested following harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements referred to in Articles 9, 10, 13 and 59(5)(a) to the extent that those requirements are covered by such harmonised standards.

Amendment

2. Batteries which are tested following harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements referred to in Articles 9, 10, 13 and 59(5)(a) to the extent that those requirements are covered by such harmonised standards **or parts thereof**.

Amendment 202
Proposal for a regulation
Article 16 — paragraph 1 — subparagraph 1 — introductory part

Text proposed by the Commission

1. The Commission **shall be empowered to** adopt implementing acts laying down common specifications for the requirements set out in Articles 9, 10, 12, 13, 59(5)(a) or tests referred to in Article 15(2), where:

Amendment

1. The Commission **may** adopt **in exceptional cases, after consultation of the relevant European standardisation organisations and European stakeholder organisations receiving Union financing under Regulation (EU) No 1025/2012,** implementing acts laying down common specifications for the requirements set out in Articles 9, 10, **11a**, 12, 13, 59(5)(a) or tests referred to in Article 15(2), where:

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Amendment 203

Proposal for a regulation

Article 16 — paragraph 1 — subparagraph 1 — point b

Text proposed by the Commission

(b) the Commission observes undue delays in the adoption of requested harmonised standards, **or** considers that relevant harmonised standards **are not sufficient**; or

Amendment

(b) the Commission observes undue delays in the adoption of requested harmonised standards, **namely by exceeding the deadlines set for the standardisation organisation in the standardisation request, or reasonably** considers that relevant harmonised standards **do not sufficiently fulfil the criteria described in the standardisation request**; or

Amendment 204

Proposal for a regulation

Article 16 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall actively support the Union industry and strengthen its presence in international standardisation organisations by aiming for the greatest possible coherence between international and European standards, and by promoting the general use of European standards outside the Union.

Amendment 205

Proposal for a regulation

Article 17 — paragraph 1

Text proposed by the Commission

1. Before a battery is placed on the market or put **it** into service, the manufacturer or its authorised representative shall ensure that an assessment of the product's conformity with the requirements of Chapters II and III of this Regulation is carried out.

Amendment

1. Before a battery is placed on the market or put into service, the manufacturer or its authorised representative shall ensure that an assessment of the product's conformity with the requirements of Chapters II and III **and Article 39** of this Regulation is carried out.

Amendment 206

Proposal for a regulation

Article 17 — paragraph 2

Text proposed by the Commission

2. Conformity assessment of batteries with the requirements set out in Articles 6, 9, **10**, 11, **12**, 13 and 14 shall be carried out in accordance with the procedure set out in Part A of Annex VIII.

Amendment

2. Conformity assessment of batteries with the requirements set out in Articles 6, 9, 11, 13 and 14 shall be carried out in accordance with the procedure set out in Part A of Annex VIII.

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Amendment 207**Proposal for a regulation****Article 17 — paragraph 3***Text proposed by the Commission*

3. Conformity assessment of batteries with requirements set out in Articles 7, 8 and 39 shall be carried out in accordance with the procedure set out in Part B of Annex VIII.

Amendment

3. Conformity assessment of batteries with requirements set out in Articles 7, 8, **10, 12** and 39 shall be carried out in accordance with the procedure set out in Part B of Annex VIII.

Amendment 208**Proposal for a regulation****Article 17 — paragraph 5***Text proposed by the Commission*

5. Records and correspondence relating to the conformity assessment of batteries shall be drawn up in **an** official language of the Member State where the notified body carrying out the conformity assessment procedures referred to in paragraphs 1 and 2 is established, or in a language accepted by that body.

Amendment

5. Records and correspondence relating to the conformity assessment of batteries shall be drawn up in **the** official language **or languages** of the Member State where the notified body carrying out the conformity assessment procedures referred to in paragraphs 1 and 2 is established, or in a language accepted by that body.

Amendment 209**Proposal for a regulation****Article 17 — paragraph 5 a (new)***Text proposed by the Commission**Amendment*

5 a. This Article shall apply 12 months after the date of publication by the Commission of the list of notified bodies referred to in Article 30(2).

Amendment 210**Proposal for a regulation****Article 18 — paragraph 1***Text proposed by the Commission*

1. The EU declaration of conformity shall state that the fulfilment of the requirements set out in Chapters II and III has been demonstrated.

Amendment

1. The EU declaration of conformity shall state that the fulfilment of the requirements set out in Chapters II and III **and Article 39** has been demonstrated.

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Amendment 211

Proposal for a regulation

Article 18 — paragraph 2

Text proposed by the Commission

2. The EU declaration of conformity shall have the model structure set out in Annex IX, shall contain the elements specified in the relevant modules set out in Annex VIII and shall be continuously updated. It shall be translated into the language or languages required by the Member State in which the battery is placed on the market or put into service.

Amendment

2. The EU declaration of conformity **may be completed electronically and** shall have the model structure set out in Annex IX, shall contain the elements specified in the relevant modules set out in Annex VIII and shall be continuously updated. It shall be translated into the language or languages required by the Member State in which the battery is placed **or made available** on the market or put into service.

Amendment 212

Proposal for a regulation

Article 21 — paragraph 1

Text proposed by the Commission

Member States shall notify the Commission and the other Member States of conformity assessment bodies authorised to carry out conformity assessment in accordance with this Regulation

Amendment

Member States shall notify the Commission and the other Member States of conformity assessment bodies authorised to carry out **third-party** conformity assessment in accordance with this Regulation.

Amendment 213

Proposal for a regulation

Article 23 — paragraph 5

Text proposed by the Commission

5. A notifying authority shall have a sufficient number of competent personnel at its disposal for the proper performance of its tasks.

Amendment

5. A notifying authority shall have a sufficient number of competent personnel **and sufficient funding** at its disposal for the proper performance of its tasks.

Amendment 214

Proposal for a regulation

Article 25 — paragraph 3

Text proposed by the Commission

3. A conformity assessment body shall be a third-party body independent from any and all business ties and from the **battery model** it assesses, in particular from battery manufacturers, the battery manufacturers' trade partners, shareholding investors on the battery manufacturers' plants and from other notified bodies and the notified bodies' business associations, parent companies or subsidiaries.

Amendment

3. A conformity assessment body shall be a third-party body independent from any and all business ties and from the **batteries** it assesses, in particular from battery manufacturers, the battery manufacturers' trade partners, shareholding investors on the battery manufacturers' plants and from other notified bodies and the notified bodies' business associations, parent companies or subsidiaries.

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Amendment 215**Proposal for a regulation****Article 25 — paragraph 6 — subparagraph 1***Text proposed by the Commission*

A conformity assessment body shall be capable of carrying out all the conformity assessment **activities** mentioned in Annex VIII and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

Amendment

A conformity assessment body shall be capable of carrying out all the conformity assessment **tasks** mentioned in Annex VIII and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

Amendment 216**Proposal for a regulation****Article 25 — paragraph 6 — subparagraph 2 — point a***Text proposed by the Commission*

(a) in-house personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment **activities**;

Amendment

(a) in-house personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment **tasks**;

Amendment 217**Proposal for a regulation****Article 25 — paragraph 6 — subparagraph 2 — point c***Text proposed by the Commission*

(c) appropriate policies and procedures to distinguish between activities that it carries out as a notified body and other **activities**;

Amendment

(c) appropriate policies and procedures to distinguish between activities that it carries out as a notified body and other **tasks**;

Amendment 218**Proposal for a regulation****Article 25 — paragraph 6 — subparagraph 3***Text proposed by the Commission*

A conformity assessment body shall at all times have access to all testing equipment or facilities needed for each conformity assessment procedure and each battery model in relation to which it has been notified.

Amendment

A conformity assessment body shall at all times have access to all **the information**, testing equipment or facilities needed for each conformity assessment procedure and each battery model in relation to which it has been notified.

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Amendment 219

Proposal for a regulation

Article 25 — paragraph 7 — point c

Text proposed by the Commission

(c) appropriate knowledge and understanding of the requirements set out in Chapters II and III, of the applicable harmonised standards referred to in Article 15 and common specifications referred to in Article 16 and of the relevant provisions of Union harmonisation legislation and of national legislation;

Amendment

(c) appropriate knowledge and understanding of the requirements set out in Chapters II and III **and in Article 39**, of the applicable harmonised standards referred to in Article 15 and common specifications referred to in Article 16 and of the relevant provisions of Union harmonisation legislation and of national legislation;

Amendment 220

Proposal for a regulation

Article 25 — paragraph 8 — subparagraph 1

Text proposed by the Commission

The impartiality of a conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment **activities** shall be guaranteed.

Amendment

The impartiality of a conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment **tasks** shall be guaranteed.

Amendment 221

Proposal for a regulation

Article 25 — paragraph 8 — subparagraph 2

Text proposed by the Commission

The remuneration of the top level management and the personnel responsible for carrying out the conformity assessments **activities** shall not depend on the number of conformity assessments carried out or on the results of those assessments.

Amendment

The remuneration of the top level management and the personnel responsible for carrying out the conformity assessments **tasks** shall not depend on the number of conformity assessments carried out or on the results of those assessments.

Amendment 222

Proposal for a regulation

Article 25 — paragraph 10

Text proposed by the Commission

10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out the conformity assessment **activities** in accordance with Annex VIII, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

Amendment

10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out the conformity assessment **tasks** in accordance with Annex VIII, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

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Amendment 223**Proposal for a regulation****Article 25 — paragraph 11***Text proposed by the Commission*

11. A conformity assessment body shall participate in, or ensure that its personnel responsible for carrying out the conformity assessment **activities** are informed of, the relevant standardisation activities and the activities of the notified body coordination group established pursuant to Article 37 and shall apply as general guidance the administrative decisions and documents produced as a result of the work of that group.

Amendment

11. A conformity assessment body shall participate in, or ensure that its personnel responsible for carrying out the conformity assessment **tasks** are informed of, the relevant standardisation activities and the activities of the notified body coordination group established pursuant to Article 37 and shall apply as general guidance the administrative decisions and documents produced as a result of the work of that group.

Amendment 224**Proposal for a regulation****Article 28 — paragraph 2***Text proposed by the Commission*

2. The application for notification shall be accompanied by a description of the conformity assessment activities, of the conformity assessment modules set out in Annex VIII and of the battery model for which the conformity assessment body claims to be competent, as well as by an accreditation certificate, issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 25.

Amendment

2. The application for notification shall be accompanied by a description of the conformity assessment activities, of the conformity assessment **module or** modules set out in Annex VIII and of the battery model for which the conformity assessment body claims to be competent, as well as by an accreditation certificate, issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 25.

Amendment 225**Proposal for a regulation****Article 32 — paragraph 1***Text proposed by the Commission*

1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention regarding, the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject.

Amendment

1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention, **in particular by economic operators and other relevant stakeholders**, regarding the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject.

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Amendment 226

Proposal for a regulation

Article 32 — paragraph 3

Text proposed by the Commission

3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.

Amendment

3. The Commission ***may seek the advice of the Union testing facility referred to in Article 68a and*** shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.

Amendment 227

Proposal for a regulation

Article 33 — paragraph 2 — subparagraph 1

Text proposed by the Commission

A notified body shall ***perform its activities*** in a proportionate manner, avoiding unnecessary burdens for economic operators, and taking due account of the size of an undertaking, the sector in which the undertaking operates, the structure of the undertaking, the degree of complexity of the battery to be assessed and the mass or serial nature of the production process.

Amendment

A notified body shall ***carry out conformity assessments*** in a proportionate manner, avoiding unnecessary burdens for economic operators, ***in particular small and medium-sized enterprises***, and taking due account of the size of an undertaking, the sector in which the undertaking operates, the structure of the undertaking, the degree of complexity of the battery to be assessed and the mass or serial nature of the production process.

Amendment 228

Proposal for a regulation

Article 33 — paragraph 3

Text proposed by the Commission

3. Where a notified body finds that the requirements set out in ***Chapters II and III***, harmonised standards referred to in Article 15, common specifications referred to in Article 16 or other technical specifications have not been met by a manufacturer, it shall require ***that*** manufacturer to take appropriate corrective action in view of a second and final certification decision, unless the deficiencies cannot be remedied, in which case the certificate cannot be issued.

Amendment

3. Where a notified body finds that the requirements set out in ***Chapter II or III or Article 39, the*** harmonised standards referred to in Article 15, common specifications referred to in Article 16 or other technical specifications have not been met by a manufacturer, it shall require ***the*** manufacturer to take appropriate corrective action in view of a second and final certification decision, unless the deficiencies cannot be remedied, in which case the certificate cannot be issued.

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Amendment 229
Proposal for a regulation
Article 35 — paragraph 2

Text proposed by the Commission

2. A notified body shall provide other notified **bodies** carrying out similar conformity assessment activities covering the same batteries with relevant information on issues relating to negative and, on request, positive conformity assessment results.

Amendment

2. A notified body shall provide other **bodies** notified **under this Regulation** carrying out similar conformity assessment activities covering the same batteries with relevant information on issues relating to negative and, on request, positive conformity assessment results.

Amendment 230
Proposal for a regulation
Article 36 — title

Text proposed by the Commission

Exchange of experience

Amendment

Exchange of experience **and good practice**

Amendment 231
Proposal for a regulation
Article 36 — paragraph 1

Text proposed by the Commission

The Commission shall provide for the organisation of exchange of experience between the Member States' national authorities responsible for notification policy.

Amendment

The Commission shall provide for the organisation of exchange of experience **and good practice** between the Member States' national authorities responsible for notification policy.

Amendment 232
Proposal for a regulation
Article 37 — paragraph 1

Text proposed by the Commission

The Commission shall ensure that appropriate coordination and cooperation between notified **bodies** are put in place and properly operated in the form of a sectoral group or groups of notified bodies.

Amendment

The Commission shall ensure that appropriate coordination and cooperation between **bodies** notified **under this Regulation** are put in place and properly operated in the form of a sectoral group or groups of notified bodies.

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Amendment 233

Proposal for a regulation

Article 38 — paragraph 1 — introductory part

Text proposed by the Commission

1. **When placing a battery on the** market or **putting it** into service, including for the manufacturers' own purposes, manufacturers shall ensure that the battery:

Amendment

1. **For all batteries placed on the Union** market or **put** into service **in the Union**, including for the manufacturers' own purposes, manufacturers shall ensure that the battery:

Amendment 234

Proposal for a regulation

Article 38 — paragraph 4 — subparagraph 2

Text proposed by the Commission

However, where several batteries are delivered simultaneously to a single user, the **batch or** consignment concerned may be accompanied by a single copy of the EU declaration of conformity.

Amendment

However, where several batteries are delivered simultaneously to a single user, the consignment concerned may be accompanied by a single copy of the EU declaration of conformity.

Amendment 235

Proposal for a regulation

Article 38 — paragraph 8

Text proposed by the Commission

8. Manufacturers shall indicate their name, registered trade name or registered trade mark and the postal **address** and web address at which they can be contacted on the packaging of the battery. The postal address shall indicate a single point at which the manufacturer can be contacted. Such information shall be in a language easily understood by end-users and market surveillance authorities and shall be clear, understandable and legible.

Amendment

8. Manufacturers shall indicate their name, registered trade name or registered trade mark and the **telephone number**, postal, **email** and web address at which they can be contacted on the packaging of the battery. The postal address shall indicate a single point at which the manufacturer can be contacted. Such information shall be in a language easily understood by end-users and market surveillance authorities and shall be clear, understandable and legible.

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Amendment 236
Proposal for a regulation
Article 38 — paragraph 11

Text proposed by the Commission

11. Manufacturers who consider or have reason to believe that a battery which they have placed on the market or put into service is not in conformity with the requirements set out in Chapters II and III shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, where the battery presents a risk, manufacturers shall immediately inform the national authority of the Member State in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken.

Amendment

11. Manufacturers who consider or have reason to believe that a battery which they have placed on the market or put into service is not in conformity with the requirements set out in Chapters II and III shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, **where they consider or have reason to believe that a** battery presents a risk, manufacturers shall immediately inform the national authority of the Member State in which they made the battery available on the market to that effect, giving details, in particular, of the noncompliance and of any corrective action taken.

(Horizontal amendment: the change 'where they consider or have reason to believe that a battery presents a risk' applies throughout the text. Adopting it will necessitate corresponding changes throughout the text.)

Amendment 237
Proposal for a regulation
Article 39 — title

Text proposed by the Commission

Obligation for economic operators that place **rechargeable industrial batteries and electric-vehicle batteries with internal storage and a capacity above 2 kWh** on the market to **establish supply chain due diligence policies**

Amendment

Obligation for economic operators that place batteries on the market to **conduct value chain due** diligence

Amendment 238
Proposal for a regulation
Article 39 — paragraph 1

Text proposed by the Commission

1. As of [12 months after the entry into force of the Regulation] the economic operator that places **rechargeable industrial batteries and electric-vehicle batteries with internal storage and a capacity above 2 kWh** on the market shall comply with the **supply** chain due diligence obligations set out in paragraphs 2 to 5 of this Article and shall keep documentation demonstrating its respective compliance with those obligations, including the results of the third-party verification carried out by notified bodies.

Amendment

1. As of [12 months after the entry into force of the Regulation] the economic operator that places batteries on the market shall comply with the **value** chain due diligence obligations set out in paragraphs 2 to 5 of this Article and shall keep documentation demonstrating its respective compliance with those obligations, including the results of the third-party verification carried out by notified bodies.

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Amendment 239

Proposal for a regulation

Article 39 — paragraph 2 — point a

Text proposed by the Commission

- (a) adopt, and clearly communicate to suppliers and the public, a company policy for the **supply** chain of raw materials indicated in Annex X, point 1;

Amendment

- (a) adopt, and clearly communicate to suppliers and the public, a company **due diligence** policy for the **value** chain of **batteries, including concerning** raw materials indicated in Annex X, point 1 **and for associated social and environmental risk categories indicated in Annex X, point 2;**

Amendment 240

Proposal for a regulation

Article 39 — paragraph 2 — point b

Text proposed by the Commission

- (b) incorporate in its **supply** chain policy standards consistent with the standards set out in **the model supply chain policy in Annex II to the OECD Due Diligence Guidance;**

Amendment

- (b) incorporate in its **value** chain policy standards consistent with the standards set out in **internationally recognised** due diligence **standards listed in Annex X, point 3a;**

Amendment 241

Proposal for a regulation

Article 39 — paragraph 2 — point c

Text proposed by the Commission

- (c) structure its respective internal management systems to support **supply** chain due diligence by assigning responsibility to senior management to oversee the **supply** chain due diligence process as well as maintain records of those systems for a minimum of five years;

Amendment

- (c) structure its respective internal management systems to support **value** chain due diligence by assigning responsibility to senior management to oversee the **value** chain due diligence process as well as maintain records of those systems for a minimum of five years;

Amendment 242

Proposal for a regulation

Article 39 — paragraph 2 — point d — subparagraph 1

Text proposed by the Commission

- (d) establish and operate a system of controls and transparency over the **supply** chain, including a chain of custody or traceability system **or the identification of** upstream actors in the **supply** chain.

Amendment

- (d) establish and operate a system of controls and transparency over the **value** chain, including a chain of custody or traceability system, **identifying** upstream actors in the **value** chain.

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Amendment 243

Proposal for a regulation

Article 39 — paragraph 2 — point d — subparagraph 2 — introductory part

Text proposed by the Commission

Such a system shall be supported by documentation that provides the following information:

Amendment

Such a system shall be supported by documentation that provides **at least** the following information:

Amendment 244

Proposal for a regulation

Article 39 — paragraph 2 — point d — subparagraph 2 — point iii a (new)

Text proposed by the Commission

Amendment

(iii a) **where the raw material originates from a high-risk area, additional information in accordance with the specific recommendations for upstream economic operators, as set out in the OECD Due Diligence Guidance, where relevant, such as the mine of origin, locations where raw materials are consolidated, traded and processed, and taxes, fees and royalties paid;**

Amendment 245

Proposal for a regulation

Article 39 — paragraph 2 — point d — subparagraph 3

Text proposed by the Commission

The requirements set out in the current point (d) may be implemented through participation in industry-led schemes.

Amendment

Without prejudice to the individual responsibility of economic operators for their due diligence processes, the requirements set out in the current point (d) may be implemented **in collaboration with other actors, including** through participation in industry-led schemes, **recognised under this Regulation.**

Amendment 246

Proposal for a regulation

Article 39 — paragraph 2 — point e

Text proposed by the Commission

(e) incorporate its **supply** chain policy into contracts and agreements with suppliers, including their risk management measures;

Amendment

(e) incorporate its **value** chain policy into contracts and agreements with suppliers, including their risk management measures;

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Amendment 247

Proposal for a regulation

Article 39 — paragraph 2 — point f

Text proposed by the Commission

- (f) establish a grievance mechanism as an early-warning risk-awareness system or provide such **mechanism** through collaborative arrangements with other economic operators or organisations, or by facilitating recourse to an external expert or body, such as an ombudsman.

Amendment

- (f) establish a grievance mechanism as an early-warning risk-awareness system, **and as a remediation mechanism in line with the UN Guiding Principles on Business and Human Rights** or provide such **mechanisms** through collaborative arrangements with other economic operators or organisations, or by facilitating recourse to an external expert or body, such as an ombudsman. **Such mechanisms shall take into account the criteria of grievance mechanisms outlined in the UN Guiding Principles on Business and Human Rights.**

Amendment 248

Proposal for a regulation

Article 39 — paragraph 3 — subparagraph 1 — point a

Text proposed by the Commission

- (a) identify and assess the adverse impacts associated to the risk categories listed in Annex X, point 2, in its **supply** chain on the basis of the information provided pursuant to paragraph 2 against the standards of their **supply** chain policy;

Amendment

- (a) identify and assess the **risk of** adverse impacts associated to the risk categories **including those** listed in Annex X, point 2, in its **value** chain on the basis of the information provided pursuant to paragraph 2, **and any other relevant information that is either publicly available or provided by stakeholders**, against the standards of their **value** chain policy

Amendment 249

Proposal for a regulation

Article 39 — paragraph 3 — subparagraph 1 — point b — introductory part

Text proposed by the Commission

- (b) implement a strategy to respond to the identified risks designed so as to prevent **or** mitigate adverse impacts by:

Amendment

- (b) implement a strategy to respond to the identified risks designed so as to prevent, mitigate **and address** adverse impacts by:

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Amendment 250

Proposal for a regulation

Article 39 — paragraph 3 — subparagraph 1 — point b — point i

Text proposed by the Commission

- (i) **reporting** findings of the **supply** chain risk assessment to senior management designated for that purpose;

Amendment

- (i) **report** findings of the **value** chain risk assessment to senior management designated for that purpose;

Amendment 251

Proposal for a regulation

Article 39 — paragraph 3 — subparagraph 1 — point b — point ii

Text proposed by the Commission

- (ii) **adopting** risk management measures consistent with **Annex II to the OECD Due Diligence Guidance**, considering their ability to influence, and where necessary take steps to exert pressure on **suppliers** who can most effectively prevent or mitigate the identified risk;

Amendment

- (ii) **adopt** risk management measures consistent with **the internationally recognised due diligence standards listed in Annex X, point 3a**, considering their ability to influence, and where necessary take steps to exert pressure on **business relationships** who can most effectively prevent or mitigate the identified risk;

Amendment 252

Proposal for a regulation

Article 39 — paragraph 3 — subparagraph 1 — point b — point iii

Text proposed by the Commission

- (iii) **implementing** the risk management plan, monitoring and tracking performance of risk mitigation efforts, reporting back to senior management designated for this purpose and considering suspending or discontinuing engagement with a **supplier** after failed attempts at mitigation, based on relevant contractual arrangements in line with the second subparagraph to paragraph 2 **above**;

Amendment

- (iii) **implement** the risk management plan, monitoring and tracking performance of risk mitigation efforts, reporting back to senior management designated for this purpose and considering suspending or discontinuing engagement with a **business relationship** after failed attempts at mitigation, based on relevant contractual arrangements in line with the second subparagraph to paragraph 2;

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Amendment 253

Proposal for a regulation

Article 39 — paragraph 3 — subparagraph 2

Text proposed by the Commission

If the economic operator referred to in paragraph 1 pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with **suppliers** and with the stakeholders concerned, including local and central government authorities, international or civil society organisations and affected **third parties**, and agree on a strategy for measurable risk mitigation in the risk management plan.

Amendment

If the economic operator referred to in paragraph 1 pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with **business relationships** and with the stakeholders concerned, including local and central government authorities, international or civil society organisations and affected **communities**, and agree on a strategy for measurable risk mitigation in the risk management plan.

Amendment 254

Proposal for a regulation

Article 39 — paragraph 3 — subparagraph 3

Text proposed by the Commission

The economic operator referred to in paragraph 1 shall identify and assess the probability of adverse impacts in the risk categories listed in Annex X, point 2, in its **supply chain based on** available reports by third-party verification done by a notified body concerning the **suppliers** in that chain, and, by assessing, as appropriate, its due diligence practices. Those verification reports shall be in accordance with the first subparagraph in paragraph 4. **In the absence of such third-party verification reports concerning suppliers, the economic operator referred to in paragraph 1 shall identify and assess the risks in its supply chain as part of its own risk management systems. In such cases, economic operators referred to in paragraph 1 shall carry out third party verifications of its own supply chains due diligence via a notified body in accordance with the first subparagraph in paragraph 4.**

Amendment

The economic operator referred to in paragraph 1 shall identify and assess the probability of adverse impacts in the risk categories listed in Annex X, point 2, in its **value chain. The economic operator referred to in paragraph 1 shall identify and assess the risks in its value chain as part of its own risk management systems. In such cases, economic operators referred to in paragraph 1 shall carry out third party verifications of their own due diligence chains via a notified body in accordance with the first subparagraph of paragraph 4. The economic operator may also make use of** available reports by third-party verification done by a notified body concerning the **business relationships** in that chain, and, by assessing, as appropriate, its due diligence practices. Those verification reports shall be in accordance with the first subparagraph in paragraph 4.

Amendment 255

Proposal for a regulation

Article 39 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure that they have a liability regime in place under which economic operators can, in accordance with national law, be held liable and provide remediation for any harm arising out of potential or actual adverse impacts on human rights, the environment or good governance that they, or undertakings under their control, have caused or contributed to by acts or omissions.

Thursday 10 March 2022

Amendment 256

Proposal for a regulation

Article 39 — paragraph 4 — subparagraph 1

Text proposed by the Commission

4. The economic operator referred to in paragraph 1 shall have their **supply** chain due diligence **policies** verified by a notified body ('third-party verification').

Amendment

4. The economic operator referred to in paragraph 1 shall have their **value** chain due diligence **policy and practices** verified by a notified body ('third-party verification').

Amendment 257

Proposal for a regulation

Article 39 — paragraph 4 — subparagraph 2 — point a

Text proposed by the Commission

(a) include in its scope all activities, processes and systems used by economic operators to implement their **supply** chain due diligence requirements in accordance with paragraphs 2, 3 and 5;

Amendment

(a) include in its scope all activities, processes and systems used by economic operators to implement their **value** chain due diligence requirements in accordance with paragraphs 2, 3 and 5.

Amendment 258

Proposal for a regulation

Article 39 — paragraph 4 — subparagraph 2 — point b

Text proposed by the Commission

(b) have as its objective the determination of conformity of the **supply** chain due diligence practices of economic operators placing batteries on the market with paragraphs 2, 3 and 5;

Amendment

(b) have as its objective the determination of conformity of the **value** chain due diligence practices of economic operators placing batteries on the market with paragraphs 2, 3 and 5, **as well as, where relevant, carry out checks on undertakings and gather information from stakeholders;**

Amendment 259

Proposal for a regulation

Article 39 — paragraph 4 — subparagraph 2 — point c

Text proposed by the Commission

(c) make recommendations to the economic operators that place batteries on the market on how to improve their **supply** chain due diligence practices;

Amendment

(c) make recommendations to the economic operators that place batteries on the market on how to improve their **value** chain due diligence practices;

Thursday 10 March 2022

Amendment 260

Proposal for a regulation

Article 39 — paragraph 5

Text proposed by the Commission

5. The economic operator referred to in paragraph 1 shall make available upon request to Member States' market surveillance authorities the reports of any third-party verification carried out in accordance with paragraph 4 or evidence of compliance with a **supply** chain due diligence scheme recognised by the Commission in accordance with Article 72.

Amendment

5. The economic operator referred to in paragraph 1 shall make available upon request to Member States' market surveillance authorities the reports of any third-party verification carried out in accordance with paragraph 4 or evidence of compliance with a **value** chain due diligence scheme recognised by the Commission in accordance with Article 72.

Amendment 261

Proposal for a regulation

Article 39 — paragraph 6 — subparagraph 1

Text proposed by the Commission

6. The economic operator referred to in paragraph 1 shall make available to its immediate downstream purchasers all information gained and maintained pursuant to its **supply** chain due diligence policies with due regard for business confidentiality and other competitive concerns.

Amendment

6. The economic operator referred to in paragraph 1 shall make available to its immediate downstream purchasers all information gained and maintained pursuant to its **value** chain due diligence policies with due regard for business confidentiality and other competitive concerns

Amendment 262

Proposal for a regulation

Article 39 — paragraph 6 — subparagraph 2

Text proposed by the Commission

The economic operator referred to in paragraph 1 shall on an annual basis, publicly report as widely as possible, including on the internet, on its **supply** chain due diligence policies. That report shall contain the steps taken by that economic operator to comply with the requirements set out in paragraphs 2 and 3, including findings of significant adverse impacts in the risk categories listed in Annex X, point 2, and how they have been addressed, as well as a summary report of the third-party verifications carried out in accordance with point 4, including the name of the notified body, with due regard for business confidentiality and other competitive concerns.

Amendment

The economic operator referred to in paragraph 1 shall on an annual basis, publicly report as widely as possible, including on the internet, on its **value** chain due diligence policies **regarding, in particular, the raw materials contained in each battery model placed on the market.** That report shall contain, **in a manner that is easily comprehensible for end-users and clearly identifies the batteries concerned,** the steps taken by that economic operator to comply with the requirements set out in paragraphs 2 and 3, including findings of significant adverse impacts in the risk categories listed in Annex X, point 2, and how they have been addressed, as well as a summary report of the third-party verifications carried out in accordance with point 4, including the name of the notified body, with due regard for business confidentiality and other competitive concerns..

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Amendment 263**Proposal for a regulation****Article 39 — paragraph 7***Text proposed by the Commission*

7. The Commission shall develop guidance as regards the application of the due diligence requirements defined in paragraphs 2 and 3 of this Article, with regard to the social and environmental risks referred to in Annex X, point 2, and particularly in line with the international instruments referred to in Annex X, **point 3**.

Amendment

7. The Commission shall develop guidance as regards the application of the due diligence requirements defined in paragraphs 2 and 3 of this Article, with regard to the social and environmental risks referred to in Annex X, point 2, and particularly in line with the international instruments referred to in Annex X, **points 3 and 3a**.

Amendment 264**Proposal for a regulation****Article 39 — paragraph 7 a (new)***Text proposed by the Commission**Amendment*

7 a. Member States shall provide specific technical assistance to economic operators, especially to small and medium-sized companies, for the purposes of compliance with the value chain due diligence requirements set out in this Article. Member States may be assisted by their national battery competence centres, established pursuant to Article 68b, in providing such technical support.

Amendment 265**Proposal for a regulation****Article 39 — paragraph 7 b (new)***Text proposed by the Commission**Amendment*

7b. In order to enable Member States to ensure that there is compliance with this Regulation in accordance with Article 69, Member States shall be responsible for carrying out appropriate checks.

The checks referred to in the first subparagraph shall be conducted by taking a risk-based approach, including in cases where a competent authority is in possession of relevant information, such as on the basis of substantiated concerns provided by third parties, concerning the compliance by an economic operator with this Regulation.

The checks referred to in the first subparagraph shall include on-the-spot inspections, including at the premises of the economic operator.

Economic operators shall offer all the assistance necessary to facilitate the performance of the checks referred to in the first subparagraph, in particular as regards access to premises and the presentation of documentation and records.

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Text proposed by the Commission

Amendment

In order to ensure clarity of tasks and consistency of action among Member State competent authorities, the Commission shall prepare guidelines detailing the steps to be followed by Member State competent authorities carrying out the checks referred to in the first subparagraph. Those guidelines shall include, as appropriate, templates for documents facilitating the implementation of this Regulation.

Member State shall keep records of the checks referred to in the first subparagraph indicating in particular the nature and results of such checks, as well as records of any notice of remedial action issued under Article 69.

Amendment 266

Proposal for a regulation

Article 39 — paragraph 8 — point a a (new)

Text proposed by the Commission

Amendment

(aa) amend the list of international instruments in Annex X in accordance with developments within the relevant international fora;

Amendment 267

Proposal for a regulation

Article 39 — paragraph 8 — point b

Text proposed by the Commission

Amendment

(b) amend the obligations on the economic operator referred to in paragraph 1 set out in paragraphs 2 to 4 in view of amendments to Regulation (EU) 2017/821 and **changes to the** due diligence **recommendations** set out in Annex **I to the OECD Due Diligence Guidance**.

(b) amend the obligations on the economic operator referred to in paragraph 1 set out in paragraphs 2 to 4 in view of amendments to Regulation (EU) 2017/821 and **amend the list of internationally recognised** due diligence **instruments** set out in Annex **X, point 3a**;

Amendment 268

Proposal for a regulation

Article 39 — paragraph 8 — point b a (new)

Text proposed by the Commission

Amendment

(ba) establish and amend a list of high risk areas taking into consideration OECD due diligence guidelines.

Thursday 10 March 2022

Amendment 269

Proposal for a regulation

Article 39 — paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. In the event that future Union legislation laying down general rules for sustainable corporate governance and due diligence is adopted, the provisions set out in paragraphs 2 to 5 of this Article and in Annex X shall be considered as complementary to such future Union legislation.

Within 6 months of the entry into force of future Union legislation laying down general rules for sustainable corporate governance and due diligence, the Commission shall assess whether that new Union legislation requires amendment of paragraphs 2 to 5 of this Article or of Annex X, or both, and adopt, where appropriate, a delegated act in accordance with Article 73 to amend those provisions accordingly.

That delegated act shall be without prejudice to the obligations set out in paragraphs 2 to 5 of this Article or in Annex X that are specific to economic operators that place batteries on the market. Any additional due diligence obligation on economic operators that is laid down in that delegated act shall be such as to ensure at least the same level of protection provided for by this regulation without creating any undue administrative burden.

Amendment 270

Proposal for a regulation

Article 40 — paragraph 4 — introductory part

Text proposed by the Commission

Amendment

4. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The authorised representative shall provide a copy of the mandate to the competent authority, upon request. The mandate shall allow the authorised representative to do at least the following:

4. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The authorised representative shall **have the appropriate financial and organisational means to perform the tasks specified in the mandate. The authorised representative shall** provide a copy of the mandate to the competent authority, upon request, **in a Union language determined by the competent authority.** The mandate shall allow the authorised representative to do at least the following:

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Amendment 271

Proposal for a regulation

Article 40 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where they consider or have reason to believe that a battery presents a risk, authorised representatives shall immediately inform the market surveillance authorities thereof.

Amendment 272

Proposal for a regulation

Article 41 — paragraph 1

Text proposed by the Commission

Amendment

1. Importers shall only place on the market or put into service a battery which is compliant with the requirements of Chapters II and III

1. Importers shall only place on the market or put into service a battery which is compliant with the requirements of Chapters II and III **and Article 39.**

Amendment 273

Proposal for a regulation

Article 41 — paragraph 2 — subparagraph 2

Text proposed by the Commission

Amendment

Where an importer considers or has reason to believe that a battery is not in conformity with the requirements set out in Chapters II and III, the importer shall not place it on the market or put it into service until it has been brought into conformity. Furthermore, **where the** battery presents a risk, the importer shall inform the manufacturer and the market surveillance authorities to that effect.

Where an importer considers or has reason to believe that a battery is not in conformity with the requirements set out in Chapters II and III **and Article 39**, the importer shall not place it on the market or put it into service until it has been brought into conformity. Furthermore, **where it considers or has reason to believe that a** battery presents a risk, the importer shall **immediately** inform the manufacturer and the market surveillance authorities to that effect

Amendment 274

Proposal for a regulation

Article 41 — paragraph 6

Text proposed by the Commission

Amendment

6. When deemed appropriate with regard to the risks presented by a battery, importers shall, to protect the human health and safety of consumers, carry out sample testing of marketed batteries, investigate, and, if necessary, keep a register of complaints, of non-conforming batteries and battery recalls, and shall keep distributors informed of such monitoring.

6. When deemed appropriate with regard to the risks presented by a battery, importers shall, to protect the human health, **the environment** and safety of consumers, carry out sample testing of marketed batteries, investigate, and, if necessary, keep a register of complaints, of non-conforming batteries and battery recalls, and shall keep distributors informed of such monitoring.

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Amendment 275

Proposal for a regulation

Article 41 — paragraph 7

Text proposed by the Commission

7. Importers who consider or have reason to believe that a battery, which they have placed on the market or put into service, is not in conformity with the requirements set out in Chapters II and III, shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, **where the** battery presents a risk, importers shall immediately inform the national authority of the Member State in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken.

Amendment

7. Importers who consider or have reason to believe that a battery, which they have placed on the market or put into service, is not in conformity with the requirements set out in Chapters II and III **and Article 39**, shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, **where they consider or have reason to believe that a** battery presents a risk, importers shall immediately inform the national authority of the Member State in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken.

Amendment 276

Proposal for a regulation

Article 42 — paragraph 2 — point a

Text proposed by the Commission

(a) the **manufacturer, the manufacturer's authorised representative, importer or other distributors are** registered on the territory of a Member State in accordance with Article 46;

Amendment

(a) the **producer is** registered on the territory of a Member State in accordance with Article 46;

Amendment 277

Proposal for a regulation

Article 42 — paragraph 3

Text proposed by the Commission

3. Where a distributor considers or has reason to believe that a battery is not in conformity with the requirements set out in Chapters II and III, the distributor shall not make the battery available on the market until it has been brought into conformity. Furthermore, **where** the battery presents a risk, the distributor shall inform the manufacturer or the importer to that effect as well as the relevant market surveillance authorities.

Amendment

3. Where a distributor considers or has reason to believe that a battery is not in conformity with the requirements set out in Chapters II and III **and Article 39**, the distributor shall not make the battery available on the market until it has been brought into conformity. Furthermore, **where it considers or has reason to believe that** the battery presents a risk, the distributor shall inform the manufacturer or the importer to that effect as well as the relevant market surveillance authorities.

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Amendment 278

Proposal for a regulation

Article 42 — paragraph 5

Text proposed by the Commission

5. Distributors who consider or have reason to believe that a battery, which they have made available on the market, is not in conformity with the requirements set out in Chapters II and III shall make sure that the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate, are taken. Furthermore, **where** the battery presents a risk, distributors shall immediately inform the national authority of the Member States in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken.

Amendment

5. Distributors who consider or have reason to believe that a battery, which they have made available on the market, is not in conformity with the requirements set out in Chapters II and III **and Article 39** shall make sure that the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate, are taken. Furthermore, **where they consider or have reason to believe that** the battery presents a risk, distributors shall immediately inform the national authority of the Member States in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken.

Amendment 279

Proposal for a regulation

Article 42 — paragraph 6

Text proposed by the Commission

6. Distributors shall, further to a reasoned request from a national authority provide **it** with all the information and the technical documentation necessary to demonstrate the conformity of a battery with the requirements set out in Chapters II and III in a language that can be easily understood by that authority. That information and the technical documentation shall be provided in paper or electronic form. Distributors shall cooperate with the national authority, at its request, on any action taken to eliminate the risks posed by batteries that they have made available on the market.

Amendment

6. Distributors shall, further to a reasoned request from a national authority provide **that authority** with all the information and the technical documentation necessary to demonstrate the conformity of a battery with the requirements set out in Chapters II and III **and Article 39** in a language that can be easily understood by that authority. That information and the technical documentation shall be provided in paper or electronic form. Distributors shall cooperate with the national authority, at its request, on any action taken to eliminate the risks posed by batteries that they have made available on the market.

Amendment 280

Proposal for a regulation

Article 43 — paragraph 1

Text proposed by the Commission

Fulfilment service providers shall ensure that, for batteries that they handle, the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the batteries' compliance with the requirements set out in Chapters II **and III**.

Amendment

Fulfilment service providers, **including online marketplaces**, shall ensure that, for batteries that they handle, the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the batteries' compliance with the requirements set out in Chapters II, **III and VII**.

Without prejudice to the obligations of the relevant economic operators set out in Chapter VI, fulfilment service providers shall in addition to the requirement referred to in the first subparagraph perform the tasks set out in Article 40(4), point (d), and Article 40(4a).

Thursday 10 March 2022

Amendment 281

Proposal for a regulation

Article 44 — paragraph 1 — introductory part

Text proposed by the Commission

An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and that importer or distributor shall be subject to the obligations of the manufacturer under Article 40, where

Amendment

An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and that importer or distributor shall be subject to the obligations of the manufacturer under Article 38, where ***any of the following applies:***

Amendment 282

Proposal for a regulation

Article 44 — paragraph 1 — point b

Text proposed by the Commission

(b) a battery already placed on the market or put into service is modified by that importer or distributor in such a way that compliance with the requirements of this Regulation may be affected;

Amendment

(b) a battery already placed on the market or put into service is modified by that importer or distributor in such a way that compliance with the requirements of this Regulation may be affected; ***or***

Amendment 283

Proposal for a regulation

Article 46 — paragraph 2 — subparagraph 2 — point d

Text proposed by the Commission

(d) the type of batteries that the producer intends to make available on the market for the first time within the territory of a Member State, namely portable batteries, industrial batteries, electric vehicle batteries, or automotive batteries;

Amendment

(d) the type of batteries that the producer intends to make available on the market for the first time within the territory of a Member State, namely portable batteries, ***light means of transport batteries***, industrial batteries, , electric vehicle batteries, or automotive batteries;

Amendment 284

Proposal for a regulation

Article 46 — paragraph 2 — subparagraph 2 — point d a (new)

*Text proposed by the Commission**Amendment*

(da) the chemistry of batteries that the producer intends to make available on the market for the first time within the territory of a Member State;

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Amendment 285

Proposal for a regulation

Article 46 — paragraph 2 — subparagraph 2 — point f — introductory part

Text proposed by the Commission

- (f) information on how the producer meets its responsibilities set out in Article 47 and the requirements under Article 48 and Article 49 respectively;

Amendment

- (f) information on how the producer meets its responsibilities set out in Article 47 and the requirements under Article 48, **Article 48a** and Article 49 respectively;

Amendment 286

Proposal for a regulation

Article 46 — paragraph 2 — subparagraph 2 — point f — point i — introductory part

Text proposed by the Commission

- (i) for portable batteries, the requirements of this point (f) shall be met by providing:

Amendment

- (i) for portable **batteries and light means of transport** batteries, the requirements of this point (f) shall be met by providing:

Amendment 287

Proposal for a regulation

Article 46 — paragraph 2 — subparagraph 2 — point f — point i — indent 1

Text proposed by the Commission

- a declaration demonstrating the measures put in place by the producer to attain the producer responsibility obligations set out in Article 47, the measures put in place to meet the separate collection obligations set out in Article 48(1) with regard to the amount of batteries the producer supplies and the system to ensure that the data reported to the competent authorities is reliable;

Amendment

- a declaration demonstrating the measures put in place by the producer to attain the producer responsibility obligations set out in Article 47, the measures put in place to meet the separate collection obligations set out in Article 48(1) **and in Article 48a (1)** with regard to the amount of batteries the producer supplies and the system to ensure that the data reported to the competent authorities is reliable;

Thursday 10 March 2022

Amendment 288

Proposal for a regulation

Article 46 — paragraph 2 — subparagraph 2 — point f — point i — indent 2

Text proposed by the Commission

-
- where applicable, the name and contact details, including postal **code and place, street and number, country,** telephone **and fax numbers,** internet address and e-mail address and the national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with Article 47(2), including the trade register number or an equivalent official registration number of the producer responsibility organisation including the European or national tax number of the producer responsibility organisation, and the represented producer's mandate;

Amendment

-
- where applicable, the name and contact details, including postal **address,** telephone **number,** internet address and e-mail address and the national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with Article 47(2) **and (4),** including the trade register number or an equivalent official registration number of the producer responsibility organisation including the European or national tax number of the producer responsibility organisation, and the represented producer's mandate;

Amendment 289

Proposal for a regulation

Article 46 — paragraph 2 — subparagraph 2 — point f — point i — indent 2 a (new)

*Text proposed by the Commission**Amendment*

-
- **where the producer responsibility organisation represents more than one producer, it shall indicate separately how each one of the represented producers meets the responsibilities set out in Article 47.**

Amendment 290

Proposal for a regulation

Article 46 — paragraph 2 — subparagraph 2 — point f — point ii — indent 2

*Text proposed by the Commission**Amendment*

-
- where applicable, the national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with paragraphs 2 and 4 of Article 47, including the trade register number or an equivalent official registration number of the producer responsibility organisation including the European or national tax number of the producer responsibility organisation, and the represented producer's mandate;

-
- where applicable, **the name and contact details, including postal address, telephone number, and e-mail and web address and** the national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with paragraphs 2 and 4 of Article 47, including the trade register number or an equivalent official registration number of the producer responsibility organisation including the European or national tax number of the producer responsibility organisation, and the represented producer's mandate;

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Amendment 291

Proposal for a regulation

Article 46 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Producers supplying batteries by means of distance communication shall be registered in the Member State they sell to. Where such producers are not registered in the Member State they sell to, they shall be registered through their authorised representative.

Amendment 292

Proposal for a regulation

Article 46 — paragraph 3 — point d a (new)

Text proposed by the Commission

Amendment

(da) may refuse the registration provided by the producer in the event of non-compliance or insufficient compliance with the obligation laid down in paragraph 2.

Amendment 293

Proposal for a regulation

Article 46 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Battery producers shall provide to online marketplaces information about their registration or authorised representative in the Member States they sell to.

Amendment 294

Proposal for a regulation

Article 47 — paragraph 1 — point a

Text proposed by the Commission

Amendment

(a) organise the separate collection of waste batteries in accordance with Article 48 and Article 49 and the subsequent transport, preparation for repurposing and remanufacturing, treatment and recycling of waste batteries, **including** the necessary safety measures, in accordance with Article 56;

(a) **cover at least the costs referred to in point (a) of paragraph 4 of Article 8a of Directive 2008/98/EC, including the costs of** organising the separate collection of waste batteries in accordance with Article 48, **Article 48a** and Article 49 and the subsequent transport, preparation for repurposing and remanufacturing, treatment, **preparation for reuse** and recycling of waste batteries, **and** the necessary safety measures, in accordance with Article 56;

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Amendment 295

Proposal for a regulation

Article 47 — paragraph 1 — point c

Text proposed by the Commission

(c) promote the separate collection of batteries, including by covering the costs of carrying out surveys to identify batteries discarded inappropriately by end-users in accordance with Article 48(1);

Amendment

(c) promote the separate collection of batteries, including by covering the costs of **data gathering and of** carrying out surveys **regularly** to identify batteries discarded inappropriately by end-users in accordance with Article 48(1);

Amendment 296

Proposal for a regulation

Article 47 — paragraph 1 — point d a (new)

Text proposed by the Commission

Amendment

(**da**) *set up awareness campaigns and/or economic incentives including those listed in Annex IV a to Directive 2008/98/EC to encourage end-users to discard waste batteries in a manner that is in line with the information on prevention and management of waste batteries made available to them in accordance with Article 60(1);*

Amendment 297

Proposal for a regulation

Article 47 — paragraph 1 — point e

Text proposed by the Commission

(e) finance the activities referred to in points (a) to (**d**).

Amendment

(e) finance the activities referred to in points (a) to (**da**).

Thursday 10 March 2022

Amendment 298

Proposal for a regulation

Article 47 — paragraph 3 — point a

Text proposed by the Commission

- (a) have the necessary organisational **and financial** means to fulfil the extended producer responsibility obligations referred to in paragraph 1;

Amendment

- (a) have the necessary **financial or financial and** organisational means to fulfil the extended producer responsibility obligations referred to in paragraph 1;

Amendment 299

Proposal for a regulation

Article 47 — paragraph 4 — point a

Text proposed by the Commission

- (a) are modulated **as a minimum** by battery type and battery chemistry and, as appropriate, taking into account the rechargeability and the level of recycled content in the manufacture of batteries;

Amendment

- (a) are modulated **in accordance with the criteria set out in point (b) of Article 8a(4) of Directive 2008/98/EC and** by battery type and battery chemistry and, as appropriate, taking into account the rechargeability, **durability**, and the level of recycled content in the manufacture of batteries, **as well as the possibility of them being remanufactured or repurposed, and their carbon footprint**;

Amendment 300

Proposal for a regulation

Article 47 — paragraph 4 — point b

Text proposed by the Commission

- (b) are adjusted to take account of any revenues by the producer responsibility organisations from reuse and from sales of secondary raw materials from the batteries and waste batteries;

Amendment

- (b) are adjusted to take account of any revenues by the producer responsibility organisations from reuse, **remanufacturing, repurposing** and from sales of secondary raw materials from the batteries and waste batteries;

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Amendment 301
Proposal for a regulation
Article 47 — paragraph 5

Text proposed by the Commission

5. Where, in accordance with Articles 48(2), 49(3), 53(1), 56(1), and paragraphs 1, 2 and 3 of Article 61, activities to carry out obligations referred to in points (a) to (d) of paragraph 1 are carried out by a third party other than a producer or a producer responsibility organisation, the costs to be covered by producers shall not exceed the costs that are necessary to provide those activities in a cost-efficient way. Such costs shall be established in a transparent way between the producers and the third parties concerned and adjusted to take account of any revenues from reuse and from sales of secondary raw materials from the batteries and waste batteries.

Amendment

5. Where, in accordance with Articles 48(2), **48a(2)**, 49(3), 53(1), 56(1), and paragraphs 1, 2 and 3 of Article 61, activities to carry out obligations referred to in points (a) to (d) of paragraph 1 are carried out by a third party other than a producer or a producer responsibility organisation, the costs to be covered by producers shall not exceed the costs that are necessary to provide those activities in a cost-efficient way. Such costs shall be established in a transparent way between the producers and the third parties concerned and adjusted to take account of any revenues from reuse, **remanufacturing, repurposing** and from sales of secondary raw materials from the batteries and waste batteries.

Amendment 302
Proposal for a regulation
Article 47 — paragraph 6 — subparagraph 1

Text proposed by the Commission

6. Producer responsibility **organisations** shall apply for an authorisation from the competent authority. The authorisation shall be granted only where it is demonstrated that the measures put in place by the producer responsibility organisation are sufficient to meet the obligations set out in this **Article** with regard to the amount of batteries made available on the market for the first time within the territory of a Member State by the producers on whose behalf it acts. The competent authority shall in regular intervals, verify whether the conditions for the authorisation laid down in paragraphs 1, 3, 4 and 5 continue to be met. The **competent authorities shall fix the details of the authorisation procedure and the modalities for verifying compliance, including the information to be provided by producers to that end.**

Amendment

6. **A producer or a** producer responsibility **organisation acting on its behalf** shall apply for an authorisation from the competent authority. The authorisation shall be granted only where it is demonstrated that the measures put in place by the **producer or** producer responsibility organisation are sufficient **and that it has the necessary financial or financial and organisational means** to meet the obligations set out in this **Chapter** with regard to the amount of batteries made available on the market for the first time within the territory of a Member State by the producers on whose behalf it acts **and are in line with the attainment of the targets on separate collection of waste batteries, the level of recycling and recycling efficiencies laid down in this Regulation.** The competent authority shall in regular intervals, **and at least every three years**, verify whether the conditions for the authorisation laid down in paragraphs 1, 3, 4 and 5 continue to be met. The authorisation **may be revoked if the collection targets set out in Article 48(4) or Article 48a(5) are not met or if the producer or producer responsibility organisation is in breach of Article 49(1), (2) or (3).**

Thursday 10 March 2022

Amendment 303

Proposal for a regulation

Article 47 — paragraph 6 — subparagraph 2

Text proposed by the Commission

Producer responsibility **organisations** shall notify the competent authority without undue delay of any changes to the information contained in the application for an authorisation, of any changes that concern the terms of the authorisation and of the permanent cessation of operations.

Amendment

The producer or the producer responsibility **organisation acting on its behalf** shall notify the competent authority without undue delay of any changes to the information contained in the application for an authorisation, of any changes that concern the terms of the authorisation and of the permanent cessation of operations.

Amendment 304

Proposal for a regulation

Article 47 — paragraph 9 — point c

Text proposed by the Commission

(c) the rate of separate collection of waste batteries, the level of recycling **and** recycling efficiencies achieved based on the amount of batteries made available on the market for the first time in the Member State by their member producers;

Amendment

(c) the rate of separate collection of waste batteries, the level of recycling, **the** recycling efficiencies **and levels of recovered materials** achieved based on the amount of batteries made available on the market for the first time in the Member State by their member producers;

Amendment 305

Proposal for a regulation

Article 47 — paragraph 9 — point d a (new)

Text proposed by the Commission

Amendment

(da) the selection procedure for waste management operators.

Amendment 306

Proposal for a regulation

Article 47 — paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. Where an operator carries out re-use, repurposing or remanufacturing of a battery, the extended producer responsibility for that battery shall be transferred from the producer to that operator.

Thursday 10 March 2022

Amendment 307**Proposal for a regulation****Article 47 — paragraph 13***Text proposed by the Commission*

13. **Articles 8 and** 8a of Directive 2008/98/EC shall **not apply to batteries**.

Amendment

13. **The requirements on extended producer responsibility and the general minimum requirements for extended producer responsibility schemes provided for in Article 8a of Directive 2008/98/EC shall be considered as minimum requirements and shall be supplemented by the provisions laid down in this Regulation.**

Amendment 308**Proposal for a regulation****Article 48 — paragraph 1 — introductory part***Text proposed by the Commission*

1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure the collection of all waste portable batteries, regardless of their nature, brand or origin in the territory of a Member State where they make batteries available on the market for the first time. For that purpose they shall:

Amendment

1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure the **separate** collection of all waste portable batteries, regardless of their nature, **chemical composition**, brand or origin in the territory of a Member State where they make batteries available on the market for the first time. For that purpose they shall:

Amendment 309**Proposal for a regulation****Article 48 — paragraph 1 — point a***Text proposed by the Commission*

(a) establish waste portable battery collection points;

Amendment

(a) establish waste portable battery **take-back and** collection points;

Amendment 310**Proposal for a regulation****Article 48 — paragraph 3***Text proposed by the Commission*

3. End users, **when discarding** waste portable batteries at collection points referred to in paragraph 2, shall not be charged or be obliged to buy a new battery.

Amendment

3. End users **shall be able to discard** waste portable batteries at collection points referred to in paragraph 2 **and** shall not be charged or be obliged to buy a new battery **or to have bought the battery from the producers who set up the collection points.**

Thursday 10 March 2022

Amendment 311

Proposal for a regulation

Article 48 — paragraph 4 — subparagraph 1 — introductory part

Text proposed by the Commission

4. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain ***durably***, at least the following collection targets of waste portable batteries, calculated as percentages of the portable batteries, ***excluding batteries from light means of transport***, made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer responsibility organisation:

Amendment

4. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain ***yearly***, at least the following collection targets of waste portable batteries, calculated as percentages of the portable batteries, made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer responsibility organisation:

Amendment 312

Proposal for a regulation

Article 48 — paragraph 4 a (new)

*Text proposed by the Commission**Amendment*

4a. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain yearly, at least the following collection targets for waste portable batteries of general use, calculated as percentages of the portable batteries of general use, made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer responsibility organisation:

- (a) 45 % by 31 December 2023;***
- (b) 70 % by 31 December 2025;***
- (c) 80 % by 31 December 2030.***

Thursday 10 March 2022

Amendment 313
Proposal for a regulation
Article 48 a (new)

Text proposed by the Commission

Amendment

Article 48a

Collection of light means of transport waste batteries

1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure collection of all light means of transport waste batteries regardless of their nature, chemical composition, brand or origin, in the territory of the Member State in which they make batteries available on the market for the first time.
2. Producers of light means of transport waste batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall take back, free of charge and without an obligation on the end user to buy a new battery, or to have bought the waste battery from them, all light means of transport waste batteries regardless of their chemical composition, brand or origin in the territory of the Member State in which they make batteries available on the market for the first time. For that purpose, they shall take back light means of transport waste batteries from end-users or from take-back and collection points provided in cooperation with:
 - (a) distributors of light means of transport batteries in accordance with Article 50(1);
 - (b) independent operators that repair light means of transport;
 - (c) public authorities, or third parties carrying out waste management on their behalf, in accordance with Article 53.
3. The take-back arrangements put in place in accordance with paragraph 2 shall cover the whole territory of a Member State taking into account population size and density, the expected volume of light means of transport waste batteries, accessibility for and proximity to end-users. The take-back arrangements shall not be limited to areas where the collection and subsequent management of light means of transport waste batteries is most profitable.
4. End users, when discarding light means of transport waste batteries at collection points referred to in paragraph 2, shall, in all circumstances, be able to return any waste light means of transport battery at any collection point and to do so free of charge or without being obliged to buy a new battery.

Thursday 10 March 2022

Text proposed by the Commission

Amendment

5. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain yearly, at least the following collection targets for light means of transport batteries, calculated as percentages of the quantities of light means of transport batteries, made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer responsibility organisation:

(a) 75 % by 31 December 2025;

(b) 85 % by 31 December 2030.

Producers or, where appointed in accordance with Article 47 (2), producer responsibility organisations acting on their behalf, shall calculate the collection rate referred to in the first subparagraph in accordance with the delegated act adopted in accordance with Article 55(2b).

6. Collection points set up in accordance with paragraphs 1 and 2 of this Article shall not be subject to the registration or permit requirements of Directive 2008/98/EC.

7. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations shall request an authorisation from the competent authority that is to verify compliance with the arrangements put in place to ensure compliance with this Article. Where the authorisation is requested by a producer responsibility organisation, the request for authorisation shall clearly identify the active member producers that it is representing.

8. The producer responsibility organisation shall ensure that the data in its possession as regards proprietary information or information directly attributable to individual producers remain confidential. The competent authority may, in its authorisation, establish conditions to be met to that end.

9. The authorisation under paragraph 6 may be granted only where it is demonstrated, by providing documentary evidence, that the requirements of paragraphs 1, 2 and 3 of this Article are met and that all the arrangements are in place to allow at least the collection target referred to in paragraph 5 to be attained and maintained durably. Where the authorisation is requested by a producer responsibility organisation, it shall be obtained as part of the authorisation referred to in Article 47(6).

Thursday 10 March 2022

Text proposed by the Commission

Amendment

10. The competent authority shall establish the details of the procedure to grant the authorisation under paragraph 7 to ensure compliance with the requirements set out in paragraphs 1 to 4 of this Article and Article 56. This shall include the requirement of an independent experts' report for an ex-ante verification of the arrangements for collection under this Article being made in a way to ensure compliance with the requirements under this Article. It shall also include time-frames for verification of the respective steps and the decision to be taken by the competent authority, which shall not exceed six weeks from the submission of a complete application dossier.

11. The competent authority shall review regularly, and at least every three years, whether the conditions for the authorisation under paragraph 7 continue to be met. The authorisation may be revoked when the collection target set out in paragraph 4 is not met or the producer or producer responsibility organisation is in material breach of its obligations under paragraphs 1 to 3.

12. The producer or, where appointed in accordance with Article 47(2), the producer responsibility organisation acting on its behalf, shall immediately notify the competent authority of any changes to the conditions covered by the application for authorisation referred to in paragraph 7, of any changes that concern the terms of the authorisation under paragraph 8, and of the permanent cessation of operations.

13. Every five years the Member States shall carry out a compositional survey at least at NUTS 2 level of collected mixed municipal waste and waste electric and electronic equipment streams to determine the share of waste portable batteries therein. The first survey shall be carried out by 31 December 2023. On the basis of the information obtained, the competent authorities may require, when granting or reviewing an authorisation under paragraphs 7 and 10 that the producers of portable batteries or producer responsibility organisations take corrective action to increase their network of connected collection points and carry out information campaigns in accordance with Article 60(1) in proportion to the share of waste portable batteries in mixed municipal waste and waste electric and electronic equipment streams detected in the survey.

Thursday 10 March 2022

Amendment 314**Proposal for a regulation****Article 49 — paragraph — 1 (new)**

Text proposed by the Commission

Amendment

-1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure the collection of all waste automotive batteries, industrial batteries and electric vehicle batteries, regardless of their nature, chemical composition, brand or origin in the territory of the Member State in which they make batteries available on the market for the first time.

Amendment 315**Proposal for a regulation****Article 49 — paragraph 1 — subparagraph 1 — introductory part**

Text proposed by the Commission

Amendment

1. Producers of automotive batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations, shall take back, free of charge and without an obligation on the end user to buy a new battery, nor to have bought the battery from them, all waste automotive batteries, industrial batteries and electric vehicle batteries of the respective type that they have made available on the market for the first time in the territory of that Member State. For that purpose they shall accept to take back waste automotive batteries, industrial batteries and electric vehicle batteries from end-users, or from collection points provided in cooperation with:

1. Producers of automotive batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations, shall take back, free of charge and without an obligation on the end user to buy a new battery, nor to have bought the battery from them, all waste automotive batteries, industrial batteries and electric vehicle batteries of the respective type that they have made available on the market for the first time in the territory of that Member State. For that purpose they shall accept to take back waste automotive batteries, industrial batteries and electric vehicle batteries from end-users, or from **take-back and** collection points provided in cooperation with:

Amendment 316**Proposal for a regulation****Article 49 — paragraph 1 — subparagraph 1 — point a (new)**

Text proposed by the Commission

Amendment

(aa) independent operators carrying out re-use, remanufacturing or repurposing of automotive batteries, industrial batteries and electric vehicle batteries;

Thursday 10 March 2022

Amendment 317

Proposal for a regulation

Article 49 — paragraph 1 — subparagraph 2

Text proposed by the Commission

Where waste industrial batteries require prior dismantling at the premises of private, non-commercial users, the obligation of the producer to take back those batteries shall include covering the costs of dismantling and collecting waste batteries at the premises of those users.

Amendment

Where waste industrial batteries require prior dismantling at the premises of private, non-commercial users, the obligation of the producer, **or, where appointed in accordance with Article 47(2), producer responsibility organisations**, to take back those batteries shall include covering the costs of dismantling and collecting waste batteries at the premises of those users

Amendment 318

Proposal for a regulation

Article 49 — paragraph 3 — point a

Text proposed by the Commission

(a) provide the collection points referred to in paragraph 1 with suitable collection infrastructure for the separate collection of waste automotive batteries, industrial batteries and electric vehicle batteries meeting the applicable safety requirements and cover the necessary costs incurred by those collection points in relation to the take back activities. The containers to collect and temporarily store such batteries at the collection point shall be adequate to provide for the volume and hazardous nature of waste automotive batteries, industrial batteries and electric vehicle batteries that are likely to be collected through those collection points;

Amendment

(a) provide the **take-back and** collection points referred to in paragraph 1 with suitable collection infrastructure for the separate collection of waste automotive batteries, industrial batteries and electric vehicle batteries meeting the applicable safety requirements and cover the necessary costs incurred by those **take-back and** collection points in relation to the take back activities. The containers to collect and temporarily store such batteries at the collection point shall be adequate to provide for the volume and hazardous nature of waste automotive batteries, industrial batteries and electric vehicle batteries that are likely to be collected through those **take-back and** collection points;

Thursday 10 March 2022

Amendment 319

Proposal for a regulation

Article 49 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall collect information, including substantiated estimates, on an annual basis, on the quantities and categories of automotive batteries, industrial batteries and electric vehicle batteries placed on their markets, available for collection in comparison to the amounts collected through all routes, prepared for re-use, recycled and recovered within the Member State, and on batteries in vehicles/ industrial products exported, by weight and by chemistry.

Amendment 320

Proposal for a regulation

Article 50 — paragraph 1

Text proposed by the Commission

Amendment

1. Distributors shall take back waste batteries from the end-user at no charge **and** without an obligation to **buy a new** battery, regardless of their chemical composition or origin. Take back for portable batteries shall be provided at or in the immediate vicinity of their retail outlet. Take back for waste automotive batteries, industrial batteries and electric vehicle batteries shall be provided at or in the vicinity of their retail outlet. This obligation is limited to the types of waste batteries which the distributor has, or had, as new batteries in its offer and, for portable batteries, to the quantity that **non professional** end-users normally discard.

1. Distributors shall take back waste batteries from the end-user at no charge **or** without an obligation to **have bought the battery from the same distributor**, regardless of their chemical composition or origin. Take back for portable batteries shall be provided at or in the immediate vicinity of their retail outlet. Take back for waste **light means of transport batteries**, automotive batteries, industrial batteries and electric vehicle batteries shall be provided at or in the vicinity of their retail outlet. This obligation is limited to the types of waste batteries which the distributor has, or had, as new batteries in its offer and, for portable batteries, to the quantity that **non-professional** end-users normally discard.

Thursday 10 March 2022

Amendment 321

Proposal for a regulation

Article 50 — paragraph 3

Text proposed by the Commission

3. Distributors shall hand over waste batteries that they have taken back to the producers or producer responsibility organisations who are responsible for the collection of those batteries in accordance with Articles 48 and 49 respectively, or to an waste management operator with a view to their treatment and recycling in accordance with Article 56.

Amendment

3. Distributors shall hand over waste batteries that they have taken back to the producers or producer responsibility organisations who are responsible for the collection of those batteries in accordance with Articles 48, **48a** and 49 respectively, or to an waste management operator with a view to their treatment and recycling in accordance with Article 56. **Member States may restrict the possibility for distributors to hand over waste batteries according to their type, to producers or producer responsibility organisations, or to waste management operators. Member States shall ensure that such restrictions do not have an adverse impact on the collection and recycling systems.**

Amendment 322

Proposal for a regulation

Article 50 — paragraph 4

Text proposed by the Commission

4. The obligations under this article shall apply mutatis mutandis to operators supplying batteries by means of distance contracts to end users. Those operators shall provide for a sufficient number of collection points covering the whole territory of a Member State and taking into account population size and density, expected volume of waste automotive, industrial and electric vehicle batteries, accessibility and vicinity to end users allowing end users to return batteries.

Amendment

4. The obligations under this article shall apply mutatis mutandis to operators supplying batteries by means of distance contracts to end users. Those operators shall provide for a sufficient number of collection points covering the whole territory of a Member State and taking into account population size and density, expected volume of waste **of portable, light means of transport**, automotive, industrial and electric vehicle batteries, accessibility and vicinity to end users allowing end users to return batteries.

Amendment 323

Proposal for a regulation

Article 50 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In the case of sales with delivery, distributors shall offer to take back batteries free of charge. When ordering a battery, the end user of the battery shall be informed of the arrangements for having the used battery taken back.

Thursday 10 March 2022

Amendment 324
Proposal for a regulation
Article 50 a (new)

Text proposed by the Commission

Amendment

Article 50a

Deposit return systems for batteries

By 31 December 2025, the Commission shall assess the feasibility and potential benefits of establishment of Union-wide deposit return systems for batteries, in particular for portable batteries of general use. To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking appropriate measures, including the adoption of legislative proposals. Member States, when implementing national deposit return systems for batteries, shall notify the Commission of those measures. National deposit return systems shall not prevent the adoption of harmonised Union-wide systems.

Amendment 325
Proposal for a regulation
Article 51 — paragraph 2

Text proposed by the Commission

Amendment

2. End users shall discard waste batteries in designated separate collection points set up by or in accordance with the specific arrangements concluded with the producer or a producer responsibility organisation, in accordance with Articles 48 and 49.

2. End users shall discard waste batteries in designated separate collection points set up by or in accordance with the specific arrangements concluded with the producer or a producer responsibility organisation, in accordance with Articles 48, **48a** and 49.

Thursday 10 March 2022

Amendment 326

Proposal for a regulation

Article 52 — paragraph 1

Text proposed by the Commission

Operators of waste treatment facilities subject to Directives 2000/53/EC and 2012/19/EU shall hand over waste batteries resulting from the treatment of end-of-life vehicles and waste electrical and electronic equipment to the producers of the relevant batteries or, where appointed in accordance with Article 47(2) of this Regulation, producer responsibility organisations acting on their behalf or to waste management operators with a view to their treatment and recycling in accordance with the requirements of Article 56 of this Regulation. The operators of waste treatment facilities shall keep records of those transactions.

Amendment

Operators of waste treatment facilities subject to Directives 2000/53/EC and 2012/19/EU shall hand over waste batteries resulting from the treatment of end-of-life vehicles and waste electrical and electronic equipment to the producers of the relevant batteries or, where appointed in accordance with Article 47(2) of this Regulation, producer responsibility organisations acting on their behalf or to **authorised** waste management operators with a view to their treatment and recycling in accordance with the requirements of Article 56 of this Regulation. **Member States may restrict the possibility for operators of waste treatment facilities subject to Directive 2000/53/EC or Directive 2012/19/EU to hand over waste batteries, according to their type, either to producers or producer responsibility organisations, or to another waste management operator. Member States shall ensure that such restrictions do not have an adverse impact on the collection and recycling systems.** The operators of waste treatment facilities shall keep records of those transactions.

Amendment 327

Proposal for a regulation

Article 53 — paragraph 1

Text proposed by the Commission

1. Waste batteries originating from private, non-commercial users may be discarded in separate collection points set up by public waste management authorities.

Amendment

1. Waste batteries originating from private, non-commercial users may be discarded in separate collection points set up by public waste management authorities. **When set up for a specific battery type, the public waste management authorities shall not refuse to take back any waste batteries of that type, including re-used, repurposed and remanufactured batteries.**

Thursday 10 March 2022

Amendment 328

Proposal for a regulation

Article 53 — paragraph 2

Text proposed by the Commission

2. Public waste management authorities shall hand over collected waste batteries to the producers or, where appointed in accordance with Article 47(2), to producer responsibility organisations acting on their behalf, or to waste management operators with a view to treatment and recycling of those waste batteries in accordance with the requirements of Article 56 or carry out their treatment and recycling themselves in accordance with the requirements of Article 56.

Amendment

2. Public waste management authorities shall hand over collected waste batteries to the producers or, where appointed in accordance with Article 47(2), to producer responsibility organisations acting on their behalf, or to waste management operators with a view to treatment and recycling of those waste batteries in accordance with the requirements of Article 56 or carry out their treatment and recycling themselves in accordance with the requirements of Article 56. **Member States may restrict the ability of public waste management authorities to hand over waste batteries, according to their type, either to producers or producer responsibility organisations, or to a waste management operator, or to carry out their treatment and recycling themselves. Member States shall ensure that such restrictions do not have an adverse impact on the collection and recycling systems.**

Amendment 329

Proposal for a regulation

Article 54 — paragraph 1

Text proposed by the Commission

Voluntary waste portable battery collection points shall hand over waste portable batteries to the producers of portable batteries or third parties acting on their behalf, including producer responsibility organisations, or to waste management operators with a view to their treatment and recycling in accordance with the requirements of Article 56.

Amendment

Voluntary waste portable battery collection points shall hand over waste portable batteries to the producers of portable batteries or third parties acting on their behalf, including producer responsibility organisations, or to **authorised** waste management operators with a view to their treatment and recycling in accordance with the requirements of Article 56. **Member States may restrict the ability for voluntary waste portable battery collection points to hand over those waste portable batteries either to producers or producer responsibility organisations, or to a waste management operator. Member States shall ensure that such restrictions do not have an adverse impact on the collection and recycling systems.**

Thursday 10 March 2022

Amendment 330
Proposal for a regulation
Article 55 — title

Text proposed by the Commission

Collection rates for waste portable batteries

Amendment

Collection rates for waste portable batteries **and waste light means of transport batteries**

Amendment 331
Proposal for a regulation
Article 55 — paragraph 1 — point b

Text proposed by the Commission

(b) **65 %** by 31 December 2025;

Amendment

(b) **70 %** by 31 December 2025;

Amendment 332
Proposal for a regulation
Article 55 — paragraph 1 — point c

Text proposed by the Commission

(c) **70 %** by 31 December 2030.

Amendment

(c) **80 %** by 31 December 2030.

Amendment 333
Proposal for a regulation
Article 55 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall achieve the following minimum collection targets for waste portable batteries of general use:

(a) 45 % by 31 December 2023;

(b) 70 % by 31 December 2025;

(c) 80 % by 31 December 2030.

Amendment 334
Proposal for a regulation
Article 55 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall achieve the following minimum collection targets for waste light means of transport batteries:

(a) 75 % by 31 December 2025;

(b) 85 % by 31 December 2030.

Thursday 10 March 2022

Amendment 335

Proposal for a regulation

Article 55 — paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The Commission shall, by 31 December 2023, adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing detailed rules regarding the calculation and verification of collection targets for waste light means of transport batteries with a view to reflecting the quantity of waste batteries available for collection.

Amendment 336

Proposal for a regulation

Article 55 — paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall, by 31 December 2030, review the target laid down in paragraph 1(c) **and, as part of that review consider the setting of a collection target for batteries powering light means of transport, in the light of the evolution of the market share, as a separate target or as part of a review of the target laid down in paragraph 1(c) and in Article 48(4).** This review **may** also consider introducing a calculation methodology for the calculation of the separate collection rate with a view to reflecting the quantity of waste batteries available for collection. To that end, the Commission shall submit a report to the European Parliament and the Council on the outcome of the review accompanied, if appropriate, by a legislative proposal.

3. The Commission shall, by 31 December **2024**, review the target laid down in paragraph 1(c). This review **shall** also consider introducing a calculation methodology for the calculation of the separate collection rate with a view to reflecting the quantity of waste **portable** batteries available for collection. To that end, the Commission shall submit a report to the European Parliament and the Council on the outcome of the review accompanied, if appropriate, by a legislative proposal.

Amendment 337

Proposal for a regulation

Article 55 — paragraph 4

Text proposed by the Commission

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the methodology to calculate the collection rate for portable batteries laid down in Annex XI.

~~deleted~~

Thursday 10 March 2022

Amendment 338
Proposal for a regulation
Article 56 — paragraph 1

Text proposed by the Commission

1. Collected waste batteries shall not be **landfilled or incinerated**.

Amendment

1. Collected waste batteries shall not be **disposed of or be the subject of an energy recovery operation**.

Amendment 339
Proposal for a regulation
Article 56 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States may set up incentive schemes for economic operators that achieve higher yields than the respective thresholds set out in Parts B and C of Annex XII.

Amendment 340
Proposal for a regulation
Article 57 — paragraph 1

Text proposed by the Commission

1. All waste batteries collected shall **enter** a recycling process.

Amendment

1. All waste batteries collected shall **undergo preparation for reuse, preparation for repurposing or** a recycling process, **except batteries containing mercury, which shall be disposed of in a manner that does not entail any negative impacts on human health or the environment.**

Amendment 341
Proposal for a regulation
Article 57 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In order to enable proper sorting and reporting of lithium-ion waste batteries, the Commission shall include lithium-ion waste batteries in the list of wastes referred to in Decision 2000/532/EC as appropriate.

Thursday 10 March 2022

Amendment 342

Proposal for a regulation

Article 57 — paragraph 4

Text proposed by the Commission

4. The Commission shall, by 31 December 2023, adopt **an implementing act to establish** detailed rules regarding the calculation and verification of recycling efficiencies and recovery of materials. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).**

Amendment

4. The Commission shall, by 31 December 2023, adopt **a delegated act in accordance with Article 73 to supplement this Regulation by establishing** detailed rules regarding the calculation and verification of recycling efficiencies and recovery of materials.

Amendment 343

Proposal for a regulation

Article 57 — paragraph 5

Text proposed by the Commission

5. The Commission shall **be empowered to adopt delegated acts, in accordance with Article 73, to amend the minimum** levels of recovered materials for waste batteries laid down in Annex XII, Parts B and C, in light of technical and scientific progress and emerging new technologies in waste management.

Amendment

5. **By 31 December 2027,** the Commission shall **evaluate and present a report on progress made on recycling efficiencies and** levels of recovered materials for waste batteries laid down in Annex XII, Parts B and C, in light of technical and scientific progress and emerging new technologies in waste management. **If appropriate, that report shall be accompanied by a legislative proposal to increase the minimum recycling efficiencies and levels of recovered materials.**

Amendment 344

Proposal for a regulation

Article 57 — paragraph 5 a (new)

Text proposed by the Commission

5a. **The Commission shall be empowered to adopt delegated acts, in accordance with Article 73, to extend the list of battery chemistries and materials laid down in Annex XII, Parts B and C, in light of technical and scientific progress and emerging new technologies in waste management.**

Amendment

Thursday 10 March 2022

Amendment 345**Proposal for a regulation****Article 58 — paragraph 1***Text proposed by the Commission*

1. Treatment and recycling may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of waste batteries is in compliance with Regulation (EC) No 1013/2006 and Regulation (EC) No 1418/2007.

Amendment

1. Treatment, **preparation for reuse, preparation for repurposing** and recycling may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of waste batteries is in compliance with Regulation (EC) No 1013/2006 and Regulation (EC) No 1418/2007

Amendment 346**Proposal for a regulation****Article 58 — paragraph 2***Text proposed by the Commission*

2. Waste batteries exported out of the Union in accordance with paragraph 1 shall only count towards the fulfilment of obligations, efficiencies and targets set out in Article 56 and Article 57 if the recycler or other waste holder exporting the waste batteries for treatment and recycling **can prove** that the treatment took place in conditions that are equivalent to the requirements of this Regulation.

Amendment

2. Waste batteries exported out of the Union in accordance with paragraph 1 shall only count towards the fulfilment of obligations, efficiencies and targets set out in Article 56 and Article 57 if the recycler or other waste holder exporting the waste batteries for treatment, **preparation for reuse, preparation for repurposing** and recycling **provides documentary evidence approved by the competent authority of destination** that the treatment took place in conditions that are equivalent to the requirements of this Regulation **and to relevant environmental and human health protection requirements in other Union legislation**.

Amendment 347**Proposal for a regulation****Article 58 — paragraph 3***Text proposed by the Commission*

3. The Commission **is empowered to** adopt a delegated act, in accordance with Article 73, laying down detailed rules supplementing those in paragraph 2 of this Article, by laying down the criteria for the assessment of equivalent conditions.

Amendment

3. The Commission **shall** adopt a delegated act, in accordance with Article 73, laying down detailed rules supplementing those in paragraph 2 of this Article, by laying down the criteria for the assessment of equivalent conditions **no later than 1 July 2023**.

Thursday 10 March 2022

Amendment 348

Proposal for a regulation

Article 59 — title

Text proposed by the Commission

Requirements related to the repurposing and remanufacturing of industrial batteries and electric-vehicle batteries

Amendment

Requirements related to the repurposing and remanufacturing of **light means of transport batteries**, industrial batteries and electric-vehicle batteries

Amendment 349

Proposal for a regulation

Article 59 — paragraph 1

Text proposed by the Commission

1. Independent operators shall be given access to the battery management system of **rechargeable industrial** batteries and electric vehicle batteries **with internal storage with a capacity above 2 kWh**, on equal terms and conditions, for the purpose of assessing and determining the state of health and remaining lifetime of batteries, according to the parameters laid down in Annex VII.

Amendment

1. Independent operators shall be given **read-only** access to the battery management system of **light means of transport batteries, and of batteries within stationary battery energy storage systems** and electric vehicle batteries, **and in portable batteries that include a battery management system** on equal terms and conditions, for the purpose of assessing and determining the state of health and remaining lifetime of batteries, according to the parameters laid down in Annex VII.

Amendment 350

Proposal for a regulation

Article 59 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. All used stationary battery energy storage systems and electric vehicle batteries shall be assessed to determine whether they are suitable for reuse, repurposing or remanufacturing. If the assessment shows that such batteries are suitable for reuse, they shall be reused. If the assessment shows that they are not suitable for reuse, but suitable for repurposing or remanufacturing, they shall be repurposed or remanufactured.

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Amendment 351**Proposal for a regulation****Article 59 — paragraph 2***Text proposed by the Commission*

2. Independent operators carrying out repurposing or remanufacturing operations shall be given adequate access on equal terms and conditions, to the information relevant for the handling and testing of **rechargeable** industrial batteries and electric vehicle batteries, or of appliances and vehicles in which such batteries are incorporated as well as of components of such batteries, appliances or vehicles, including safety aspects.

Amendment

2. Independent operators carrying out **preparation for repurposing**, repurposing or remanufacturing operations shall be given adequate access on equal terms and conditions, to the information relevant for the handling and testing of **light means of transport batteries**, industrial batteries and electric vehicle batteries, or of appliances and vehicles in which such batteries are incorporated as well as of components of such batteries, appliances or vehicles, including safety aspects.

Amendment 352**Proposal for a regulation****Article 59 — paragraph 3***Text proposed by the Commission*

3. Operators carrying out repurposing or remanufacturing operations of batteries shall ensure that the examination, performance testing, packing and shipment of batteries and their components is carried out following adequate quality control and safety instructions.

Amendment

3. Operators carrying out **preparation for repurposing**, repurposing or remanufacturing operations of batteries shall ensure that the examination, performance **and safety** testing, packing and shipment of batteries and their components is carried out following adequate quality control and safety instructions.

Amendment 353**Proposal for a regulation****Article 59 — paragraph 4 — subparagraph 1***Text proposed by the Commission*

4. Operators carrying out repurposing or remanufacturing operations of batteries shall ensure that the repurposed or remanufactured battery complies with this Regulation, relevant product, environmental and human health protection requirements in other legislation and technical requirements for its specific purpose of use when placed on the market.

Amendment

4. Operators carrying out **preparation for repurposing**, repurposing or remanufacturing operations of batteries shall ensure that the repurposed or remanufactured battery complies with this Regulation, relevant product, environmental and human health protection requirements in other legislation and technical requirements for its specific purpose of use when placed on the market.

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Amendment 354

Proposal for a regulation

Article 59 — paragraph 4 — subparagraph 2

Text proposed by the Commission

A battery that has been repurposed or remanufactured shall not be subject to the obligations laid down in Article 7(1), (2) and (3), Article 8(1), (2) and (3), **Article 10(1) and (2)** and Article 39 (1) where the economic operator placing a repurposed or remanufactured battery on the market can demonstrate that the battery, before its repurposing or remanufacturing, was placed on the market before the dates on which those obligations become applicable in accordance with those Articles.

Amendment

A battery that has been repurposed or remanufactured shall not be subject to the obligations laid down in Article 7(1), (2) and (3), Article 8(1), (2) and (3), and Article 39(1) where the economic operator placing a repurposed or remanufactured battery on the market can demonstrate that the battery, before its repurposing or remanufacturing, was placed on the market before the dates on which those obligations become applicable in accordance with those Articles.

Amendment 355

Proposal for a regulation

Article 59 — paragraph 4 — subparagraph 2 a (new)

*Text proposed by the Commission**Amendment*

Operators placing repurposed or remanufactured batteries on the market shall be considered the new producer of the battery and thus be registered in accordance with Article 46 and shall have an extended producer responsibility in accordance with Article 47.

Amendment 356

Proposal for a regulation

Article 59 — paragraph 5 — introductory part

Text proposed by the Commission

5. In order to document that a waste battery, subject to a repurposing or remanufacturing operation, is no longer waste, **the battery holder** shall demonstrate the following upon request by a competent authority:

Amendment

5. In order to document that a waste battery, subject to a repurposing or remanufacturing operation, is no longer waste, **operators carrying out repurposing or remanufacturing operations** shall demonstrate the following upon request by a competent authority:

Amendment 357

Proposal for a regulation

Article 60 — paragraph 1 — subparagraph 1 — point a

Text proposed by the Commission

(a) the contribution of end users to waste prevention, including by information on good practices concerning the use of batteries aiming at extending their use phase and the possibilities of preparation for reuse;

Amendment

(a) the contribution of end users to waste prevention, including by information on good practices **and recommendations** concerning the use of batteries aiming at extending their use phase and the possibilities of **reuse**, preparation for reuse, **preparation for repurposing, repurposing and remanufacturing**;

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Amendment 358**Proposal for a regulation****Article 60 — paragraph 1 — subparagraph 1 — point c***Text proposed by the Commission*

- (c) the separate collection, preparation for re-use and recycling systems available for waste batteries;

Amendment

- (c) the separate collection, **take-back and collection points**, preparation for re-use, **preparation for repurposing, repurposing, remanufacturing** and recycling systems available for waste batteries;

Amendment 359**Proposal for a regulation****Article 60 — paragraph 1 — subparagraph 1 — point f***Text proposed by the Commission*

- (f) the impact of substances contained in batteries on the environment and on human health, including impact due to inappropriate discarding of waste batteries such as littering or discarding as unsorted municipal waste.

Amendment

- (f) the impact of substances, **in particular hazardous substances**, contained in batteries on the environment and on human health, including impact due to inappropriate discarding of waste batteries such as littering or discarding as unsorted municipal waste.

Amendment 360**Proposal for a regulation****Article 60 — paragraph 1 — subparagraph 2 — point b***Text proposed by the Commission*

- (b) in a language, which can be easily understood by consumers and other **end-users**, as determined by the Member State concerned.

Amendment

- (b) in a language, which can be easily understood by consumers and other **end- users, and accessible for persons with disabilities in accordance with Directive (EU) 2019/882** as determined by the Member State concerned.

Amendment 361**Proposal for a regulation****Article 60 — paragraph 2***Text proposed by the Commission*

2. Producers shall make available to distributors and operators referred to in Articles 50, 52 and 53 and other waste management operators carrying out repair, remanufacturing, preparing for re-use, treatment and recycling activities information regarding the safety and protective measures, including on occupational safety, applicable to the storage and collection of waste batteries.

Amendment

2. Producers shall make available to distributors and operators referred to in Articles 50, 52 and 53 and other waste management operators carrying out repair, remanufacturing, preparing for re-use, treatment and recycling activities information regarding the **components and materials of batteries as well as the location of all hazardous substances in batteries**. **Producers shall make available information regarding the** safety and protective measures, including on occupational safety, applicable to the storage and collection of waste batteries.

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Amendment 362

Proposal for a regulation

Article 60 — paragraph 3 — subparagraph 1 — introductory part

Text proposed by the Commission

3. From the moment that a battery model is supplied within the territory of a Member State producers shall make available electronically, upon request, to waste management operators carrying out repair, remanufacturing, preparing for re-use, treatment and recycling activities, as far as it is needed by those operators to carry out those activities, the following battery model specific information regarding the proper and environmentally sound treatment of waste batteries:

Amendment

3. From the moment that a battery model is supplied within the territory of a Member State producers shall make available electronically, **free of charge and** upon request, to waste management operators carrying out repair, remanufacturing, preparing for re-use, treatment and recycling activities, as far as it is needed by those operators to carry out those activities, the following battery model specific information regarding the proper and environmentally sound treatment of waste batteries:

Amendment 363

Proposal for a regulation

Article 60 — paragraph 3 — subparagraph 1 — point a

Text proposed by the Commission

(a) the processes to ensure the dismantling of vehicles and appliances in a way that allows the removal of incorporated batteries;

Amendment

(a) the processes to ensure the dismantling of **light means of transport**, vehicles and appliances in a way that allows the removal of incorporated batteries;

Amendment 364

Proposal for a regulation

Article 60 — paragraph 3 — subparagraph 1 — point b

Text proposed by the Commission

(b) the safety and protective measures, including on occupational safety, applicable to the storage, transport, treatment and recycling processes for waste batteries.

Amendment

(b) the safety and protective measures, including on occupational safety **and fire protection**, applicable to the storage, transport, treatment and recycling processes for waste batteries.

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Amendment 365

Proposal for a regulation

Article 60 — paragraph 4

Text proposed by the Commission

4. Distributors that supply batteries to end-users shall provide in their retail premises, **in a visible manner**, and through their online marketplaces the information listed in paragraph 1 and 2, and information on how the end users may return waste batteries free of charge to the respective collection points established at retail outlets or on behalf of a marketplace. That obligation shall be limited to the types of batteries which the distributor or retailer has, or had, as new batteries in its offer.

Amendment

4. Distributors that supply batteries to end-users shall **permanently** provide in their retail premises and through their online marketplaces, **in an easily accessible and clearly visible manner for the end-users of the battery**, the information listed in paragraph 1 and 2, and information on how the end users may return waste batteries free of charge to the respective collection points established at retail outlets or on behalf of a marketplace. That obligation shall be limited to the types of batteries which the distributor or retailer has, or had, as new batteries in its offer.

Amendment 366

Proposal for a regulation

Article 60 — paragraph 5

Text proposed by the Commission

5. The costs covered by the producer under Article 47(1)(e) shall be shown separately to the end-user at the point of sale of a new battery. The costs mentioned shall not exceed the best estimate of the actual costs incurred.

Amendment

5. The costs covered by the producer under Article 47(1)(e) shall be shown separately to the end-user at the point of sale of a new battery. The costs mentioned shall not exceed the best estimate of the actual costs incurred **and shall not be added to the final cost of the battery charged to the consumer at the point of sale.**

Amendment 367

Proposal for a regulation

Article 61 — paragraph 1 — subparagraph 1 — introductory part

Text proposed by the Commission

1. Producers of portable batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf shall report to the competent authority for each calendar year the following information according to the battery chemistry, **specifying the amounts of batteries powering light means of transport:**

Amendment

1. Producers of portable batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf shall report to the competent authority for each calendar year the following information according to the battery chemistry:

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Amendment 368

Proposal for a regulation

Article 61 — paragraph 1 — subparagraph 1 — point a a (new)

Text proposed by the Commission

Amendment

- (aa) **the amount of portable batteries of general use made available on the market for the first time in the territory of a Member State, excluding any portable batteries of general use that have left the territory of that Member State in that year before being sold to end users;**

Amendment 369

Proposal for a regulation

Article 61 — paragraph 1 — subparagraph 1 — point b a (new)

Text proposed by the Commission

Amendment

- (ba) **the amount of waste portable batteries of general use collected in accordance with Article 48, calculated on the basis of the methodology set out in Annex XI;**

Amendment 370

Proposal for a regulation

Article 61 — paragraph 1 — subparagraph 1 — point d a (new)

Text proposed by the Commission

Amendment

- (da) **the amount of collected waste portable batteries exported to third countries for treatment, preparation for reuse, preparation for repurposing or recycling.**

Amendment 371

Proposal for a regulation

Article 61 — paragraph 1 — subparagraph 2

Text proposed by the Commission

Amendment

Where waste management operators other than producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, collect waste portable batteries from distributors or other collection points for waste portable batteries, they shall report to the competent authority for each calendar year the amount of waste portable batteries collected according to their chemistry **and specifying the amounts of batteries powering light means of transport.**

Where waste management operators other than producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, collect waste portable batteries from distributors or other collection points for waste portable batteries, they shall report to the competent authority for each calendar year the amount of waste portable batteries collected according to their chemistry.

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Amendment 372

Proposal for a regulation

Article 61 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Producers of light means of transport batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf shall report to the competent authority for each calendar year the following information according to the chemical composition of the battery, specifying the quantities of batteries powering light means of transport:

- (a) the quantity of light means of transport batteries made available on the market for the first time in the territory of a Member State, excluding any light means of transport batteries that have left the territory of that Member State in that year before being sold to end users;*
- (b) the quantity of light means of transport batteries collected in accordance with Article 48a, calculated on the basis of the methodology laid down in the delegated act that shall be adopted in accordance with Article 55(2b);*
- (c) the collection target reached by the producer or producer responsibility organisation acting on behalf of their members;*
- (d) the quantity of collected light means of transport waste batteries delivered for treatment and recycling to permitted facilities; and*
- (e) the quantity of batteries delivered for reuse, repurposing and remanufacturing.*

Where waste management operators other than producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, collect light means of transport batteries from distributors or other take-back and collection points for light means of transport batteries, they shall report to the competent authority for each calendar year the quantity of light means of transport batteries collected with a breakdown according to chemical composition, specifying the quantities of batteries powering light means of transport.

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Text proposed by the Commission

Amendment

The operators referred to in the first and second subparagraphs shall report to the competent authority the data referred to in the first subparagraph within 4 months of the end of the reporting year for which the data are collected. The first reporting period shall concern the first full calendar year after the adoption of the implementing act that establishes the format for reporting to the Commission, in accordance with Article 62(5). The competent authorities shall establish the format and procedures in accordance with which data are to be reported to them.

Amendment 373**Proposal for a regulation****Article 61 — paragraph 2 — point b a (new)**

Text proposed by the Commission

Amendment

(ba) the amount of batteries delivered for reuse, repurposing and remanufacturing;

Amendment 374**Proposal for a regulation****Article 61 — paragraph 2 — point b b (new)**

Text proposed by the Commission

Amendment

(bb) the amount of collected waste automotive batteries, industrial batteries and electric vehicle batteries exported to third countries for treatment, preparation for reuse, preparation for repurposing or recycling.

Amendment 375**Proposal for a regulation****Article 61 — paragraph 3 — subparagraph 1 — point b a (new)**

Text proposed by the Commission

Amendment

(ba) the amount of collected waste automotive batteries, industrial batteries and electric vehicle batteries exported to third countries for treatment, preparation for reuse, preparation for repurposing or recycling.

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Amendment 376

Proposal for a regulation

Article 61 — paragraph 5 — subparagraph 1 — point b

Text proposed by the Commission

(b) the amount of waste batteries entering recycling processes;

Amendment

(b) the amount of waste batteries entering **preparation for repurposing and** recycling processes;

Amendment 377

Proposal for a regulation

Article 62 — paragraph 1 — subparagraph 1 — introductory part

Text proposed by the Commission

Member States shall make publicly available in an aggregated format for each calendar year the following data on portable batteries, automotive batteries, industrial batteries and electric vehicle batteries according to battery types and their chemistries and, regarding portable batteries, identifying separately batteries powering light means of transport:

Amendment

Member States shall make publicly available in an aggregated format for each calendar year the following data on portable **batteries, light means of transport** batteries, automotive batteries, industrial batteries and electric vehicle batteries according to battery types and their chemistries and, regarding portable batteries, identifying separately batteries powering light means of transport:

Amendment 378

Proposal for a regulation

Article 62 — paragraph 1 — subparagraph 1 — point b

Text proposed by the Commission

(b) the amount of waste batteries collected in accordance with Article 48 and 49, calculated on the basis of the methodology set out in Annex XI;

Amendment

(b) the amount of waste batteries collected in accordance with Article 48, **48a** and 49, calculated on the basis of the methodology set out in Annex XI;

Amendment 379

Proposal for a regulation

Article 64 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The system shall serve the following purposes:

(a) **supporting market surveillance authorities in carrying out their tasks under this Regulation and the relevant delegated acts, including the enforcement by those authorities of the Regulation;**

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Text proposed by the Commission

Amendment

- (b) *providing the public with information about batteries placed on the market and their sustainability and safety requirements, and battery information sheets;*
- (c) *providing the Commission and accredited remanufacturers, second-life operators and recyclers with up-to-date information for batteries.*

Amendment 380

Proposal for a regulation

Article 64 — paragraph 2

Text proposed by the Commission

Amendment

2. The system shall contain the information and data on **rechargeable** industrial batteries and electric vehicle batteries **with internal storage and a capacity above 2 kWh** as laid down in Annex XIII. That information and data shall be sortable and searchable, respecting open standards for third party use.

2. The system shall contain the information and data on **light means of transport batteries**, industrial batteries and electric vehicle batteries as laid down in Annex XIII. That information and data shall be sortable and searchable, respecting open standards for third party use. **The system shall also contain a regularly updated database for all batteries falling under this Regulation.**

Amendment 381

Proposal for a regulation

Article 64 — paragraph 3

Text proposed by the Commission

Amendment

3. The economic operators that place a **rechargeable** industrial battery or an electric vehicle battery **with internal storage** on the market shall make the information referred to in paragraph 2 available electronically in a machine readable format using interoperable and easily accessible data services in the format established in accordance with paragraph 5.

3. The economic operators that place a **light means of transport battery**, industrial battery or an electric vehicle battery on the market shall make the information referred to in paragraph 2 available electronically in a machine readable format using interoperable and easily accessible data services in the format established in accordance with paragraph 5.

Amendment 382

Proposal for a regulation

Article 64 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The system shall not replace or modify the responsibilities of the market surveillance authorities.

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Amendment 383

Proposal for a regulation

Article 64 — paragraph 5 — subparagraph 1 — introductory part

Text proposed by the Commission

5. The Commission shall, by 31 December 2024, adopt **implementing acts to establish:**

Amendment

5. The Commission shall, by 31 December 2024, adopt **a delegated act in accordance with Article 73 to supplement this Regulation by establishing:**

Amendment 384

Proposal for a regulation

Article 64 — paragraph 5 — subparagraph 2

Text proposed by the Commission

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).

Amendment

deleted

Amendment 385

Proposal for a regulation

Article 65 — paragraph 1

Text proposed by the Commission

1. By 1 January 2026, each industrial battery **and** electric vehicle battery placed on the market or put into service **and whose capacity is higher than 2 kWh** shall have an electronic record ('battery passport').

Amendment

1. By 1 January 2026, each industrial battery, electric vehicle **battery and light means of transport** battery placed on the market or put into service shall have an electronic record ('battery passport').

Amendment 386

Proposal for a regulation

Article 65 — paragraph 3

Text proposed by the Commission

3. The battery passport shall be linked to the information about the basic characteristics of each battery type and model stored in the data sources of the System established pursuant to Article 64. The economic operator that places an industrial battery or an electric vehicle battery on the market shall ensure that the data included in the battery passport is accurate, complete and up-to-date.

Amendment

3. **For industrial batteries and electric vehicle batteries,** the battery passport shall be linked to the information about the basic characteristics of each battery type and model stored in the data sources of the System established pursuant to Article 64. The economic operator that places an industrial battery or an electric vehicle battery on the market shall ensure that the data included in the battery passport is accurate, complete and up-to-date.

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Amendment 387

Proposal for a regulation

Article 65 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. For light means of transport batteries, the battery passport shall contain the information described in Article 13 (5) points (a) to (d), and points (i) and (j), and updated information about the battery, linked to changes to its status.

Amendment 388

Proposal for a regulation

Article 65 — paragraph 4

Text proposed by the Commission

Amendment

4. The battery passport shall be accessible online, through electronic **systems interoperable** with the System established pursuant to Article 64.

4. The battery passport shall be accessible online, through electronic **systems that are interoperable** with the System established pursuant to Article 64, **and via the QR code referred to in Article 13(5).**

Amendment 389

Proposal for a regulation

Article 65 — paragraph 5

Text proposed by the Commission

Amendment

5. The battery passport shall allow access to information about the values for performance and durability parameters referred to in Article 10(1), when the battery is placed on the market and when it is subject to changes in its status.

5. The battery passport shall allow access to information about the values for performance and durability parameters referred to in Article 10(1), **as well as to information on the state of health of the battery pursuant to Article 14**, when the battery is placed on the market and when it is subject to changes in its status.

Amendment 390

Proposal for a regulation

Article 65 — paragraph 6

Text proposed by the Commission

Amendment

6. When the change in the status is due to **repairing or** repurposing activities, the responsibility for the battery record in the battery passport shall be transferred to the economic operator that is considered to place the industrial battery **or** the electric vehicle battery on the market or that puts it into service.

6. When the change in the status is due to repurposing **or remanufacturing** activities, the responsibility for the battery record in the battery passport shall be transferred to the economic operator that is considered to place the industrial battery, the electric vehicle **battery or the light means of transport** battery on the market or that puts it into service. **The record for repurposed or remanufactured batteries shall be linked to the record of the original battery.**

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Amendment 391

Proposal for a regulation

Article 65 — paragraph 7 — introductory part

Text proposed by the Commission

7. The Commission is empowered to adopt **implementing acts to** establish the rules for accessing, sharing, managing, exploring, publishing and reusing of the information and data accessible through the battery passport.

Amendment

7. The Commission is empowered to adopt **delegated acts in accordance with Article 73 to** establish the rules for accessing, sharing, managing, exploring, publishing and reusing of the information and data accessible through the battery passport.

Amendment 392

Proposal for a regulation

Article 65 — paragraph 7 — subparagraph 1

Text proposed by the Commission

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).

Amendment

deleted

Amendment 393

Proposal for a regulation

Article 66 — paragraph 1 — subparagraph 1

Text proposed by the Commission

1. **Where the** market surveillance authorities **of one Member State have sufficient reason to believe that a battery covered by this Regulation presents a risk to human health or safety of persons, to property or to the environment, they shall carry out an evaluation in relation to the battery concerned** covering all relevant requirements laid down in this Regulation.

Amendment

1. Market surveillance authorities shall **perform appropriate checks on batteries made available online and offline on an adequate scale, by means of documentary checks and, where appropriate, physical and laboratory checks based on adequate samples,** covering all relevant requirements laid down in this Regulation. **Market surveillance authorities may send batteries to the Union testing facility referred to in Article 68a for such an evaluation.**

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Amendment 394

Proposal for a regulation

Article 66 — paragraph 1 — subparagraph 1 a (new)

Text proposed by the Commission

Amendment

By ... [two years after the entry into force of this Regulation] the Commission shall adopt implementing acts to establish the uniform conditions for checks, criteria for determination of the frequency of checks and the amount of samples to be checked in accordance with Article 11(4) of Regulation (EU) 2019/1020.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).

Amendment 395

Proposal for a regulation

Article 66 — paragraph 2

Text proposed by the Commission

Amendment

2. **Where** the market surveillance authorities ***consider that non-compliance is not restricted to their national territory, they*** shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.

2. The market surveillance authorities shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.

Amendment 396

Proposal for a regulation

Article 66 — paragraph 5 — point a

Text proposed by the Commission

Amendment

(a) failure of the battery to meet the requirements set out in Chapter II or III of this Regulation

(a) failure of the battery to meet the requirements set out in Chapter II or III **or Article 39** of this Regulation

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Amendment 397

Proposal for a regulation

Article 66 — paragraph 8 a (new)

Text proposed by the Commission

Amendment

8 a. Consumers shall be enabled to enter information on batteries presenting a risk to consumers in a separate section of the Community Rapid Information System (RAPEX) provided for in Article 12 of Directive 2001/95/EC. The Commission shall take due account of the information received and ensure follow-up, including transmission of the information to the relevant national authorities, where appropriate.

The Commission shall adopt an implementing act in accordance with the advisory procedure referred to in Article 74(2) to establish the modalities for the transmission of the information referred to in the first subparagraph as well as for the transmission of such information to the relevant national authorities for follow-up.

Amendment 398

Proposal for a regulation

Article 67 — paragraph 1 — subparagraph 1

Text proposed by the Commission

Amendment

1. Where, on completion of the procedure set out in Article 66(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.

1. Where, on completion of the procedure set out in Article 66(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. **The Commission shall conclude that evaluation within one month.** On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.

Amendment 399

Proposal for a regulation

Article 68 — paragraph 1

Text proposed by the Commission

Amendment

1. Where, having carried out an evaluation under Article 67(1), a Member State finds that although a battery is in compliance with the requirements set out in Chapters II and III, it presents a risk to the human health or safety of persons, to the protection of property or to the environment, it shall require the relevant economic operator to take all appropriate measures to ensure that the battery concerned, when placed on the market, no longer presents that risk, to withdraw the battery from the market or to recall it, within a reasonable period which is commensurate with the nature of that risk.

1. Where, having carried out an evaluation under Article 67(1), a Member State finds that although a battery is in compliance with the requirements set out in Chapters II and III, it presents a risk **or may reasonably be considered to present a risk** to the human health or safety of persons, to the protection of property or to the environment, it shall require the relevant economic operator to take all appropriate measures to ensure that the battery concerned, when placed on the market, no longer presents that risk, to withdraw the battery from the market or to recall it, within a reasonable period which is commensurate with the nature of that risk.

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Amendment 400**Proposal for a regulation****Article 68 — paragraph 3***Text proposed by the Commission*

3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the batteries concerned, the origin and the **supply** chain of the battery, the nature of the risk involved and the nature and duration of the national measures taken.

Amendment

3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the batteries concerned, the origin and the **value** chain of the battery, the nature of the risk involved and the nature and duration of the national measures taken.

Amendment 401**Proposal for a regulation****Article 68 a (new)***Text proposed by the Commission**Amendment***Article 68a****Union testing facility**

1. By ... [two years after the entry into force of this Regulation], the Commission shall designate a Union testing facility specialised in batteries in accordance with Article 21(2), second subparagraph, of Regulation (EU) 2019/1020.
2. The Union testing facility shall serve as a competence centre for:
 - (a) providing, by way of derogation from Article 21(6)(b) of Regulation(EU) 2019/1020, independent technical and scientific advice to the Commission in the course of the investigations referred to in Article 32 of this Regulation and in the course of the evaluations referred to in Articles 67(1) and 68(4) of this Regulation;
 - (b) carrying out the testing of batteries at the request of market surveillance authorities for the purpose of the evaluation referred to in Article 66(1).

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Amendment 402
Proposal for a regulation
Article 68 b (new)

Text proposed by the Commission

Amendment

Article 68b

National battery competence centres

1. Market surveillance authorities shall agree with the organisations representing economic operators and research centres to set up a national battery competence centre in each Member State.

2. National battery competence centres referred to in paragraph 1 shall carry out activities that have the aim of promoting compliance, identifying non-compliance, raising awareness and providing guidance and technical advice in relation to the requirements of this Regulation. Where relevant, other stakeholders, such as organisations representing end-users, may also participate in the activities of the national battery competence centres.

3. In accordance with Article 9(2) of Regulation (EU) 2019/1020, the market surveillance authority and the parties referred to in paragraph 1 shall ensure that the activities carried out by national battery competence centres do not lead to unfair competition between economic operators and do not affect the objectivity, independence and impartiality of the parties.

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Amendment 403

Proposal for a regulation

Article 69 — paragraph 1 — introductory part

Text proposed by the Commission

1. Without prejudice to Article 66, where a Member State finds that a battery falling outside the scope of Article 68 is non-compliant with this Regulation or an economic operator has infringed an obligation set out in this Regulation, shall require the relevant economic operator to put an end to the non-compliance concerned. Such non compliances shall include the following:

Amendment

1. Without prejudice to Article 66, where a Member State finds that a battery falling outside the scope of Article 68 is non-compliant with this Regulation or an economic operator has infringed an obligation set out in this Regulation, shall require the relevant economic operator to put an end to the non-compliance concerned. **To facilitate this task, Member States shall establish easily accessible reporting channels for consumers on non-compliance.** Such non compliances shall include the following:

Amendment 404

Proposal for a regulation

Article 69 — paragraph 1 — point k

Text proposed by the Commission

(k) the requirements related to the **supply** chain due diligence policy in Article 39 are not fulfilled.

Amendment

(k) the requirements related to the **value** chain due diligence policy in Article 39 are not fulfilled;

Amendment 405

Proposal for a regulation

Article 69 — paragraph 1 — point k a (new)

Text proposed by the Commission

Amendment

(ka) the requirements on battery passports referred to in Article 65 are not fulfilled.

Amendment 406

Proposal for a regulation

Article 69 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Competent authorities of the Member States shall be granted investigative powers in accordance with Article 14 of Regulation (EU) 2019/1020 to carry out appropriate controls, be they risk-based or on the basis of information received, to detect possible non-compliance.

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Amendment 407

Proposal for a regulation

Article 69 — paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Market surveillance authorities shall cooperate to ensure cross-border enforcement of this Regulation in accordance with the provisions set out in Chapter VI of Regulation (EU) 2019/1020.

Amendment 408

Proposal for a regulation

Article 69 — paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. Member States shall cooperate in an enforcement network supporting each other in the infringement procedure in case of cross-border sales within the Union.

Amendment 409

Proposal for a regulation

Article 70 — paragraph 1

Text proposed by the Commission

Amendment

1. Contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU shall, when procuring batteries or products containing batteries in situations covered by those Directives, **take account of the environmental impacts of batteries over** their life cycle with a view to ensure that such impacts of the batteries procured are kept to a minimum.

1. Contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU shall, when procuring batteries or products containing batteries in situations covered by those Directives, **give preference to the most environmentally friendly batteries based on their entire** life cycle with a view to ensure that such impacts of the batteries procured are kept to a minimum.

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Amendment 410**Proposal for a regulation****Article 71 — paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. If a Member State considers that the use of a substance in the manufacture of batteries, or the presence of a substance in the batteries when they are placed on the market, or during their subsequent life cycle stages, including the waste phase, poses a risk to human health or the environment, and that that risk is not adequately controlled and needs to be addressed, it shall notify the Agency that it proposes to prepare a dossier which conforms to the requirements of a restriction dossier. If that dossier demonstrates that action on a Community-wide basis is necessary, beyond any measures already in place, the Member State shall submit the dossier to the Agency in order to initiate the restrictions process.

Amendment 411**Proposal for a regulation****Article 71 — paragraph 14 a (new)**

Text proposed by the Commission

Amendment

14a. Within 6 months of any amendment of Regulation (EC) No 1907/2006 or of the entry into force of future Union legislation concerning sustainability criteria for hazardous substances and chemicals, the Commission shall assess whether that amendment of Regulation (EC) No 1907/2006 or that future Union legislation requires an amendment of this Article, and adopt, where appropriate, a delegated act in accordance with Article 73 of this Regulation to amend those provisions accordingly.

Amendment 412**Proposal for a regulation****Article 72 — paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Only industry led schemes that fulfil the requirements of Article 39 and are verified by third party actors may be recognised.

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Amendment 413

Proposal for a regulation

Article 73 — paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 6(2), **7(1), (2) and (3), 9(2), 10(3)**, 12(2), 17(4), **27(3)**, 39(8), **55(4)**, 56(4), **57(6)**, 58(3) and **70(2)** 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 no 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 no later than three months before the end of each period.

Amendment

2. The power to adopt delegated acts referred to in Articles 6(2), **6(5a), 7(1) third subparagraph, point (a), 7(1), fourth subparagraph, 7 (2) fourth subparagraph, point(a), 7 (3) third subparagraph and forth subparagraph, 8(1) second subparagraph, point (a), 8(4a), 9(2) second subparagraph, 10 (1b) and (1c), 10(3) first subparagraph, 10(3a), 11a (4), 11b (2), 13(6a), 14(3) subparagraph 1a**, 12(2), 17(4), 39(8) **and (8a), 55(2b), 56(4), 57(4), 57(5a) , 58(3), 64(5), 65(7), 70(3), 71(14a) and 76(1b)** 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 no 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 no later than three months before the end of each period.

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Amendment 414

Proposal for a regulation

Article 73 — paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Articles 6(2), **7(1), (2) and (3), 9(2), 10(3)**, 12(2), 17(4), **27(3)**, 39(8), **55(4)**, 56(4), **57(6)**, 58(3) and **70(2)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Articles 6(2), **6(5a), 7(1) third subparagraph, point (a), 7(1), fourth subparagraph, 7 (2) fourth subparagraph, point(a), 7 (3) third subparagraph and forth subparagraph, 8(1) second subparagraph, point (a), 8(4a) , 9(2) second subparagraph, 10 (1b) and (1c), 10(3) first subparagraph, 10(3a), 11a (4), 11b (2), 13(6a), 14(3) subparagraph 1a , 12(2), 17(4), 39(8) and (8a), 55(2b), 56 (4), 57(4), 57(5a) , 58(3), 64(5), 65(7), 70(3), 71(14a) and 76 (1b)** 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.

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Amendment 415

Proposal for a regulation

Article 73 — paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 6(2), 7(1), (2) **and (3), 9(2), 10(3)**, 12(2), 17(4), **27(3)**, 39(8), **55(4)**, 56(4), **57(6)**, 58(3) and **70(2)** 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 the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Articles 6(2), **6(5a), 7(1) third subparagraph, point (a), 7(1), fourth subparagraph, 7 (2) fourth subparagraph, point(a), 7 (3) third subparagraph and forth subparagraph, 8(1) second subparagraph, point (a), 8(4a), 9(2) second subparagraph, 10(1b) and (1c), 10(3) first subparagraph, 10(3a), 11a (4), 11b (2), 13(6a), 14(3) subparagraph 1a**, 12(2), 17(4), 39(8) **and (8a), 55(2b)**, 56(4), **57(4), 57(5a)**, 58(3), **64(5), 65(7), 70(3), 71(14a) and 76(1b)** 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 the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 416

Proposal for a regulation

Article 75 — paragraph 1 — point 2 — introductory part

Text proposed by the Commission

(2) in Annex I, **the following** point **71 is added to** the list of Union harmonisation legislation:

Amendment

(2) in Annex I, point **21 of** the list of Union harmonisation legislation **is replaced by the following**:

Amendment 417

Proposal for a regulation

Article 76 — paragraph 1 a (new)

*Text proposed by the Commission**Amendment*

By 1 January 2023, the Commission shall develop harmonised criteria or guidance for effective, proportionate and dissuasive penalties and for compensation of damages caused to individuals.

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Text proposed by the Commission

Amendment

Those criteria shall at least cover the following types of infringements:

- *making false declarations during the conformity assessment procedures set out in Chapter IV and measures set out in Articles 66 and 68;*
- *falsifying test results for conformity or for market surveillance;*
- *withholding data or technical specifications that could lead to the recall of the battery or its components or to the refusal or withdrawal of the declaration of conformity.*

Amendment 418

Proposal for a regulation

Article 76 — paragraph 1 b (new)

Text proposed by the Commission

Amendment

The Commission shall, by 1 January 2023, adopt delegated acts in accordance with Article 73, supplementing this Regulation by establishing criteria for effective, proportionate and dissuasive penalties and for compensation of damages caused to individuals covering at least the infringements listed in paragraph 1a.

Amendment 419

Proposal for a regulation

Article 77 — paragraph 1

Text proposed by the Commission

Amendment

1. By 31 December 2030, the Commission shall draw up a report on the application of this Regulation and its impact on the environment and the functioning of the internal market.

1. By 31 December 2030, **and every 5 years thereafter**, the Commission shall draw up a report on the application of this Regulation and its impact on the environment, **human health** and the functioning of the internal market **and submit and present it to the European Parliament and to the Council.**

Amendment 420

Proposal for a regulation

Article 77 — paragraph 2 — subparagraph 1 –point c

Text proposed by the Commission

Amendment

(c) **supply** chain due diligence requirements set out in Articles 39 and 72;

(c) **battery value** chain due diligence requirements set out in Articles 39 and 72;

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Amendment 421**Proposal for a regulation****Article 77 — paragraph 2 — subparagraph 1 — point d a (new)***Text proposed by the Commission**Amendment***(da) the measures regarding the identification of economic operators set out in Article 45;****Amendment 422****Proposal for a regulation****Article 77 — paragraph 2 — subparagraph 1 — point d b (new)***Text proposed by the Commission**Amendment***(db) infringements and the effectiveness, proportionality and dissuasiveness of penalties as set out in Article 76;****Amendment 423****Proposal for a regulation****Article 77 — paragraph 2 — subparagraph 1 — point d c (new)***Text proposed by the Commission**Amendment***(dc) analysis of the impact of the Regulation on the competitiveness of and on the investments in the batteries sector, and of the administrative burden.****Amendment 424****Proposal for a regulation****Article 77 — paragraph 2 — subparagraph 2***Text proposed by the Commission**Amendment***Where** appropriate, the report shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation.**If** appropriate, the report **referred to in paragraph 1** shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation.**Amendment 425****Proposal for a regulation****Article 79 — paragraph 2***Text proposed by the Commission**Amendment*It shall apply from **1 January 2022**.It shall apply from ... **[6 months after the entry into force of this Regulation]**.

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Amendment 426

Proposal for a regulation

Annex I — table — row 3 a (new)

Text proposed by the Commission

2a. Lead

Amendment

Portable batteries, whether or not incorporated into appliances, shall not contain more than 0,01 % of lead (expressed as lead metal) by weight.

CAS No. 7439-92-1

EC No. 231-100-4 and its compounds

Amendment 427

Proposal for a regulation

Annex II — point 1 — paragraph 1 — point c a (new)

Text proposed by the Commission

Amendment

(ca) ‘Data Quality Ratings’ means a semi-quantitative assessment of the quality criteria of a dataset based on technological representativeness, geographical representativeness, time-related representativeness, and precision. The data quality shall be considered to be that of the dataset as documented.

Amendment 428

Proposal for a regulation

Annex II — point 2 — paragraph 2

Text proposed by the Commission

Amendment

The harmonised calculation rules referred to in Article 7 shall build on the essential elements included in this Annex, be in compliance with the latest version of the Commission Product Environmental Footprint ⁽⁸⁰⁾ (**PEF**) method and relevant Product Environmental Footprint Category Rules (PEFCRs) ⁽⁸¹⁾ and reflect the international agreements and technical/scientific progress in the area of life cycle assessment ⁽⁸²⁾.

⁽⁸⁰⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H0179&from=EN>

⁽⁸¹⁾ https://ec.europa.eu/environment/eussd/smgp/pdf/PEFCR_guidance_v6.3.pdf

⁽⁸²⁾ See https://ec.europa.eu/environment/eussd/smgp/dev_methods.htm

The harmonised calculation rules referred to in Article 7 shall build on the essential elements included in this Annex, be in compliance with the latest version of the Commission Product Environmental Footprint ⁽⁸⁰⁾ (**PEF**) method and relevant Product Environmental Footprint Category Rules (PEFCRs) ⁽⁸¹⁾ and reflect the international agreements and technical/scientific progress in the area of life cycle assessment ⁽⁸²⁾. **The development and update of PEF methods and relevant PEFCRs shall be open and transparent, and involve adequate representation of civil society organisations, academia and other interested parties.**

⁽⁸⁰⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H0179&from=EN>

⁽⁸¹⁾ https://ec.europa.eu/environment/eussd/smgp/pdf/PEFCR_guidance_v6.3.pdf

⁽⁸²⁾ See https://ec.europa.eu/environment/eussd/smgp/dev_methods.htm

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Amendment 429

Proposal for a regulation

Annex II — point 2 a (new)

Text proposed by the Commission

Amendment

2a. Energy use and accounting

When calculating the carbon intensity of the energy used during the different battery life cycle stages and processes as listed in point 4, average carbon emissions data for the country where the specific activity or process took place shall be used. Lower emission factors shall only be used where the economic actor can reliably demonstrate that the region where the specific activity took place and which supplied the energy to the economic operator or their individual processes or energy supply are less carbon intensive than the country average. This shall be demonstrated via proof that the energy is taken from that region and that it is less carbon intensive, or via a direct connection to a renewable or lower carbon energy source or a contract demonstrating a temporal and geographical link between the energy supply and the use by the economic operator, which must be verified by a third party verification statement.

Amendment 430

Proposal for a regulation

Annex II — point 4 — paragraph 1 — table — row 2

Text proposed by the Commission

Raw material acquisition and pre-processing

Includes mining and pre-processing, up to the manufacturing of battery cells and batteries components (active materials, separator, electrolyte, casings, active and passive battery components), and electric/electronics components.

Amendment

Raw material acquisition and pre-processing

Includes mining **and other relevant sourcing**, pre-processing **and transport of all raw and active materials**, up to the manufacturing of battery cells and batteries components (active materials, separator, electrolyte, casings, active and passive battery components), and electric/electronics components.

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Amendment 431

Proposal for a regulation

Annex II — point 4 — paragraph 3

Text proposed by the Commission

The use phase **should** be excluded from the lifecycle carbon footprint calculations, **as not being under the direct influence of** manufacturers **unless it is demonstrated that** choices **made by battery manufacturers at the design stage can make a non-negligible** contribution to this impact.

Amendment

The use phase **may only** be excluded from the lifecycle carbon footprint calculations, **where** manufacturers **can reliably demonstrate that design** choices **only lead to a** contribution to this impact **that is negligible**.

Amendment 432

Proposal for a regulation

Annex II — point 5 — paragraph 2

Text proposed by the Commission

In particular, all activity data related to the battery's anode, cathode, electrolyte, separator and cell-casing shall refer to a specific battery model produced in a specific production plant (i.e., no default activity data shall be used). The battery-specific activity data shall be used in combination with the relevant Product Environmental Footprint compliant secondary datasets.

Amendment

In particular, all activity data related to the battery's **raw materials**, anode, cathode, electrolyte, separator and cell-casing shall refer to a specific battery model produced in a specific production plant (i.e., no default activity data shall be used). The battery-specific activity data shall be used in combination with the relevant Product Environmental Footprint compliant secondary datasets.

Amendment 433

Proposal for a regulation

Annex II — point 5 — paragraph 5 — indent 1

Text proposed by the Commission

— Raw material acquisition and pre-processing stage

Amendment

— Raw material acquisition, **including transport**, and pre-processing stage

Amendment 434

Proposal for a regulation

Annex II — point 8 — paragraph 1

Text proposed by the Commission

Depending on the distribution of the values of the batteries' carbon footprint declarations placed in the EU internal market, a meaningful number of classes of performance will be identified, with category A being the best class with the lowest carbon footprint life cycle impact, to allow for market differentiation.

Amendment

Depending on the distribution of the values of the batteries' carbon footprint declarations **and data quality ratings** placed in the EU internal market, a meaningful number of classes of performance will be identified, with category A being the best class with the lowest carbon footprint life cycle impact, to allow for market differentiation.

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Amendment 435
Proposal for a regulation
Annex III — title

Text proposed by the Commission

Electrochemical performance and durability parameters for portable batteries **of general use**

Amendment

Electrochemical performance and durability parameters for portable batteries

Amendment 436
Proposal for a regulation
Annex III — point 1

Text proposed by the Commission

1. Battery capacity, electric charge which a battery can deliver under **a specific set of** conditions.

Amendment

1. Battery capacity, electric charge which a battery can deliver under **real-life** conditions.

Amendment 437
Proposal for a regulation
Annex III — point 3

Text proposed by the Commission

3. Shelf life (delayed discharge performance), the relative decrease of the minimum average duration after a defined period of time and specific conditions.

Amendment

3. Shelf life (delayed discharge performance), the relative decrease of the minimum average duration **with the initially measured capacity as the reference point**, after a defined period of time and specific conditions.

Amendment 438
Proposal for a regulation
Annex IV — title

Text proposed by the Commission

Electrochemical performance and durability requirements for **rechargeable** industrial batteries and electric vehicle batteries

Amendment

Electrochemical performance and durability requirements for **light means of transport batteries**, industrial batteries and electric vehicle batteries

Amendment 439
Proposal for a regulation
Annex IV — Part A — paragraph 1 — point 3

Text proposed by the Commission

3. Internal resistance (in Ω) **and** internal resistance increase (in %).

Amendment

3. Internal resistance (in Ω), internal resistance increase (in %) **and electrochemical impedance (in Ω)**

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Amendment 440**Proposal for a regulation****Annex IV — Part A — paragraph 1 — point 5***Text proposed by the Commission**Amendment*

5. **An indication of** their expected life-time under the conditions for which they have been designed.

5. Their expected life-time under the **reference** conditions for which they have been designed **in terms of cycles and calendar years**.

Amendment 441**Proposal for a regulation****Annex IV — Part A — paragraph 1 — point 5 a (new)***Text proposed by the Commission**Amendment*

5a. Self discharge.

Amendment 442**Proposal for a regulation****Annex IV — Part A — paragraph 2***Text proposed by the Commission**Amendment*

'Rated capacity' means the total number of ampere-hours (Ah) that can be withdrawn from a fully charged battery under specific conditions.

'Rated capacity' means the total number of ampere-hours (Ah) that can be withdrawn from a fully charged battery under specific **reference** conditions.

Amendment 443**Proposal for a regulation****Annex IV — Part A — paragraph 3***Text proposed by the Commission**Amendment*

'Capacity fade' means the decrease over time and upon usage in the amount of charge that a battery can deliver at the rated voltage, with respect to the original rated capacity **declared by the manufacturer**.

'Capacity fade' means the decrease over time and upon usage in the amount of charge that a battery can deliver at the rated voltage, with respect to the original rated capacity.

Amendment 444**Proposal for a regulation****Annex IV — Part A — paragraph 4***Text proposed by the Commission**Amendment*

'Power' means the amount of energy that a battery is capable to provide over a given period of time.

'Power' means the amount of energy that a battery is capable to provide over a given period of time **under reference conditions**.

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Amendment 445

Proposal for a regulation

Annex IV — Part A — paragraph 6

Text proposed by the Commission

'Internal resistance' means the opposition to the flow of current within a cell or a battery, that is, the sum of electronic resistance and ionic resistance to the contribution to total effective resistance including inductive/capacitive properties.

Amendment

'Internal resistance' means the opposition to the flow of current within a cell or a battery **under reference conditions**, that is, the sum of electronic resistance and ionic resistance to the contribution to total effective resistance including inductive/capacitive properties.

Amendment 446

Proposal for a regulation

Annex IV — Part A — paragraph 7 a (new)

*Text proposed by the Commission**Amendment*

'Self discharge' means the reduction of the stored electric charge when the battery's electrodes are not connected, for example when the battery is stored or not used for an extended period of time, for example 48 h, 168 h, 720 h, with the effect that the battery's charge gradually reduces overtime.

Amendment 447

Proposal for a regulation

Annex V — point 6 — introductory part

*Text proposed by the Commission**Amendment*

6. Thermal propagation

6. Thermal propagation **protection**

Amendment 448

Proposal for a regulation

Annex V — point 7 — paragraph 1

*Text proposed by the Commission**Amendment*7. Mechanical damage **by external forces (drop and impact)**7. Mechanical damage **protection**

These tests shall simulate one or more situations in which a battery accidentally **drops or is impacted by a heavy load** and remains operational for the purpose for which it was designed. The criteria to simulate these situations should reflect real life uses.

These tests shall simulate one or more situations in which a battery **is** accidentally **exposed to mechanical stresses** and remains operational for the purpose for which it was designed. The criteria to simulate these situations should reflect real life uses.

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Amendment 449**Proposal for a regulation****Annex V — point 9 a (new)**

Text proposed by the Commission

*Amendment***9a. Fire test**

The objective of the fire test is to expose the battery to a fire and assess the risk of explosion. The measure of the energy released is an important safety indicator.

Amendment 450**Proposal for a regulation****Annex V — point 9 b (new)**

Text proposed by the Commission

*Amendment***9b. Gas emission — hazardous substances measurements**

Batteries could contain significant amounts of potentially hazardous materials, for example highly flammable electrolytes, corrosive and toxic components. If exposed to certain conditions, the integrity of the battery could be compromised, with release of hazardous gases. Therefore, it is important to identify and quantify substances being released from the battery during tests representing misuse and abuse.

Amendment 451**Proposal for a regulation****Annex VI — Part A — paragraph 1 — point 5**

Text proposed by the Commission

*Amendment***5. date of placing on the market;****deleted****Amendment 452****Proposal for a regulation****Annex VI — Part A — paragraph 1 — point 5 a (new)**

Text proposed by the Commission

*Amendment***5a. the weight of the battery**

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Amendment 453

Proposal for a regulation

Annex VI — Part A — paragraph 1 — point 7

Text proposed by the Commission

Amendment

7. hazardous substances contained in the battery other than mercury, cadmium or lead;

7. hazardous substances contained in the battery **above a concentration of 0,1 % weight by weight** other than mercury, cadmium or lead;

Amendment 454

Proposal for a regulation

Annex VI — Part A — paragraph 1 — point 8

Text proposed by the Commission

Amendment

8. **critical raw materials contained in the battery.**

deleted

Amendment 455

Proposal for a regulation

Annex VI — Part A a (new)

Text proposed by the Commission

Amendment

Aa. Additional information about batteries accessed through the QR code

1. Date of placing on the market.

2. Critical raw materials contained in the battery above a concentration of 0,1 % weight by weight.

3. Information relating to the consumption of electric energy, other forms of energy and where relevant other essential resources during use.

Amendment 456

Proposal for a regulation

Annex VI — Part C — paragraph 1

Text proposed by the Commission

Amendment

The QR code shall be **100 % black** and of a size that is easily readable by a commonly available QR reader, such as those integrated in hand-held communication devices.

The QR code shall be **in a colour with a high contrast compared to its background** and of a size that is easily readable by a commonly available QR reader, such as those integrated in hand-held communication devices

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Amendment 457

Proposal for a regulation

Annex VIII — Part A — point 1 — paragraph 1

Text proposed by the Commission

Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4, and ensures and declares that the battery satisfies the requirements set out in Articles 6, 9, **10**, 11, **12**, 13 and 14 that apply to them.

Amendment

Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4, and ensures and declares that the battery satisfies the requirements set out in Articles 6, 9, 11, 13 and 14 that apply to them.

Amendment 458

Proposal for a regulation

Annex VIII — Part B — point 1 — paragraph 1

Text proposed by the Commission

Internal production control plus supervised verification is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3, 4, and 5, and ensures and declares that the battery satisfy the requirements set out in Articles 7, 8 and 39 that are applicable.

Amendment

Internal production control plus supervised verification is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3, 4, and 5, and ensures and declares that the battery satisfy the requirements set out in Articles 7, 8, **10**, **12** and 39 that are applicable.

Amendment 507

Proposal for a regulation

Annex IX — point 4

Text proposed by the Commission

4. Object of the declaration (identification of the battery allowing traceability): description of the battery.

Amendment

4. Object of the declaration (identification of the battery allowing traceability, **and which may, where appropriate, include an image of the battery**): description of the battery.

Amendment 459

Proposal for a regulation

Annex X — point 1 — point a a (new)

*Text proposed by the Commission**Amendment*

(aa) iron;

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Amendment 460**Proposal for a regulation****Annex X — point 1 — point a b (new)**

Text proposed by the Commission

Amendment

(ab) copper;**Amendment 461****Proposal for a regulation****Annex X — point 1 — point a c (new)**

Text proposed by the Commission

Amendment

(ac) bauxite;**Amendment 462****Proposal for a regulation****Annex X — point 2 — point a**

Text proposed by the Commission

Amendment

(a) air;

(a) air, including air pollution;**Amendment 463****Proposal for a regulation****Annex X — point 2 — point b**

Text proposed by the Commission

Amendment

(b) water;

(b) water, including access to water, pollution and depletion of freshwater, drinking water, oceans and seas;**Amendment 464****Proposal for a regulation****Annex X — point 2 — point c**

Text proposed by the Commission

Amendment

(c) soil;

(c) soil, including soil contamination from waste disposal and treatment;

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Amendment 465**Proposal for a regulation****Annex X — point 2 — point d**

Text proposed by the Commission

(d) biodiversity;

Amendment(d) biodiversity, ***including damage to wildlife, flora, natural habitats and ecosystems;*****Amendment 466****Proposal for a regulation****Annex X — point 2 — point d a (new)**

Text proposed by the Commission

*Amendment****(da) climate, including greenhouse gas emissions;*****Amendment 467****Proposal for a regulation****Annex X — point 2 — point d b (new)**

Text proposed by the Commission

*Amendment****(db) waste management, including damage caused by mine tailing practices*****Amendment 468****Proposal for a regulation****Annex X — point 2 — point i**

Text proposed by the Commission

(i) community life.

Amendment(i) community life, ***including that of indigenous peoples;*****Amendment 469****Proposal for a regulation****Annex X — point 2 — point i a (new)**

Text proposed by the Commission

*Amendment****(ia) access to information, public participation in decision-making and access to justice in environmental matters.***

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Amendment 470**Proposal for a regulation****Annex X — point 3 — point c***Text proposed by the Commission*

(c) Convention on Biological Diversity Decision COP VIII/28- Voluntary guidelines on Biodiversity-Inclusive impact assessment;

Amendment

(c) Convention on Biological Diversity, **including** Decision COP VIII/28- Voluntary guidelines on Biodiversity-Inclusive impact assessment;

Amendment 471**Proposal for a regulation****Annex X — point 3 — point c a (new)***Text proposed by the Commission**Amendment*

(ca) UN Paris Agreement;

Amendment 472**Proposal for a regulation****Annex X — point 3 — point c b (new)***Text proposed by the Commission**Amendment*

(cb) Eight fundamental ILO Conventions as defined under the ILO Declaration on Fundamental Principles and Rights at work;

Amendment 473**Proposal for a regulation****Annex X — point 3 — point c c (new)***Text proposed by the Commission**Amendment*

(cc) any other international environmental conventions that are binding upon the Union or its Member States,

Amendment 474**Proposal for a regulation****Annex X — point 3 — point d***Text proposed by the Commission**Amendment*

(d) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;

deleted

Thursday 10 March 2022

Amendment 475**Proposal for a regulation****Annex X — point 3 — point e***Text proposed by the Commission**Amendment***(e) OECD Due Diligence Guidance for Responsible Business Conduct; and****deleted****Amendment 476****Proposal for a regulation****Annex X — point 3 — point f***Text proposed by the Commission**Amendment***(f) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.****deleted****Amendment 477****Proposal for a regulation****Annex X — point 3 — point f a (new)***Text proposed by the Commission**Amendment***(fa) any other international human rights conventions that are binding upon the Union or its Member States.****Amendment 478****Proposal for a regulation****Annex X — point 3 a (new)***Text proposed by the Commission**Amendment***3a. The internationally recognized due diligence principles applicable to the due diligence requirements laid down in Article 39 of this Regulation:**

- (a) UN Guiding Principles for Businesses and Human Rights;**
- (b) OECD Guidelines for Multinational Enterprises;**
- (c) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;**
- (d) OECD Due Diligence Guidance for Responsible Business Conduct;**
- (e) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.**

Thursday 10 March 2022

Amendment 479

Proposal for a regulation

Annex XI — point 1

Text proposed by the Commission

1. Producers or, where appointed in accordance with Article 47 (2), producer responsibility organisations acting on their behalf, and Member States shall calculate the collection rate as the percentage obtained by dividing the weight of waste portable batteries **excluding waste batteries from light means of transport**, collected in accordance with Article 48 and Article 55, respectively, in a given calendar year in a Member State by the average weight of such batteries that producers either sell directly to end-users or deliver to third parties in order to sell them to end-users in that Member State during that year and the preceding two calendar years.

Amendment

1. Producers or, where appointed in accordance with Article 47 (2), producer responsibility organisations acting on their behalf, and Member States shall calculate the collection rate as the percentage obtained by dividing the weight of waste portable batteries collected in accordance with Article 48 and Article 55, respectively, in a given calendar year in a Member State by the average weight of such batteries that producers either sell directly to end-users or deliver to third parties in order to sell them to end-users in that Member State during that year and the preceding two calendar years.

Amendment 480

Proposal for a regulation

Annex XI — point 1 a (new)

Text proposed by the Commission

Amendment

- 1a. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, and Member States shall calculate the collection rate as the percentage obtained by dividing the weight of waste portable batteries of general use, collected in accordance with Articles 48 and 55, respectively, in a given calendar year in a Member State by the average weight of such batteries that producers either sell directly to end-users or deliver to third parties in order to sell them to end-users in that Member State during that year and the preceding two calendar years.

Thursday 10 March 2022

Amendment 481

Proposal for a regulation

Annex XI — point 2

Text proposed by the Commission

2. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, and Member States shall calculate the annual sales of portable batteries, ***excluding batteries from light means of transport***, to end-users in a given year, as the weight of such batteries made available on the market for the first time within the territory of the Member State in the year concerned, excluding any portable batteries that have left the territory of that Member State in that year before being sold to the end users.

Amendment

2. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, and Member States shall calculate the annual sales of portable batteries, to end-users in a given year, as the weight of such batteries made available on the market for the first time within the territory of the Member State in the year concerned, excluding any portable batteries that have left the territory of that Member State in that year before being sold to the end users.

Amendment 482

Proposal for a regulation

Annex XI — point 2 a (new)

Text proposed by the Commission

Amendment

- 2a. ***Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, and Member States shall calculate the annual sales of portable batteries of general use to end-users in a given year, as the weight of such batteries made available on the market for the first time within the territory of the Member State in the year concerned, excluding any portable batteries of general use that have left the territory of that Member State in that year before being sold to the end users.***

Thursday 10 March 2022

Amendment 483

Proposal for a regulation

Annex XII — Part A — point 4

Text proposed by the Commission

4. Special precautions and safety measures shall be in place for the treatment of waste lithium based batteries that shall be protected from exposure to excessive heat, water, or any crushing or physical damage during handling, sorting **and** storage.

Amendment

4. Special precautions and safety measures shall be in place for the treatment of waste lithium based batteries that shall be protected from exposure to excessive heat, water, or any crushing or physical damage during handling, sorting. **They shall be stored in a dry place, not exposed to high temperatures, fire or direct sunlight, and in their normally installed orientation, in well-ventilated areas, sheltered from water and rain. Waste lithium-based batteries shall also be covered with a high voltage rubber insulation mat. The storage of waste lithium-based batteries shall be marked with a warning sign and only those batteries which are sufficiently insulated against short circuiting shall be stored.**

Amendment 484

Proposal for a regulation

Annex XII — Part B — point 1 — point b a (new)

Text proposed by the Commission

Amendment

- (ba) **recycling of 85 % by average weight of nickel-cadmium batteries;**

Amendment 485

Proposal for a regulation

Annex XII — Part B — point 2 — point b a (new)

Text proposed by the Commission

Amendment

- (ba) **recycling of + 85 % by average weight of nickel-cadmium batteries;**

Thursday 10 March 2022

Amendment 486

Proposal for a regulation

Annex XII — Part B — point 2 — point b b (new)

Text proposed by the Commission

Amendment

(bb) recycling of 70 % by average weight of other waste batteries.

Amendment 487

Proposal for a regulation

Annex XII — Part C — point 1 — point d

Text proposed by the Commission

Amendment

(d) **35 %** for lithium;

(d) **70 %** for lithium;

Amendment 488

Proposal for a regulation

Annex XII — Part C — point 2 — point d

Text proposed by the Commission

Amendment

(d) **70 %** for lithium;

(d) **90 %** for lithium;

Amendment 489

Proposal for a regulation

Annex XIII — point 1 — point r a (new)

Text proposed by the Commission

Amendment

(ra) Status of the battery (first life, waste, repaired, repurposed, recycled).

ISSN 1977-091X (electronic edition)
ISSN 1725-2423 (paper edition)



Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

EN