EUROPEAN PARLIAMENT

2022-2023 SESSION

Sittings of 2 to 5 May 2022

The texts adopted of 4 May 2022 concerning the discharge for the financial year 2020 have been published in OJ L 258, 5.10.2022.

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P9_TC1-COD(2020)0349

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P9_TA(2022)0198

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P9_TC1-COD(2022)0053

**Key to symbols used**

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

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

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

RESOLUTIONS

EUROPEAN PARLIAMENT

P9_TA(2022)0135

A sustainable blue economy in the EU: the role of fisheries and aquaculture

European Parliament resolution of 3 May 2022 towards a sustainable blue economy in the EU: the role of the fisheries and aquaculture sectors (2021/2188(INI))

(2022/C 465/01)

The European Parliament,

— having regard to the Commission communication of 17 May 2021 on a new approach for a sustainable blue economy in the EU — transforming the EU's Blue Economy for a Sustainable Future (COM(2021)0240),

— having regard to Articles 3, 4, 13, 38, 43 and 349 of the Treaty on the Functioning of the European Union,


— having regard to the seventh Environmental Action Programme (EAP) and the concepts enshrined therein, such as planetary boundaries and ecological limits,


(5) OJ L 288, 6.11.2007, p. 27.
having regard to the political agreement between Parliament and the Council of 11 March 2021 on the 2021-2027 Connecting Europe Facility,

having regard to the Commission communication of 11 December 2019 entitled ‘The European Green Deal’ (COM(2019)0640),

having regard to the Commission communication of 20 May 2020 entitled ‘EU Biodiversity Strategy for 2030 — Bringing nature back into our lives’ (COM(2020)0380), and to its resolution of 9 June 2021 thereon (7),

having regard to the Commission communication of 20 May 2020 entitled ‘A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system’ (COM(2020)0381), and to its resolution of 20 October 2021 thereon (8),

having regard to the Commission communication of 20 May 2020 entitled ‘A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system’ (COM(2020)0381), and to its resolution of 20 October 2021 thereon (9),

having regard to the Commission report entitled ‘The EU Blue Economy Report 2021’ (10),

having regard to the Commission report of March 2021 on ‘Sustainability criteria for the blue economy’ (11),

having regard to the Commission communication of 12 May 2021 entitled ‘Strategic guidelines for a more sustainable and competitive EU aquaculture for the period 2021 to 2030’ (COM(2021)0236),

having regard to the Commission communication of 23 July 2020 entitled ‘A new approach to the Atlantic maritime strategy — Atlantic action plan 2.0: An updated action plan for a sustainable, resilient and competitive blue economy in the European Union Atlantic area’ (COM(2020)0329),

having regard to the Commission communication of 9 December 2020 entitled ‘Sustainable and Smart Mobility Strategy — putting European transport on track for the future’ (COM(2020)0789),

having regard to the Commission communication of 19 November 2020 entitled ‘An EU Strategy to harness the potential of offshore renewable energy for a climate neutral future’ (COM(2020)0741),

having regard to its resolution of 8 September 2015 on untapping the potential of research and innovation in the blue economy to create jobs and growth (12),

having regard to its resolution of 16 January 2018 entitled ‘International ocean governance: an agenda for the future of our oceans in the context of the 2030 SDGs’ (13),

having regard to its resolution of 25 March 2021 on the impact on fisheries of marine litter (14),

having regard to its resolution of 14 September 2021 on a new approach to the Atlantic maritime strategy (15),

having regard to its resolution of 7 July 2021 on the impact on the fishing sector of offshore wind farms and other renewable energy systems (16),

having regard to its resolution of 14 September 2021 entitled ‘Towards a stronger partnership with the EU outermost regions’ (17).

(7) OJ C 67, 8.2.2022, p. 25.
(11) OJ C 316, 22.9.2017, p. 64.
having regard to the agreement adopted at the 21st Conference of the Parties to the UN Framework Convention on Climate Change (COP21) in Paris on 12 December 2015 (the Paris Agreement),

— having regard to the global guidelines and international standards for fisheries and aquaculture as developed by the UN Food and Agriculture Organization (FAO) in cooperation with the EU as a member,

— having regard to the FAO report entitled ‘The State of World Fisheries and Aquaculture 2020: Sustainability in Action’,

— having regard to the Blue Fishing Ports Network initiative launched in July 2018 by the FAO,

— having regard to the Port of Vigo Blue Growth Strategies for 2016-2020 and 2021-2027 (¹)

— having regard to the opinion of the Committee of the Regions on the Commission communication on a new approach for a sustainable blue economy in the EU — transforming the EU’s blue economy for a sustainable future (COM(2021)0240),

— having regard to the opinion by the Committee of the Regions of 2 December 2021 on the sustainable blue economy and aquaculture (NAT-VVI/020),

— having regard to the competence of its Committee on Transport and Tourism on maritime programming and an integrated maritime policy,

— having regard to Rule 54 of its Rules of Procedure,

— having regard to the opinions of the Committee on Development and the Committee on Transport and Tourism,

— having regard to the report of the Committee on Fisheries (A9-0089/2022),

A. whereas the EU’s blue economy provides 4.5 million direct jobs and encompasses all industries and sectors related to oceans, seas and coasts, whether they are based in the marine environment (such as shipping, seagoing passenger transport, fisheries and energy generation) or on land (such as ports, shipyards, coastal tourism and land-based aquaculture); whereas it is a broad, fast-moving segment of our economy, which has taken significant steps to modernise and diversify over the past decade, and which will play an important role in improving environmental, social and economic development;

B. whereas if the global blue economy were compared to a national economy, it would be the seventh largest in the world, and the ocean as an economic entity would be a member of the G7; whereas it operates in the planet’s largest ecosystem, as oceans hold 80% of all life forms; whereas the ocean surrounds and sustains us and provides critical resources for human health, not to mention a web of economic interactions;

C. whereas developing the blue economy could greatly boost growth and economic development, as well as job creation, especially in coastal and island countries and regions and in the outermost regions;

D. whereas the fisheries sector, particularly small-scale, coastal and artisanal fisheries, have not been sufficiently taken into account in the EU’s strategy for the blue economy;

E. whereas the blue economy will further provide new prospects and create jobs, particularly in areas such as renewable ocean energy, the blue bio-economy, biotechnology and desalination;

F. whereas the sectoral priorities for the development of the blue economy may differ from Member State to Member State, depending, on the one hand, on the development record of traditional or established sectors and, on the other hand, on current resources and the development potential of emerging sectors in each Member State;

(¹) http://bluegrowthvigo.eu/
G. whereas the harnessing the potential of the blue economy must not serve as a pretext for subjecting the seas and oceans to forms of resource exploitation and growth models which have already shown themselves to be unsustainable; whereas marine and ocean resources must be used strictly in accordance with the need for their sound management and conservation, without altering marine ecosystem balances;

H. whereas the Maritime Spatial Planning Directive states that Member States must take into account the interactions of activities and uses such as aquaculture, fishing and installations and infrastructures for the production of energy from renewable sources, as well as submarine cables, and promote the coexistence of relevant activities and apply an ecosystem-based approach;

I. whereas a blue economy that develops within ecological limits, and hence not only the fisheries and aquaculture sectors, but all marine sectors concerned, must equally respect the environmental, social and economic pillars across the board in order to be considered sustainable;

J. whereas the common fisheries policy (CFP) seeks to guarantee the proper conservation and management of marine biological resources and that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies;

K. whereas the CFP should contribute to productivity growth and a decent standard of living in the fisheries sector, including the small-scale fisheries sector, as well as stable markets, and should ensure the availability of food;

L. whereas, under SDG 14, it is imperative to conserve oceans, seas and marine resources and promote their sustainable use, while under SDG 2, it is imperative to guarantee food security; whereas sub-target 14.1 sets the objective of preventing and significantly reducing marine pollution of all kinds by 2025, in particular from land-based activities, including marine debris and nutrient pollution;

M. whereas the ocean is crucial for life on earth, producing 50% of the oxygen in the atmosphere, absorbing about 25% of human-produced carbon dioxide emissions and 90% of excess heat in the climate system, and for regulating the global climate;

N. whereas the restoration, preservation, conservation and sustainable use of marine biodiversity is fundamental to the health of the oceans, which contain millions of species, to protecting the health of the planet and providing the basis for marine and maritime economic activities;

O. whereas the collection of data for scientific monitoring and assessment of stocks in the seas and oceans, including the evaluation of whether these stocks are within the safe biological limits, is fundamental to their sustainable management;

P. whereas significant parts of the oceans and sea floor remain unexplored, in particular the deep sea, and whereas further research is needed to ensure that any activities under the blue economy will be fully sustainable;

Q. whereas fisheries and aquaculture are key sectors in the blue economy and are an important source of protein and micronutrients that are essential for food security and human health;

R. whereas marine biodiversity in Europe is under pressure, with a high proportion of assessed marine species and habitats as being in ‘unfavourable’ or ‘unknown’ conservation status; whereas the loss of marine biodiversity is having a major environmental, social and economic impact on the EU fisheries sector, on coastal and island territories and on the outermost regions, and must therefore be reversed; whereas biodiversity must restored in cooperation with all stakeholders, and in particular with the fisheries sector and the scientific community;

S. whereas coastal and island communities are key stakeholders in the debate on the potential of the blue economy and ways to harnessing it;
whereas small-scale artisanal fisheries have specific characteristics and needs;

V. whereas the recreational fisheries sector can contribute to the diversification of coastal communities’ income as a high-value and sustainable tourism activity;

W. whereas women play an important role in the fisheries and aquaculture sectors; whereas there is a need to increase their visibility and ensure equal access to employment in the sector, as well as appropriate legal recognition;

X. whereas the UN Sustainable Development Goals (SDGs) 3, 6, 9 and 12 underline the importance of animal health, good water quality, sustainable innovation and sustainable consumption and production in the blue economy;

Y. whereas the health and wellbeing of aquatic animals is linked to the quality of food products; whereas poor animal welfare and husbandry can increase the risk of disease and illness;

Z. whereas land agriculture has a significant impact on marine ecosystems and fisheries, in particular the use of nitrogen-based fertilisers and the eutrophication of aquatic environments;

AA. whereas fishers play a very important role in the collection of abandoned marine litter in the sea, whether by carrying out targeted campaigns or by collecting litter accidentally during fishing operations;

AB. whereas the 2020 objectives of achieving good environmental status for European seas and to end overfishing have not been achieved;

AC. whereas, in 2018 the EU fisheries sector accounted for around 163 600 jobs, with fleets catching around 4.1 million tonnes of live fish in 2019; whereas, in the EU 27, 1.1 million tonnes of aquatic organisms valued at EUR 3.7 billion were produced in 2018 (18);

AD. whereas the EU is a net importer of fisheries and aquaculture products and remains dependent on imports for most of its aquatic food consumption, accounting for 34% of the global value of imports in 2018; whereas EU fisheries imports must at least respect similar sustainability standards as those in the EU; whereas EU fisheries imports must be directly linked to sustainable jobs in the import, processing and retail sectors;

AE. whereas EU fisheries, aquaculture and coastal communities have already been impacted by the effects of climate change; whereas the climate crisis has had a significant impact on the health of Europe’s seas with detrimental effects on the resilience of the blue economy, in particular fisheries and aquaculture;

AF. whereas several sectors in the blue economy have been affected by the COVID-19 pandemic, in particular coastal and maritime tourism; whereas the blue economy could help repair the economic and social damage caused by the current crisis;

AG. whereas the COVID-19 pandemic has had a significant economic impact on those employed in the fisheries and aquaculture sectors owing to the combined effects of waning demand and lack of conditions on many vessels to enable health safety; whereas market disruptions caused by the pandemic have negatively affected fishers all over the EU; whereas the fishers still managed to provide a high-quality food supply and for that very reason, special attention must be paid to fishers due to their importance for the security of food supply in the EU;

AH. whereas the pandemic situation has demonstrated the importance of a resilient environment, supported by sustainable practices in the management of its resources, for the global health and for the future of food systems;

AI. whereas coastal communities need to diversify their sources of income in order to withstand economic and social shocks;

AJ. whereas, when diversifying their sources of income, coastal and remote communities need to build resilience to shocks such as those caused by climate change;

AK. whereas maritime and coastal tourism are a pillar of the blue economy, with over half of the EU’s tourist accommodation located in coastal areas and 30% of overnight stays occurring at beach resorts; whereas the Commission communication on tourism and transport in 2020 and beyond (COM(2020)0550) underscores the importance of protecting and restoring Europe’s land and marine natural capital;

AL. whereas maritime and coastal tourism account for 60% of employment in the blue economy; whereas a competitive, resilient and socially fair blue economy needs highly qualified and skilled professionals; whereas ‘blue jobs’ can promote growth and career opportunities;

AM. whereas angling tourism as a sector has the potential to be a new source of income for coastal communities while ensuring the sustainability and good status of fish stocks and providing social and health benefits;

AN. whereas recreational fisheries is already a sustainable and high-value tourism option and complementary activity for many communities across Europe; whereas there has been growing interest in recreational fishing in many countries, particularly following the COVID-19 pandemic;

AO. whereas developing sustainable infrastructure in coastal regions will help preserve biodiversity, coastal ecosystems and landscapes, which will strengthen the sustainable development of tourism and coastal economies;

AP. whereas the blue economy plays a vital role in the prosperity of outermost regions, which, due to their isolation, are especially dependent on blue economy-based activities, such as maritime transport, shipping and tourism;

AQ. whereas ports play an essential role in achieving the objectives of the sustainable blue economy, and whereas increasing the sustainability of ports will promote the sustainable development of coastal communities; whereas ports are an important hub for the transport of goods and passengers in outermost regions;

AR. whereas ports are crucial to the connectivity and economy of regions and countries and play an important role in the promotion of sustainable development, which contributes to tackling biodiversity loss, as stated in the new EU biodiversity strategy for 2030; whereas the role of ports will also evolve as Europe’s industrial landscape changes (for example, with the expansion of offshore renewable energy);

AS. whereas EU shipyards could seize the opportunities arising from the fast-growing innovative market for energy-efficient service vessel;

AT. whereas different blue economy-related activities in one space generate competition, pollution and sea space management conflicts that mainly affect fishing activities, in particular small-scale fisheries and coastal communities; whereas maritime spatial planning is crucial to avoid increasing competition and sea space management conflicts;

AU. whereas, through their maritime spatial plans, Member States should aim to contribute to the sustainable development of energy sectors at sea, maritime transport, the fisheries and aquaculture sectors, and the preservation, protection and improvement of the environment, including resilience to climate change impacts; whereas, in this regard, fisheries and aquaculture interests should receive special attention and should not be marginalised as Member States continue their work and subsequent revisions of national maritime spatial plans;

AV. whereas the Paris Agreement’s goal is to limit global warming to well below 2, preferably to 1,5 degrees Celsius, compared to pre-industrial levels;
AW. whereas the Intergovernmental Panel on Climate Change Special Report on the Ocean and Cryosphere in a Changing Climate provides evidence of the benefits of combining scientific knowledge with local and indigenous knowledge to improve resilience;

AX. whereas the EU is aiming to become climate neutral by 2050 at the latest, in line with the Green Deal objectives; whereas the EU has proposed the target of reducing greenhouse gas emissions by at least 55% by 2030; whereas offshore renewable energy is one of the options that Member States can choose to achieve this target; whereas it should play a key role in achieving these objectives through an integrated approach taking into account the three pillars of sustainability;

AY. whereas a proposal for legally binding nature restoration targets needs to be drawn up under the EU biodiversity strategy for 2030 in line with the objective of protecting 30% of the EU maritime area, of which 10% should be subject to strict conservation measures;

AZ. whereas there is a need for specific guidelines and sound planning for each of the EU's maritime regions on the objectives to be attained in marine conservation areas;

BA. whereas the outermost regions are genuine natural laboratories, rich in biodiversity and are real natural sanctuaries that need urgent protection, especially because of their mostly archipelagic nature and with significant coastal areas;

BB. whereas the management of ecosystems requires a holistic approach that takes into account all the causes of biodiversity loss, such as climate change, ocean acidification, appearance of alien species, coastal erosion, etc.; whereas it is necessary to have a global vision, framework and an ecosystem-based approach for the management and conservation of marine resources;

BC. whereas climate change is increasingly changing the distribution and migratory patterns of various fish species and affects small-scale fisheries in developing countries, which are more vulnerable to its effects;

BD. whereas illegal fishing is a major threat to marine resources, depleting fish stocks, destroying marine habitats creating unfair competition and putting the livelihoods of coastal communities and islands fisheries at risk;

BE. whereas it is essential for Member States to implement an EU fisheries control regime that is simple, transparent and effective in order to ensure the sector’s sustainability targets are met;

BF. whereas, when diversifying consumption, improved traceability with access to information about nutritional values, provenance and place of production is fundamental to consumer behaviour;

Global approach to the EU blue economy

1. Welcomes the Commission’s new sustainable EU blue economy strategy; regrets, however, the lack of specific objectives for different sectors, in particular fisheries and aquaculture as important sectors in the blue economy; points out that new legislative proposals and action plans must always be based on the best available scientific knowledge and on environmental, social and economic impact assessments;

2. Calls for a broad definition of the blue economy that encompasses all sectoral and intersectoral activities relating to oceans, seas and coastal areas, including direct and indirect support activities, and in which the fisheries sector is appropriately taken into account; draws attention to the cross-cutting importance of innovation for all these activities, whether traditional or emerging;

3. Draws attention to the need to promote an integrated approach to different sectors of the blue economy, recognising and respecting the priorities of the Member States and supporting them in developing these priorities;

4. Highlights the fact that the blue economy sector overall plays a crucial role, particularly in the outermost regions, and can contribute to attenuating the impacts of climate changes, promoting nature-based solutions and improving the use of maritime and aquatic resources;
5. Draws attention to the negative trends and clear decline in some more traditional sectors of the blue economy (such as fisheries, shipbuilding and ship repair, among others), especially in regions where they function as true anchor activities, driving economic activities both upstream and downstream, creating jobs and promoting growth; considers that any blue economy strategy should not omit these activities and regions, and should emphasise the potential for innovation to reverse the decline recorded;

6. Highlights that fostering the blue economy is key to reviving the economy as a whole and restoring the economic and social aspects of several sectors, such as transport and tourism, that have been severely affected by the COVID-19 pandemic;

7. Calls for an improved and more coordinated implementation of all available financial instruments, including the structural and investment funds, to better promote the blue economy strategy;

8. Calls on the Commission, in close coordination with Member States, to gauge the specific needs of the fisheries sector in the context of the financing of the blue economy (at sectoral, regional, national, and European level) with a view to realising its growth and job-creation potential;

9. Stresses that the development of the blue economy requires greater investment in knowledge and that in order to improve understanding of the marine environment the EU and the Member States must provide substantial funding under arrangements making for continuity and predictability over the long term;

10. Highlights the need for appropriate financial support for the blue economy to enable large-scale investments in research, technology and infrastructure at the EU and Member State level; calls on the Commission and industry, therefore, to evaluate the benefit of establishing EU partnerships for maritime transport, including with the private sector, at the EU and international level in order to address current international trade and supply chain challenges, foster innovation and competitiveness within the sector, contribute to decarbonisation, create infrastructure for shore-side electricity, loading and supplying alternative fuels in ports and cargo terminals, and develop waste management plans for Atlantic, Mediterranean and Baltic ports; welcomes therefore the establishment of the European Partnership for a climate neutral, sustainable and productive blue economy, which aims to align national, regional and EU research and innovation priorities;

11. Urges the Commission and the Member States to put in place new projects and new instruments for all blue economy stakeholders to base their activities on the responsible and sustainable use of natural resources, decarbonisation and circular economy; emphasises that the sustainable blue economy must develop within ecological limits, be based on scientific advice and foster a healthy marine environment;

12. Stresses the need to implement an integrated ecosystem-based approach to all sectors of the blue economy;

13. Calls on the Commission to propose legislative and non-legislative initiatives, based on carrying out proper impact assessments of these initiatives on the fisheries and aquaculture sectors, and ensuring that the blue economy becomes the basic pillar for delivering the overall objectives of the European Green Deal and related subsequent EU strategies; stresses that the transformation the blue economy needs to undergo will drive innovation and stimulate job creation and economic opportunities;

14. Highlights that coastal and ocean-dependent communities can contribute to the development of a sustainable blue economy sector that considers their specific circumstances and needs; highlights that they can lead varied pilot projects, such as on offshore renewable energy technologies, the development of nature-based activities and the contribution of sustainable fisheries and aquaculture to healthy, resilient and safe food systems;

15. Considers that coastal and island communities, particularly those involved in fisheries, should be fully involved at every stage in the development of the blue economy, this being a sine qua non for realising its potential in terms of innovation, jobs, prosperity, and sustainable development;
16. Underlines that a holistic approach to all sectors of the blue economy that takes into due account their interplays is required to ensure that the activities of one sector do not hamper or create conflicts with the activities of another; notes that this is also relevant for the protection of the marine environment; stresses the need for collaborative, inclusive and cross-sectoral maritime spatial planning; stresses in this regard the importance of effective ecosystem-based maritime spatial planning for achieving ecological, social and economic objectives, inter alia in the context of the transition to a climate neutral society; is of the view that maritime spatial planning will create synergies between sectors and safeguard the livelihoods of fishers; regrets that the majority of Member States have delayed the establishment of maritime spatial plans as required under Directive 2014/89/EU; invites the Commission to ensure that the review of the Directive in 2022 is presented in a timely manner and to accompany it with corrective initiatives, where needed;

17. Underlines that the initiatives that will deliver the new vision of the sustainable blue economy in the EU must take into account land-sea interactions;

18. Highlights the importance of establishing bilateral partnership arrangements with third countries, in particular agreements for sustainable fishing partnerships and the fight against illegal, unreported and unregulated (IUU) fishing; stresses that bilateral partnership arrangements should seek to comply with the highest environmental, economic and social sustainability criteria and be based on the best available scientific advice;

19. Is concerned about cases of IUU fishing outside EU waters; recalls that IUU fishing, facilitated by the practice of flying a flag of convenience, damages food security and the livelihoods of people in coastal countries, while creating fertile ground for piracy; calls for a strong global system of deterrent sanctions and a multi-pronged approach to fighting IUU fishing; stresses the need to limit the use of flags of convenience and reflagging and to address trans-shipment at sea, as these are important tools for closing IUU loopholes; calls on the EU, more broadly, to strengthen anti-corruption capacity-building by fostering cooperation between national agencies, increasing international cooperation, improving oversight of fishery agents in developing countries with support from the EU, and supporting regional monitoring, control and surveillance centres and task forces;

20. Stresses the need to fight against IUU fishing in a way that is continuous, effective and comprehensive; invites the Commission to review its discussions with yellow-card states; highlights the importance of product traceability and of banning the importation of sea products obtained from illegal fishing; calls on Member States to take a genuinely hard-line approach to landings of boats from suspect third countries;

21. Stresses the importance of enhancing dialogue with countries bordering the Mediterranean, particularly those on its southern shore, and of boosting funding for project lines that target international cooperation in blue economy sectors (Interreg Next Med, Interreg Euro-MED Programme 2021-2027, Switch Med, etc.);

22. Stresses that some fleets from outside the EU, fishing in the same areas and exporting fisheries products to the European market have lower sustainability standards, which negatively affects the competitiveness of European fishers;

23. Stresses the need to establish a level playing field with products imported from third countries, ensuring that all fisheries and aquaculture products consumed in the EU are produced by sustainable food systems and comply with the objectives of the Green Deal; Calls on the Commission to adopt all the necessary measures to guarantee a general fair competition environment within the framework of the World Trade Organization and specifically in EU trade agreements;

24. Calls on the Commission and the Member States to continue strengthening the rights and working conditions of third country nationals working on EU vessels, as well as to ensure decent pay for all those working in the fisheries and aquaculture sectors and all other sectors of the blue economy;

25. Underlines the need to strengthen collaboration and coordinate actions with ongoing multilateral forums, such as the UN Framework Convention on Climate Change, the Convention on Biological Diversity, as well as the 2030 Agenda for Sustainable Development and other related international and multilateral processes, to promote the protection, conservation, sustainable management and restoration of marine and freshwater biodiversity, while contributing to other SDGs; stresses that COP15 in Kunming, China, offers a good opportunity to agree on global measures in this regard;
26. Takes note of the objective of protecting 30% of the world’s oceans by 2030, but warns that it should not be at the expense of food security, fishers and aquaculture producers, indigenous peoples and local communities;

27. Welcomes the Commission’s commitment to the designation of three vast marine protected areas in the Southern Ocean; regrets that the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) once again failed to reach agreement on these protected areas in 2021;

28. Highlights the role of local and regional authorities as responsible for helping to identify and designate, with Member States, additional marine protected areas;

29. Recalls that a growing body of research, notably from the Intergovernmental Panel on Climate Change Special Report on the Ocean and Cryosphere in a Changing Climate, shows that objectives on biodiversity and climate change mitigation and adaptation are better achieved when fishers and local communities have direct control over the management of the resources on which they rely; stresses that ecosystems managed by coastal communities are among the richest and most productive, and also contribute to the adaptation of coastal areas to the consequences of climate change: highlights the risks of ocean-grabbing on maritime spatial planning: stresses, therefore, the need to secure small-scale fisheries, ensure the responsible governance of tenure, and hold the beneficiaries of EU undertakings operating in the blue economy sector to account if their activities violate human rights;

30. Calls on the EU and partner countries to rely on indigenous know-how in their climate mitigation strategies and to actively promote participatory management, which has proved to be effective in increasing the resilience of coastal communities;

31. Considers that international ocean governance should adopt an intersectoral approach to the blue economy, ensuring equal treatment for all maritime economic activities; supports the ocean being recognised as a shared asset of humanity, and calls for sustainable fisheries partnership agreements (SFPAs) to always be in line with the 2030 SDGs, with EU environmental obligations and objectives and with the CFP obligations and objectives;

32. Expresses concern that sectoral support provided by SFPAs often does not directly benefit local fisheries and coastal communities in third countries and, therefore calls on the Commission to link SFPAs closely with EU sustainable development programming;

33. Highlights that SFPAs must become a tool for the development of local blue economies; considers that insufficient data makes it difficult to evaluate the contributions of SFPAs towards the attainment of the SDGs in partner countries; urges the EU to increase the transparency, data collection (particularly on catches, vessel registrations and labour conditions) and reporting requirements in SFPAs and to establish a centralised socio-economic database for all EU vessels regardless of where they operate;

34. Stresses the need to include all stakeholders in SFA negotiations and during their implementation period, and to ensure that the needs of the communities most affected by these partnerships are taken into account;

35. Deplores the lack of monitoring of the implementation and proper use of funding; is worried that sectoral support under SFPAs often does not directly benefit small-scale fishers; calls on the Commission to link SFPAs closely with EU development aid with the aim of improving added value for coastal communities; calls on the Commission, furthermore, to proactively publish annual reports on the ways sectoral support is utilised in order to better track the use of EU public money;

36. Welcomes the role of regional sea conventions and regional fisheries management organisations (RFMOs); calls on the Commission to come forward with ambitious mandates for RFMOs in order to protect fishery resources in developing countries and international waters, in particular by improving stock management for species such as tropical tuna, reducing discards, applying the precautionary approach to ensure the conservation of endangered species and vulnerable marine ecosystems, and improving the available data, compliance and the transparency of decision-making;
37. Calls, more broadly, for the improvement of fisheries management practices and monitoring and for the development of eco-labelling and new technologies such as blockchain, in order to improve product traceability;

38. Calls on the EU to provide technical assistance to developing country producers, especially small-scale producers;

39. Recalls that all states involved in fisheries in West Africa should establish an RFMO — particularly for the exploitation of shared stocks, such as small pelagic fish — as required under international law, relevant national laws, Pan-African and regional fisheries policies, and other instruments; believes that this management regime should comply with a precautionary and ecosystem-based approach, ensuring that total allowable catches are within safe biological limits;

40. Urges the EU to effectively promote and protect small-scale fisheries in Africa, which are the main providers of ocean livelihoods, as a cornerstone of the future EU-Africa blue task force, such as by funding the implementation of FAO international guidelines on sustainable small-scale fisheries;

41. Stresses that the production of fishmeal and fish oil, among other factors, can contribute to overfishing in developing countries, in particular in West Africa: calls for mandatory due diligence measures to ensure that the whole seafood industry supply chain is fair, fully traceable, does not use products from IUU fishing and is not linked to human rights violations, including human trafficking and slavery;

42. Welcomes the role of regional sea conventions and RFMOs in strengthening governance based on the best available scientific knowledge, which should be easily available to all operators;

43. Calls on the Commission to come forward with ambitious mandates in RFMOs in order to protect fisheries resources in developing countries and international waters, in particular by in relation to improving stock management for species such as tropical tuna, for reducing discards, in applying the precautionary approach to protect the conservation of endangered species, vulnerable marine ecosystems (VMEs) as well as improving data availability, compliance and transparent decision-making;

44. Calls on the Commission to actively pursue and promote the integration of climate adaptation and mitigation goals in its SFPAs and in RFMO decision-making;

45. Calls for EU and Member State measures to step up efforts to improve global fisheries governance, notably through mechanisms such as the Fisheries Transparency Initiative (FiTI);

46. Recalls that the sustainable management of resources based on the best available scientific advice and best socio-economic impact assessments must be a key priority for attaining EU strategic agenda goals and must also be included in bilateral partnership arrangements;

47. Emphasises that the blue economy comprises multiple activities over and above the traditional activities, that the development of new activities should always be accompanied by impact studies, and that a transparent scientific approach, as well as effective consultations and equal participation from all the affected sectors, must be adopted to facilitate the sustainable organisation of these activities within the blue economy;

48. Highlights that the maritime sector is a key link for international connectivity, the global trading system, the EU economy, its competitiveness and for EU regions; stresses the importance of enhancing the role of ports, the need for investments in smart infrastructure and the development and management of ports, which should further increase their capacity to accommodate trade growth;

49. Calls on the Commission and the Member States to invest in ports located on EU coasts so as to focus on missing connections with the hinterland, with the overall objectives of making transport more resilient and turning ports into logistic platforms and strategic clusters for multimodal transport, energy generation, storage and distribution, and tourism; stresses the importance of including a market-based measure as a goal of the International Maritime Organization for the reduction of greenhouse gases from maritime transport in order to implement a carbon offsetting scheme in international shipping and ensure a realistic path to emissions reductions;
50. Highlights that the Commission’s communication on a sustainable and smart mobility strategy aims to bring the first zero-emission vessels to market by 2030, and that the EU has already financed substantial research into the hybridisation and electrification of vessels through Horizon 2020; calls on the Commission to further boost its support for electric vessels for short routes;

51. Calls on the Commission and the Member States to complete priority projects included in the Trans-European Transport Network (TEN-T) for the Atlantic, Mediterranean and Baltic Sea areas, especially in cross border areas and as part of future TEN-T guidelines and the 2021-2027 Connecting Europe Facility, in order to promote, simplify and invest adequate funding in the full development of the TEN-T motorways of the sea to better integrate short sea shipping to distribute goods more widely via ports connecting islands to the mainland and a comprehensive multimodal transport system; stresses that it is essential to create seamless and sustainable transport chains for passengers and cargo in all transport modes, and in particular rail, maritime and inland waterways transport; believes that projects should pay particular attention to the connectivity and accessibility needs of peripheral, island and outermost regions in the Atlantic, Mediterranean, and Baltic Sea areas;

52. Highlights that ports can be used to boost the blue economy, as they have a key role in the economic activities of this sector, and ensure its transition towards sustainable and smart mobility in line with the principles of the European Green Deal; calls on the Commission to reallocate more EU funding for the improvement of transport efficiency, TEN-T core port accessibility and for the reduction of costs, including investment in continuous dredging, channel deepening and other capacity-building measures in selected ports; reminds the Commission and the Member States that further investment in sustainable and intelligent port infrastructure is needed to enable ports to become multimodal mobility and transport hubs, as well as energy hubs for integrated electricity systems, hydrogen and other alternative fuels, and test sites for waste reuse and the circular economy;

53. Congratulates the Port of Vigo on being the pioneering EU port that first implemented the European Blue Growth Strategy;

54. Welcomes the FAO Blue Fishing Ports Network initiative, which aims to draw up guidelines on best international practice for fishing ports that are in the process of transitioning to blue economy models, in order to improve their sustainability by protecting the environment and promoting the social and economic benefits; supports the FAO establishing a permanent office in the Port of Vigo to develop and manage a Global Blue Ports Network;

Resilience, competitiveness and jobs

55. Recognises that the EU’s recovery efforts must be centred on sustainability, competitiveness and growth objectives; stresses the need for sustainable financing instruments to drive this transition, including through strengthening public and private investment;

56. Calls on the Commission and the Member States to support the sustainable development of small-scale fishing and aquaculture value chains, from fisher to consumer, by promoting the harmonisation of selective, non-destructive and energy-efficient fishing and aquaculture methods, by facilitating the exchange of knowledge with the EU research community and by promoting sustainable commercialisation methods for fishery products, while decreasing administrative burdens;

57. Emphasises the need to recognise the socio-economic value of recreational fishing and its contribution to a sustainable blue economy in the EU; highlights the need for more and better data about recreational fisheries, including its contribution to the tourism sector, its interactions with small-scale fishers, its environmental impacts, as well as its socio-economic importance;

58. Highlights the importance of small-scale coastal fishing for the blue economy and for the cultural identity of communities in coastal regions and islands;

59. Calls on Member States to fully implement transparent and objective criteria as laid out in Article 17 of the CFP when allocating fishing opportunities;
60. Urges the Commission and the Member States to take the necessary measures to improve the collection of data on recreational fishing in the sea and in inland freshwater and brackish waterways, bearing in mind the environmental impact and socio-economic value of this activity, in order to ensure fair and balanced management of the fisheries and aquaculture sectors, and to encourage greater investment in the development of coastal community activities;

61. Stresses the importance of inclusive maritime spatial planning in minimising competition for space at the expense of other activities, such as fishing when developing new blue economy activities; highlights that fisheries and aquaculture play a central role and that these sectors must be given proper visibility in the blue economy, and therefore calls for a strategy to promote interaction between the different maritime and terrestrial blue economy activities in a way that will benefit them all;

62. Urges the Commission to support the development of community-led energy production schemes, which allow coastal communities, including fishers, to participate fully in the planning and development of renewable energy production while reinvesting profits back into the local community;

63. Calls on Member States, in line with maritime spatial planning provisions, to designate specific historical and traditional fishing grounds of fishers as areas that are to remain free of offshore renewables;

64. Stresses that offshore wind farms should only be built if it can be guaranteed that there will be no negative environmental and ecological impacts, or economic, socio-economic and socio-cultural consequences on fishers and aquaculture producers, in line with the objectives of the blue economy and the European Green Deal;

65. Welcomes initiatives such as the Marine Wind Power Observatory, a forum launched by the Regional Government of Galicia to identify opportunities and balance uses of the sea that might compete with each other, incorporating the industrial sector, the maritime fisheries sector and associated entities and organisations;

66. Takes note of the fact that the extractive industry is a growing sector in the blue ocean economy; emphasises the duty of states to refrain from taking measures, including large-scale development projects, that may adversely affect the livelihoods of inland and marine small-scale fishers, their territories or access rights, and their duty to conduct ex ante assessments of extractive industry projects operated by private entities in order to evaluate their possible negative human rights impacts on local fishing communities;

67. Calls for the creation of an EU forum for dialogue that is transparent and ensures participation of all stakeholders and a balance of power between them in order to foster intersectoral cooperation, experience-sharing and conflict resolution;

68. Urges the Commission and the Member States to take specific actions to boost, facilitate access to and fully use available investment possibilities for sustainable fishing and aquaculture practices under the new European Maritime, Fisheries and Aquaculture Fund (EMFAF), together with other EU programmes such as the Recovery and Resilience Mechanism or Horizon Europe, for sustainable fishing practices and for sustainable aquaculture activities, as well as to ensure that coastal, remote and overseas communities can diversify their economies;

69. Calls on the Commission to build on EMFAF best practices to develop recreational fisheries tourism projects and continue funding these projects through the EMFAF;

70. Stresses the need to develop more comprehensive strategies to adapt the fisheries and aquaculture sectors and coastal territories to the consequences of climate change and its impact on communities and their livelihoods; stresses the need for all sectors to contribute to climate change mitigation in line with the European Green Deal and the seventh and eighth Environmental Action Programmed;
71. Believes that the CFP should include a social conditionality, similar to the one created in the new common agriculture policy, that may provide for sanctions on owners of fishing vessels, aquaculture producers and other EMFAF beneficiaries, if they do not ensure adequate working conditions for all their workers, seasonal and migrant workers included; highlights that this social conditionality is fundamental for the protection of the dignity in the workplace and social rights of fishery and aquaculture workers, contributing to the achievement of social justice for all;

72. Considers that greater job security, occupational safety, healthy oceans providing better earnings and social security in the fisheries and aquaculture sectors are essential to attracting women and younger generations, thereby ensuring its rejuvenation and continued survival;

73. Welcomes the role of women in sustainable fishing and aquaculture value chains and therefore calls for them to be guaranteed decent working conditions, equal salaries, social security, as well as visibility and representation in decision-making structures and processes;

74. Stresses that fishing and aquaculture play a key role in creating jobs and sustaining the economy in many parts of the EU, accounting for over half of local jobs in many coastal and island communities, particularly in the outermost regions;

75. Stresses that, in order to improve the sustainability, competitiveness and economic performance of the fisheries and aquaculture sectors, it is necessary to guarantee a level playing field for EU operators in a global economy, and to focus on vocational training, lifelong learning, European-level recognition of this training, counselling services and the dissemination of technical and scientific knowledge and innovative practices, recognising the contribution that the trade associations make in this regard;

76. Stresses the need to add value to fisheries products at first sale, especially those from small-scale artisanal fishing in order to increase the income and wages of fishers;

77. Calls on the Commission to develop new forms of sustainable maritime and coastal tourism, boost new forms of tourism activities, provide additional income streams and increase year-round employment to enhance the value of maritime and coastal areas, while protecting the environment and blue cultural heritage and preserving marine and coastal habitats; highlights the importance of the circular economy in the tourism sector in developing more sustainable practices that benefit local development; recognises that the tourism sector should engage with coastal communities and needs support to boost the efficiency and sustainability of infrastructure and the competitiveness of marine and tourism resorts;

78. Recognises that coastal tourism can have positive impacts on developing countries, but can be detrimental when mass tourism strategies are developed, leading to reduced food access and consumption for local consumers and to the destruction of the marine environment and cultural identities; calls for the EU to promote fair and low-impact models of tourism;

79. Stresses the necessity of preserving our natural capital and heritage in order to encourage sustainable tourism (such as ecotourism), and calls on the Member States to protect biodiversity by urgently carrying out marine conservation actions, including cross-border actions, to protect, restore and promote marine and coastal ecosystems, including through the marine Natura 2000 networks;

80. Calls on the Commission to include sustainable maritime, island and coastal tourism in related actions and programmes, to support initiatives that encourage the diversification of coastal, maritime and marine tourism, and to make tourist activities and employment less seasonal; highlights the need to collect better data on the contribution of recreational angling tourism to the coastal and island economy;

81. Stresses the importance of the blue economy in the outermost regions, specifically for their the tourism sectors; calls on the Commission, therefore, to create a transport programme with options specifically relating to remoteness and insularity (POSEI Transport) in order to address the needs of the islands and outermost regions more directly and to support the operation of some commercial routes to them;
82. Supports sustainable practices in coastal and maritime tourism, since they are essential for the competitiveness of the Atlantic, Mediterranean and Baltic Sea areas and the creation of high-value jobs in blue education and vocational training; stresses that specific training on blue economy activities would contribute to raising awareness of marine ecosystems and the need to protect them;

83. Calls on the Commission to conduct broad consultation with regional and local authorities and all related stakeholders in order to identify tailor-made solutions for local and regional communities;

84. Asks the Commission to assess possible solutions to promote the resilience of the tourism sector against the impacts of future pandemics or other disruptive events that pose a risk to tourism activities, and to come up with appropriate initiatives to improve the working and employment conditions of workers in the sector so as to increase its attractiveness and help realise the full potential of the blue economy;

85. Underlines the importance of yachting and sailing for maritime tourism; underlines the role of local culture and gastronomy in the development of European coastal tourism and the importance of beach and underwater tourism, angling tourism, ecotourism, water sports and the cruise industry;

86. Stresses the importance of marine protected areas as an instrument for protecting the oceans; believes that these areas constitute an opportunity for the development of scientific tourism;

87. Welcomes the Commission’s focus on sustainable and ‘slow’ tourism and the aim to develop support packages (Blueprint for Local Green Deals) to support a green transition for cities and regions; notes the potential for remote islands and coastal communities to play a leading role in this transition;

88. Calls on the Commission and Member States to recognise the contribution made by marine recreational fishing and the tourism it generates to the blue economy, as well as this sector’s potential to provide further economic opportunities in coastal communities;

89. Regrets the fact that the potential of the blue economy has not been sufficiently taken into account when drawing up and evaluating national recovery and resilience plans funded by NextGenerationEU;

90. Calls for the creation of an appropriate financial framework to stimulate the development of the blue economy and job creation, which integrates and coordinates the various financial instruments available — the structural and investment funds (EMF, ERDF, ESF, Cohesion Fund), Horizon Europe 2021–2027 and others; draws attention to the need to promote better matching of these instruments to the needs of stakeholders and wide dissemination of current opportunities;

91. Calls for an in-depth EU-level discussion with the sector, taking into account the serious socio-economic effects of the rules on measuring fishing capacity, on the impact of these rules on fisheries and fishers’ life, while maintaining at the same time a strict control on fishing capacity;

92. Stresses the strategic importance of shipbuilding and ship repair activities and their interrelation with other sectors, such as the maritime tourism sector; considers that a commitment to technological innovation and a high degree of specialisation, which could lead to gains in added value, could create contexts less exposed to international competition and might help to reverse the downturn that the sector has been undergoing; maintains that specific support should be provided to revitalise and modernise the shipbuilding industry in the Member States in its different forms;

93. Notes that EU artisanal and small-scale fleets are very old, particularly in the outermost regions, that their vessels have a very high average age and that they are unsafe both for the people working on them and for the catches themselves, reiterating the need for EMF support for the purchase of new vessels, without this resulting in an increase in catches, respecting maximum sustainable yields, and thus improving their environmental performance;

94. Recalls that fishing fleets in the outermost regions are, in certain cases, in very poor condition and constitute a danger for fishers’ safety and for the environment; considers it necessary, in this context, to find solutions to improve safety and working conditions for fishers, to reduce CO₂ emissions and to improve range and conservation conditions of catches; highlights the need to ensure that there is continuity in the provision of healthy and high-quality proteins, in conditions that are completely safe and secure, with less environmental impact and without increasing the fishing capacity;
95. Calls on the Commission and the Council to create a support instrument similar to POSEI for fisheries in order to mitigate the effects of insularity on the outermost regions;

96. Highlights the potential for sustainable use of the EU’s maritime dimension in the Atlantic, which requires more balanced investment in its islands, outermost regions and coastal ports, as well as the expansion of many of their berths and an increase in their storage capacity and cargo-handling equipment, which are very important for fisheries and aquaculture products;

**Blue transition**

97. Calls for the development of instruments to utilise maritime resources in a sustainable way and diversify the ocean economy, including through support for new products connected to and derived from fishing activities, which can add value to our cultural and natural heritage, specifically by providing high-quality tourism options;

98. Stresses the need to achieve an integrated EU maritime policy framework that ensures consistency between EU biodiversity strategy, the Farm to Fork strategy, climate policy and the CFP;

99. Considers that the aquaculture sector should continue to monitor and improve several parameters based on evidence-based actions, including fish welfare and fish stocking densities; considers, further, that environmental impact assessment studies should be carried out to improve fish welfare, including but not limited to enriching their environment, maintaining water quality within welfare-relevant limits as a way of reducing diseases and their spread, diminishing the need for antibiotics, and to continue reducing pollution, achieving better climate and environmental results, and increasing climate change resilience;

100. Notes that diversification of fish species in EU aquaculture, including low trophic and non-carnivorous species, is necessary to improve the sustainability of the sector;

101. Highlights the potential role of aquaculture, particularly for job creation and security of the food supply, as well as in easing the transition to sustainable food systems; considers it fundamental to reduce the pressure on marine resources through the development and increasing use of alternatives and sustainably managed feed sources other than wild caught fish, reversing the loss of biodiversity in the oceans and seas; stresses that the use of marine space for aquaculture purposes must be properly regulated; underlines, in this regard, the importance of a clear and reliable legal framework that promotes access to water with all the necessary guarantees;

102. Notes that the increased use of fishmeal and fish oil in EU aquaculture can threaten the sustainability of wild fish stocks in EU and third country waters;

103. Stresses the need to implement all measures to ensure the competitive development of fisheries and aquaculture due to their importance for the security of food supply;

104. Stresses the importance of the fisheries and aquaculture sectors for the supply of protein, which is essential for food security, as well as the socio-economic development of local communities and job creation worldwide; recalls, in particular, that nearly one billion people, mostly in developing countries, rely on fish and seafood for their primary source of animal protein; notes that more than 90% of the world’s capture fisheries and fisheries workers rely on small-scale fisheries; regrets that the COVID-19 pandemic has had a significant impact on people employed in the fisheries and aquaculture sectors;

105. Stresses that sustainable food from the oceans, seas and freshwater sources must be produced by responsible fishing and sustainable aquaculture alone, and that all fisheries and aquaculture products consumed in the EU must come from sustainable food systems, with full respect for the planetary boundaries; calls on the Commission to draw up sustainability indicators for fisheries and aquaculture products from the EU based on scientific advice, and to require similar sustainable standards for products imported into the EU market;

106. Highlights that the EU is responsible for 1% of global algae production, and therefore considers that sea algae production should be encouraged by Member States and the EMFAR; stresses that algae is one of the future solutions for achieving the objectives of the Green Deal, such as either using algae for carbon dioxide capture, substituting other materials in various economic sectors, or using it as a nutritional product for human consumption, as it could be a major source of protein and quality micronutrients;
107. Invites the Commission to consider all solutions for developing possibilities for algae production and use, and also to consider the financing options for accelerating algae production; calls on the Commission to act quickly to enable the authorisation of algae as a new foodstuff by reducing the associated application costs and allowing easier access to the market, while ensuring product quality and safety;

108. Believes it necessary to promote sustainable aquaculture models that could contribute to the conservation of ecosystems affording protection against the effects of climate change; underlines the importance of differentiating between production and protein-processing aquaculture, particularly when the latter involves practices that put pressure on the sustainability of marine resources; considers that feedstuffs intended for fisheries and aquaculture should be produced by sustainable agriculture and fishing, and should therefore exclude any product obtained from IUU fishing or overfishing;

109. Considers that the production of microalgae can reduce the use of non-sustainable fishmeal in fisheries; underlines the need to further develop and promote organic aquaculture, as it has a great growth potential, and EU tools and finance can be harnessed for this purpose; calls for improved collection, processing and dissemination of statistics on organic aquaculture production;

110. Calls for the CFP to be applied across the board to all EU fishing fleets in order to ensure that fisheries and aquaculture activities are managed in a way that can generate socioeconomic benefits, contributing to the availability of food products, as well as minimising the impact of their particular activities on habitats and marine ecosystems, while restoring and maintaining populations of harvested species above levels which can produce the maximum sustainable yield; considers that it must be applied taking into account the specific characteristics of the various sea basins;

111. Highlights the role of the fisheries and aquaculture sectors and their professionals in the energy transition and mitigating climate change through decarbonisation and the promotion of activities such as marine litter collection that are conducive to a circular economy;

112. Warns that the dumping at sea of waste and all types of pollutants, especially from all types of plastics, is harmful to the environment, results in serious economic losses to the fisheries sector and other activities, and affects human health through the entire food chain; welcomes the EMFAF decision to provide funding for fishers to recover and collect, reuse and recycle lost fishing gear, as well as other marine litter; regrets, however, the delay in achieving the objectives of the Marine Strategy Framework Directive and stresses, in this regard, that further awareness campaigns and training for fishers should be promoted;

113. Calls on the Commission and the Member States to provide more active support to the modernisation and sustainable development of the fisheries sector, in particular small-scale fisheries, seeking to make fishing gear more selective, and to reduce the environmental impact of fishing;

114. Highlights the role of Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures (19), which sets out the conservation measures governing on how, where and when fishing may take place, in order to protect sensitive species and habitats at both the national and regional levels, increasing fishing yield, while reducing impacts on marine ecosystems, especially through increased selectivity;

115. Considers it important to continuously collect data in order to better assess sustainability criteria and to prevent the establishment of fishing areas where VMES have been identified;

116. Calls for the EU to urgently tackle the detrimental impacts on the climate, seabed integrity, fish populations and sensitive species (as bycatch) of fishing techniques such as bottom-contacting gear, drift nets, demersal seines or fish aggregating devices, including by limiting their use;

117. Calls, in particular, for the EU to prohibit the use of detrimental techniques in its strictly protected marine areas, following the best available scientific advice; calls for the EMFAF to be used to provide effective support for the transition to more selective and less damaging fishing techniques for EU fishing fleets;

118. Calls for the EU to launch and fund scientific research programmes to map carbon-rich marine habitats in EU waters to serve as a basis for designating such areas as strictly protected marine protected areas, in order to protect and restore marine carbon sinks in line with the United Nations Framework Convention on Climate Change, and to protect and restore ecosystems, in particular those on the seabed, in line with the Marine Strategy Framework Directive, protecting them from human activities that could disturb and release carbon into the water column, such as bottom-contacting fishing operations;

119. Calls for the EU to prohibit all environmentally damaging extractive industrial activities such as mining and fossil fuel extraction in marine protected areas;

120. Stresses that the deep sea is home to the greatest diversity of species and ecosystems on earth, providing critical environmental goods and services, including long-term carbon sequestration, and that it is characterised by environmental conditions that make it highly vulnerable to human disturbance; calls on the Commission and Member States, therefore, to support an international moratorium on deep seabed mining;

121. Calls for legislative and non-legislative tools for the implementation of the Biodiversity Strategy, and for the reinforcement of the actions aimed at meeting the objectives of the Marine Strategy Framework Directive, in order to conserve marine biodiversity and restore degraded ecosystems and promote competitiveness in fisheries, aquaculture and other related sectors;

122. Welcomes the Commission’s commitment to reviewing the Maritime Strategy Framework Directive; calls on the Commission, when revising the Directive, to align it with the objectives of the European Green Deal, the Biodiversity Strategy to 2030 and the eighth Environment Action Programme;

123. Calls for urgent measures to combat IUU fishing, which is still one of the most serious threats to the health of ecosystems and the economic competitiveness of the fisheries sector itself; calls for greater consistency between EU trade and fisheries policies in order to ensure that IUU fishing is tackled effectively;

Cooperation, knowledge and innovation

124. Calls for greater cooperation between academia, research and innovation centres, public authorities and industry to promote the use of equipment, methods, techniques and practices based on the best available scientific knowledge, capable of improving efficiency and safety at work, economic growth and competitiveness, as well as environmental sustainability; recalls the importance of ocean literacy to alerting society and to encouraging all citizens and stakeholders to adopt informed and responsible attitudes about the ocean and its resources;

125. Notes that reliable, high-quality and harmonised ocean data is an important factor in the sustainable transformation of the blue economy;

126. Highlights that the potential of a blue economy strategy can only be achieved through the cooperation of all stakeholders; notes the increasing use of data and artificial intelligence in maritime transport; calls on the Commission to assess the socioeconomic impact of the automation and digitalisation of the sector;

127. Calls on the Commission to further develop and enhance scientific knowledge hubs such as the Copernicus Marine Service and the European Marine Observation and Data Network, which offer invaluable knowledge on Europe’s seas and oceans; points out that recreational fishing increases knowledge about the aquatic environment as well as the commitment to protect such environment;

128. Welcomes the establishment of the ocean mission as part of the Horizon 2030 programme; calls for more clarity and communication on the schedule for calls for tender associated with this mission;

129. Stresses the need to harmonise data collection on socio-economic monitoring and environmental monitoring, as well as the monitoring of living ecosystems and fish stocks; stresses that the data collected should also be factored in so as to regulate the impact of other maritime activities;

130. Believes that the gross tonnage limitation, as a criterion for measuring fishing capacity, needs to be adapted to reflect the reality of the sector and to the necessity of using more modern, less polluting and more energy-efficient engines; urges the Commission, in this context, to review these criteria with the goal of improving safety and working and living conditions, as well as allowing the changes needed to improve environmental sustainability, attract more young workers to the sector and ensure less environmental impact and that fishing capacity does not increase;
131. Calls on the Commission to collect consistent data that would enable the smart management of coastal tourism and avoid pressure on ecosystems and local communities, as well as competition with traditional activities, such as artisanal and coastal fishing;

132. Highlights the importance of the management and adaptation measures necessary to protect coastal communities, habitats and biodiversity, and which would mean funds are well spent given the enormous impacts of climate change and their resulting costs; calls on the Commission to set up an alert and observation system on more frequent storms and floods, provide adequate environmental and health monitoring and conduct research into early warnings; calls on the Commission to assess different scenarios and measures to address possible sea level rises and the intensification of severe weather events;

133. Recalls the existence of tools such as the European CleanSeaNet programme, which aims to monitor oil pollution; emphasises that regional cooperation, including with non-EU countries, is essential, especially in the Mediterranean Sea; calls on the Commission, therefore, to improve the exchange of information and cooperation between countries; underlines the importance of collaborative, inclusive and cross-sectoral maritime spatial planning that takes socioeconomic, environmental and biodiversity concerns into account; stresses the importance of the energy transition, in which the blue economy sector can promote renewable offshore power generation technologies, such as tidal, wave, solar and wind energy; underlines the importance of supporting the decarbonisation of the shipping and maritime transport industries, developing sustainable technologies and increasing the use of low-emission and renewable energy sources;

134. Supports the principle of sustainable development within the blue economy as a driver of economic growth in the EU, in particular in the Atlantic, Mediterranean and Baltic Sea areas as a way to support all sectoral and intersectoral activities related to oceans, seas and coastal areas, including maritime transport, shipbuilding and ship repair, biotechnology, sustainable tourism, offshore wind, commercial and recreational fishing, aquaculture and wave and tidal energy; calls on the Commission to promote research, development and innovation that contribute to sustainable tourism, resource efficiency and renewable energy; stresses in particular that offshore renewable energy has the potential to become an important component of Europe’s energy system by 2050; and calls for the creation of incentives and funding for investments in port infrastructure in order to facilitate the servicing of the offshore renewable energy industry;

135. Calls on the Commission to ensure that the EU is achieving and maintaining its role as a technological leader, retaining talent and producing energy, while reducing any potential impacts on the marine environment;

136. Stresses the importance of innovation in fishing to improve both its environmental and economic performance, and calls for a new approach to innovation whereby innovation and modernisation do not mean increasing fishing capacities;

137. Urges the Commission, Member States and regions to work together in order to promote and support local initiatives to preserve livelihoods and traditions and cultural heritage associated with fisheries and aquaculture;

138. Calls on the Commission, in view of the fragile position of the outermost regions, to provide robust support for innovation and research, with the aiming of developing innovative, environmentally, socially and economically sustainable practices and techniques in fisheries and aquaculture in these regions, thus giving these regions a leading role in ocean governance;

139. Highlights that marine litter has a great environmental and socioeconomic impact in these regions, and therefore calls on the Commission to set up a centre for combating marine plastic pollution, preferably in an outermost region, with expertise in innovation, development and cooperation with fisheries and aquaculture stakeholders and associations, tasked with the adoption of sustainability strategies and policies which could be replicated in other regions;

140. Considers it important to raise positive consumer awareness on the nutritional value of fisheries and aquaculture products; points out that it is essential to give consumers appropriate information in order to effect changes in consumption habits and promote the consumption of lesser known sea products from European waters;
141. Highlights the necessity to raise consumer awareness about algae-based products, increase their acceptance by consumers, and raise consumer awareness about food waste; reiterates that consumer information must be enhanced through effective labelling, including sustainability labelling:

142. Instructs its President to forward this resolution to the Council, the Commission, the Committee of the Regions and the Economic and Social Committee.
EU action plan for organic agriculture

European Parliament resolution of 3 May 2022 on an EU action plan for organic agriculture (2021/2239(INI))

(2022/C 465/02)

The European Parliament,

— having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Articles 39, 192(1) and 349 thereof,

— having regard to the United Nations 2030 Agenda for Sustainable Development and to the Sustainable Development Goals (SDGs),

— having regard to the Paris Agreement reached at the 21st Conference of Parties to the United Nations Framework Convention on Climate Change (COP21),

— having regard to the Commission communication of 25 March 2021 on an action plan for the development of organic production (COM(2021)0141),

— having regard to the Commission communication of 11 December 2019 on the European Green Deal (COM(2019)0640),

— having regard to its resolution of 15 January 2020 on the European Green Deal (1),


— having regard to its resolution of 9 June 2021 on the EU Biodiversity Strategy for 2030: Bringing nature back into our lives (3),

— having regard to its resolution of 20 October 2021 on a farm to fork strategy for a fair, healthy and environmentally-friendly food system (4),

— having regard to Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (5),


(3) OJ C 67, 8.2.2022, p. 25.
— having regard to the Council conclusions of 19 July 2021 on the action plan for the development of organic agriculture,

— having regard to its resolution of 17 April 2018 on a European strategy for the promotion of protein crops — encouraging the production of protein and leguminous plants in the European agriculture sector (7),

— having regard to the Council conclusions of 19 October 2020 on the farm to fork strategy,

— having regard to the European Economic and Social Committee opinion of 22 September 2021 on the Action Plan for the development of EU organic production,

— having regard to the European Committee of the Regions opinion of 2 December 2021 on the EU action plan for organic farming,

— having regard to Rule 54 of its Rules of Procedure,

— having regard to the report of the Committee on Agriculture and Rural Development (A9-0126/2022),

A. whereas the Commission communication on an action plan for the development of organic production (organic action plan, OAP) emphasises that the Green Deal, and the farm to fork and biodiversity strategies under its umbrella, is the key to managing the transition towards a more sustainable food system, in particular strengthening farmers’ efforts to protect the environment, preserve biodiversity and tackle climate change; whereas a key role in attaining this objective is played by agriculture in general, and organic agriculture in particular;

B. whereas after 12 months, the list of almost all of the secondary legislation needed for the entry into force of Regulation (EU) 2018/848 is now ready, although this is not the case for the delegated regulation regulating organic salt production;

C. whereas the delegated regulation will have to give priority to the natural processes, without additives or carbon emissions during preparation, that characterise sea salt for it to be given organic certification;

D. whereas Europe’s food system must deliver sustainably produced and nutritious food at affordable prices and ensure food security in a way that ensures a healthy society and a healthy planet, contributes to social and economic well-being, protects the health of both ecosystems and European citizens, and ensures the profitability of agricultural production and therefore a fair living for farmers; whereas it is essential to ensure that the increase in the amount of land used for organic farming matches the market’s ability to absorb organic products;

E. whereas Regulation (EU) 2018/848 on organic production and labelling of organic products obliges farmers to comply with a conversion period during which they have to apply all rules on organic production;

F. whereas this period may last up to three years; whereas during this period, farmers have to bear higher costs of production without benefiting from higher market prices for organic products;

G. whereas organic agriculture offers various environmental benefits, including reduced greenhouse gas emissions, and has the potential to help the agricultural sector play its part in the fight against climate change, in adaptation to climate change and in addressing key challenges such as the loss of jobs in rural areas, soil fertility and biodiversity loss, as well as promoting resilience in the face of economic challenges;

H. whereas agricultural diversity and shorter chains between farmer and consumer are important elements for a healthy and sustainable food system;

I. whereas organic farming can contribute to striking an ambitious balance in terms of sustainability from an economic, social and environmental perspective, fostering soil, water and biodiversity protection and animal welfare, and offers young people opportunities to enter the farming profession;

J. whereas environmental and animal welfare standards in the EU are among the highest in the world; whereas organic farmland has 30% more biodiversity, is beneficial to pollinators and limits the use of artificial fertilisers and plant protection products;

K. whereas organic farming can also contribute to the revitalisation of rural areas, the creation of employment, the sustainability of small farms, bringing consumers and producers closer, enhancing the connections with the local economy and stimulating positive economic multipliers; whereas the new common agricultural policy (CAP) introduces new ambitious measures to encourage sustainable production, including organic farming;

L. whereas it is essential to ensure that consumers, who are attaching increasing importance to the quality of what they eat, and the catering sector, are in a position to make informed and conscious choices when purchasing food;

M. whereas it is necessary to ensure that consumers are properly informed about the benefits of consuming organic products and that they are protected against deliberately misleading labels, packaging and advertising;

N. whereas in 2019, the EU’s total agricultural area under organic farming grew to 13.8 million hectares; whereas it currently accounts for 8.5% of the EU’s total utilised agricultural area; whereas between 2010 and 2019, the value of the EU’s organic market more than doubled;

O. whereas the retail sales of organic products increased from EUR 18 billion to EUR 41 billion in the period 2009-2019; whereas the increase of organic production outpaces the development of the organic market in parts of the EU, with significant differences in organic consumption across the Member States; whereas the production of organic products is very low or non-existent in certain parts of the EU, with great disparities between the Member States, varying from 0.5% to 26.5% of the available area devoted to the sector;

P. whereas the OAP includes 23 actions, providing a solid basis for developing the organic sector in a sustainable manner; whereas a mid-term review of the OAP in 2024 is envisaged and an annual ‘EU Organic Day’ has been established, which represents an opportunity to improve the visibility and the recognition of organic farming and raise awareness of the benefits of organic production, as organic farmers are considered ‘pioneers of sustainable agriculture’;

Q. whereas Regulation (EU) 2018/848, which will apply from 1 January 2022, aims in particular to increase consumers’ trust in organic products through more stringent controls and rules for imports;

R. whereas the strategic guidelines for a more sustainable and competitive EU aquaculture for the period 2021 to 2030 were published in May 2021 and will be developed in the National Strategic Plans;

General comments

1. Welcomes the Commission communication on an action plan for the development of organic production, the objective of increasing the EU’s agricultural area under organic farming by 2030 through the development of supply and demand, and the Commission’s recognition of organic farming as one of the main components on the EU’s path towards more sustainable food systems, using more sustainable agricultural practices, more efficient use of renewable sources, ensuring higher standards for animal welfare and helping to ensure higher revenues for European farmers;
2. Calls on the Commission to carry out an impact assessment with regard to the share of the EU’s agricultural area under organic farming; considers that the development of organic farming, which delivers many positive externalities and benefits for climate change mitigation, biodiversity and soil protection, and will contribute to the achievement of the objectives of the farm to fork and biodiversity strategies; recognises, at the same time, the potential for other sustainable production models and farming methods, such as integrated production and biological control, to contribute to the Green Deal’s objectives;

3. Underlines that the share of agricultural land under organic farming varies significantly among the Member States; stresses that this must be taken into account when developing policies and instruments aimed at enhancing organic production and urges the Commission to pay particular attention to supporting the Member States which are lagging behind;

4. Insists that all measures and instruments proposed in this regard should be based on thorough analyses and impact assessments; is of the opinion that legislation and the OAPs must provide sufficient room for flexibility to take into account the differences in the nature and conditions of organic agriculture in the Member States;

5. Points out that, with the introduction of the new Regulation (EU) 2018/848 on organic production in 2022, the Commission must ensure an orderly and measured transition from the old EU organic legislation so that the organic sector can familiarise itself with the new rules quickly and reliably; calls on the Commission to carry out an impact assessment of the new regulation five years after its implementation, with a view to making any necessary adjustments;

6. Underlines that the development and growth of the organic sector and organic areas, as foreseen in the farm to fork strategy, with a key role in revitalising and maintaining vibrant rural areas, must be market-driven and accompanied by holistic supply chain developments, including processing, as well as policy measures to stimulate further supply and demand for organic food and to ensure consumer trust;

7. Emphasises that the combination of these approaches should allow balanced development, in line with the market’s ability to absorb organic production, in order to safeguard the future profitability of the organic market and organic farming in the EU;

8. Underlines the need, in this context, to remove excessive administrative burdens; stresses that the environmental benefits of organic farming should not only be supported by consumers of organic products willing to pay a higher price, but the CAP budget should also properly reward organic farmers for the specific public goods that they deliver through the protection of the environment and of natural resources, through the reduction of inputs and through supporting higher animal welfare standards;

9. Highlights that stimulating the agricultural sustainability and resilience of the EU food system should be a priority, and that organic farming is a key element for achieving environmental and climate objectives; considers that sustainable innovation in practices such as organic farming and, more broadly, agroecology can lead to greater diversity within farming systems;

10. Underlines that the co-existence of different farming systems is important, as diversity is key to food system security and resilience, and benefits sustainable development; points out that there is no single farming model that fits all countries and regions, and stresses that the benefits of the different sustainable farming models should be recognised;

11. Points out the importance of continuing to increase organic yields in order to prevent an increased ecological footprint from food production in non-EU countries while more conversion to the organic farming model takes place in EU regions;

12. Points out that for an EU action plan to succeed, it must stimulate and mobilise the Member States, as well as regional and local authorities, taking into account their specificities and different starting points; believes that regional and local OAPs, where relevant, should also play a role in the development of the organic sector;
13. Expresses the view, therefore, that Member States should be encouraged to establish their own national strategies for organic farming and to develop their own national and/or regional OAPs, in coordination with the National Strategic Plans, which should have a high level of ambition for the development of organic farming, with realistic and concrete objectives, actions, time frames and budgets, including incentives for farmers, that facilitate choice and support bottom-up initiatives;

14. Calls on the Commission to ensure that these conditions are fully respected when approving the National Strategic Plans submitted by the Member States and to ensure that sufficient financial resources, together with the most effective tools, are made available to achieve the relevant objectives in terms of the development of the sector; highlights the need to exchange know-how and best practices, as some Member States have more experience in designing and implementing ambitious national plans;

15. Calls on the Commission to include such exchanges in the framework of the planned public follow-up meetings; highlights that the national OAPs should create predictability and clarity for farmers and industry, thereby encouraging the development of the organic sector and the commercialisation of organic products;

16. Welcomes the extension of the scope of the organic farming regulation to include certain products closely linked to agriculture, which are not listed in Annex I of the TFEU, such as salt; expresses its concern, however, about the report on organic salt published on 6 August 2021 by the Expert Group for Technical Advice on Organic Production (EGTOP), as it is in favour of extending the EU organic label to production methods that do not comply with the principles of Regulation (EU) 2018/848; therefore calls on the Commission not to follow the advice of EGTOP;

17. Stresses that Member States should engage all stakeholders, especially organic farmers and associations, cooperatives, local and regional authorities, the agri-food industry along the value chain, agri-food wholesalers, consumer and private sector representatives and the hospitality industry, including large-scale caterers and food education associations, as well as citizens, in a consultative process when designing, adopting, reviewing and implementing their national and/or regional OAPs in order to achieve the best possible synergies and to reach the objective of increased area under organic farming as determined in their National Strategic Plan;

18. Acknowledges that organic production offers better economic returns for farmers, but often involves higher production costs and, therefore, requires market prices and direct support to be sufficient to recover those costs in order to allow fair earnings for farmers;

19. Points out that higher consumer prices may represent a barrier to expansion, but that they are currently needed to sustain the organic sector; recalls that in some cases there is no market for organic agricultural products, forcing farmers to sell them as conventional agricultural products at a lower price;

20. Recalls that organic farming involves very high production standards; stresses the need to address the affordability and thus accessibility of organic products; strongly emphasises that producers must be supported in the process of conversion to organic production and must benefit from the added value of organic farming; notes that, as is the case for conventional products, a better distribution of the value between the actors in the organic food chain would benefit both farmers and consumers;

21. Recognises that the development of the organic sector will allow economies of scale in processing and logistics that will increase efficiency and lead to lower costs; stresses the importance of the Unfair Trading Practices Directive for the development of the sector and to ensure that retailers do not have excessively high profit margins on organic products; considers also that organic products could be included in the programmes within the Fund for European Aid to the Most Deprived, as long as a sufficient supply is available;
22. Welcomes the fact that the Commission is working on improving overall animal welfare and points out that the 2020 Eurobarometer survey on agriculture and the CAP found that 80% of EU citizens associate organic farming with higher respect for animal welfare; underlines, in this context, the importance of supporting organic livestock farming.

23. Underlines the importance of speeding up the development of organic aquaculture and its market in the EU, as well as strengthening consumers’ demand for and trust in these products; highlights that one in four fishery products comes from aquaculture; points out, however, that as most of the consumption of these products is supplied by imports, representing 60% of total supply, there is huge growth potential that we must take advantage of in order to develop European aquaculture in general and organic aquaculture in particular.

24. Underlines the need to coordinate the measures on organic aquaculture with the new strategic guidelines for a more sustainable and competitive EU aquaculture for the period 2021 to 2030 and the development of the sector in the Member States and the regions;

Stimulating demand and ensuring consumer trust

25. Supports the Commission in further promoting and sharing information about the EU organic logo among consumers, including through school schemes, which should give a larger share to organic products when the school schemes are revised, as well as in other institutions such as nursing homes; supports the promotion of the local organic logos that exist in several Member States and which offer at least the same guarantees as the EU organic logo and are used together with it; notes that school schemes should be the basis for a pedagogical discussion on nutrition and sustainable food and be accompanied by measures aimed at informing and educating children about better diets;

26. Emphasises that it is of paramount importance that consumer surveys on organics are followed by actions to further raise awareness of the benefits of organic farming for health, well-being and a high quality of life, while ensuring that consumer trust in the safety and sustainability of conventional farming methods in the Union is not undermined; stresses the need to provide accurate information to ensure that the new initiatives which are being developed on sustainable food labelling do not weaken the EU organic logo or create confusion for the consumer regarding their respective scope and meaning;

27. Expresses its concern about misleading labels, packaging and advertising that makes it difficult for consumers to distinguish conventional products from organic products; notes that Regulation (EU) 2018/848 and frequent independent controls are the basis for consumers’ trust in organic products and calls on the Member States to communicate clearly on the EU organic logo;

28. Emphasises the role to be played by supermarkets and the various food supply chains in promoting and supporting the EU organic logo; awaits the Commission’s future initiatives aimed at better guiding consumers in their choice of food through labelling, promotion and information campaigns, based on sound, independent and operational scientific foundations and complete and coherent methodologies; notes that mandatory labelling indicating the origin of all EU food products has the potential to significantly increase transparency and traceability, thereby combating fraud and illegal production methods, as well as improving consumer confidence;

29. Recalls that the requirements of professional kitchens differ from those of households; stresses the importance of creating added value for the supply chain and increasing the processing level of organic products to respond to the needs of professional kitchens;

30. Believes that the green public procurement (GPP) review of 2019 should be better publicised in the Member States in order to improve awareness and serve as a strong stimulus for action aimed at the promotion of organic production and to support a healthier, more environmentally friendly diet in institutions such as schools, hospitals, retirement homes and prisons, and can also reduce the amount of waste of organic products in the Member States with surpluses; believes that the EU institutions should lead by example in their own facilities; considers that in order to increase the use of GPP, it is essential to coordinate with the sector through its representative organisations with a view to ensuring that procurement runs smoothly;
31. Calls on the Commission to continue its investigations into the current structural and logistical barriers and to promote the use of GPP criteria in the Member States, as well as actions to improve information, education and the promotion of organics in order to make this measure more effective; points out that the increase in the use of GPP should be decided at national level in accordance with national demand and the targets set in national OAPs; believes that GPP must place strong emphasis on EU organic products, which would stimulate production and help the EU in reaching its climate targets;

32. Stresses that organic production and processing must be developed in an appropriate way at regional and local levels, involving local organic farmers; supports the development of regional sustainable food systems based on cooperation involving all food stakeholders; regrets the lack of verified data about the uptake of organic products in public canteens and restaurants;

33. Points out that local, regional and national authorities, together with farmers’ associations and agri-food wholesalers play an important role in supporting the structuring of the organic sector in terms of production, collective processing, logistics and trade, easing access to land for organic farmers, facilitating cooperation between producers themselves, between producers and consumers and with food services;

34. Highlights, furthermore, the role to be played by local, regional and national authorities in raising public awareness about all types of sustainable farming methods, in supplying organic products in canteens and when developing educational programmes for preschools and schools;

35. Points out, in this context, that farmers’ markets at local and regional level are an effective tool in bridging the gap between producers and consumers and should be promoted; recalls also that highly valuable technical assistance is provided by local and regional authorities and farmers’ associations to organic farmers and those in the process of converting, which is crucial for the implementation of these practices, and which require adequate funding from the CAP and other sources;

36. Highlights that all authorities must ensure that the regulatory framework continues to enable and stimulate the sector’s development, while keeping administrative burdens at a minimum; recalls that local and regional authorities in many Member States have long been involved in supporting the development of organic farming, in particular through the management and implementation of rural development programmes;

37. Emphasises that, when involving local and regional authorities, a place-sensitive approach is required, in line with the precepts of the Territorial Agenda 2030, to address the differing needs of rural, peri-urban and urban areas across Europe;

38. Highlights that the success of the OAP will depend on stronger involvement of the private sector to stimulate demand and deliver fair incomes for farmers, especially in countries with less developed organic markets and production; calls on the Commission to identify a set of instruments to enable the Member States to encourage retail chains to actively help to promote and provide information on the importance of organic consumption, and to create local organic supply chains; underlines that an increase in organic production must primarily come from higher private demand and not exclusively from political incentives;

39. Highlights the importance of improving transparency in the organic food supply chain and of better traceability in all production and distribution processes in line with the demands from European consumers to have more information on the origin and production methods of the foodstuffs they consume; welcomes the voluntary initiatives by retailers to buy conversion products at a higher price and believes such initiatives should be promoted;

40. Takes due note of the difficulties retailers are facing in marketing these conversion products to consumers owing to the lack of harmonised marketing rules and calls on the Commission to assess measures to facilitate their marketing, such as through harmonised labelling;
41. Underlines that it is essential for the Commission, the Member States and stakeholders to engage actively in identifying ways in which the existing certification and control mechanisms can be made more robust to prevent fraud in organic production and trade;

42. Believes that the certification and control mechanisms must be more suited to the reality on the ground for organic farmers and the process must be simplified, including through IT solutions;

43. Emphasises that special attention must be paid to the procedures for authorising certification bodies; stresses that the certification process in the conversion to organic farming continues to be cumbersome and difficult to implement and should be facilitated, especially for small farmers; considers that farmers should be supported in covering certification costs;

44. Highlights the need for harmonised European systems for the certification of inputs for organic farming in order to prevent the proliferation of private certifications with different requirements and control systems; calls on the Commission to accelerate its EU-wide harmonisation through the OAP;

45. Urges the Commission to strengthen customs checks by means of direct, unified control mechanisms in coordination with the Member States and in full compliance with the principle of subsidiarity, in order to prevent food fraud, adulteration and imports of products which do not comply with EU organic production standards, as well as to avoid the risk of putting the EU organic sector at a competitive disadvantage owing to a lack of global convergence of standards and increased costs for consumers; highlights, in this context, the need for greater involvement of the relevant customs authorities in order to guarantee the quality and safety of organic products and ensure fair competition between producers inside and outside the EU;

46. Regrets the absence in the organic action plan of any reference to the difficulties and heavy costs created for the sector by the necessity of putting in place suitable measures during cultivation, harvest, transport, storage and processing to keep non-authorised products such as, for example, GMOs out of the organic production chain;

47. Stresses that agricultural products of EU origin are internationally recognised for their high quality; considers that positive and trade-promoting actions are needed to further promote EU organic products internationally; acknowledges, in this regard, the potential role to be played by the EU’s promotion policy for organic production; underlines that it should recognise the wide range of sustainable production methods, practices and products in the EU;

48. Points out that geographical indications, which are supported by the EU’s promotion policy, strongly contribute to economic growth in many rural areas and are a flagship of European agriculture; requests that the Commission inform Parliament about the potential for expansion of the organic market and that it speed up the ongoing negotiations to achieve the shift from equivalence to compliance with EU standards for imports of organic products;

49. Supports the global transition to sustainable food systems; takes the view that action at EU level, including in particular the Green Deal strategy, should aim to regularly raise environmental awareness on a global scale; regrets the fact that free trade agreements sometimes do not pay sufficient attention to major differences in agricultural production standards between the EU and third countries with regard to environmental protection and animal welfare, which discourages EU farmers from further environmental investments, including in organic production;

50. Considers that, in order to fulfil the ambitions of the National Strategic Plans, an adequate CAP budget, as well as compatibility with other European funds or programmes, is essential to create incentives to encourage farmers to convert to and maintain organic farming practices, through adequately resourced rural development measures or financially attractive eco-schemes, or a combination of the two;
51. Calls for eco-schemes to be accessible for both conventional and organic farmers and to be designed in a manner that renders them compatible with and complementary to agri-environment-climate measures (AECMs); recalls the importance of supporting organic farmers beyond the conversion phase; calls on the Member States to support generational renewal in organic farming through the relevant public policies, to promote farming entrepreneurship among women and to support the development of viable small and medium-sized organic farms;

52. Regret the decline in the CAP budget over the past two decades at the same time as the requirements imposed on the agricultural sector have grown; notes that under the current CAP, only 1.8% of the budget is being spent on measures to support organic farming and welcomes the fact that the new CAP, in particular through eco-schemes and rural development measures, allows the Member States more flexibility to increase the amounts devoted to the organic sector;

53. Notes the potential of short, local and seasonal, and smart food supply chains and direct marketing opportunities, including farmers’ markets, for organic producers and rural economies to deliver environmental and animal welfare benefits, while also securing incomes, preserving and creating employment, ensuring the vitality of rural areas and bridging the gap between EU producers and consumers; points out that market development is essential for the sustainable development of the organic sector;

54. Calls on the Member States to allocate sufficient resources to investments easing the development of short food chains, such as through increasing the number of mobile slaughterhouses or on-farm processing facilities; considers that the use of local supply chains should be promoted in public procurement procedures; emphasises that the focus on local production and short chains should not lead to additional barriers in the EU internal market;

55. Calls on the Commission and the Member States to play an active role in improving the structure of organic supply chains and building the capacity of organic producers’ organisations; urges the Member States to use ‘sectoral interventions’ and all available measures to improve the organisation of organic producers in all relevant sectors and to assist them in the event of temporary overproduction;

56. Points out that organic farms, whose production is smaller in terms of volume and thus more costly, may have less bargaining power in commercial contracts and may therefore be particularly vulnerable to unfair commercial practices, especially in the form of delayed payments for perishable goods, last-minute cancellations or forcing suppliers to pay for unsold and wasted products; underlines the need for clear contractual conditions and fair recognition of the work of organic agricultural producers and believes that tools such as supply chain contracts should be promoted;

57. Welcomes the Commission’s support for the development of bio-districts, also referred to as eco-regions, within Member States, as they are multifunctional in nature, promote short supply chains and create synergies, inter alia, between farmers, consumers, processing companies, retailers, the hospitality industry and catering, and cultural enterprises; calls on the Commission to provide the Member States with information on the instruments they could use to promote the development of bio-districts, paying special attention to urbanised areas; notes that their success depends on strong regional integration and the involvement of local and regional authorities;

58. Stresses the fundamental importance of expanding the structured exchange of knowledge and best practices on organic farming among Member States and farmers; highlights the benefits of intensifying collaboration between scientists, agricultural science universities and the wider education sector, advisory services or consultants, farmers and their associations and organisations, and society; highlights the important role to be played in the development of organic production by the independent farm advisory services that Member States must include in their CAP Strategic Plans and emphasises the need to allocate sufficient financial resources to them;
59. Notes that the Joint Research Centre’s report entitled ‘Modelling environmental and climate ambition in the agricultural sector with the CAPRI model’ (8) has indicated that there is a need for productivity gains with respect to organic farming and nutrient management, which can be enhanced, inter alia, by precision farming, new digital technologies and other innovative techniques;

60. Notes that innovative digital tools have the potential to significantly increase transparency and traceability, thereby combating fraud and illegal production methods, as well as improving consumer confidence; therefore encourages the Commission, including through the CAP Strategic Plans, to ensure greater deployment of digital technologies, such as precision farming and blockchain in organic farming; stresses, however, that these technologies complement the systemic sustainability approach of organic farming and that the privacy, profitability and independence of farmers when it comes to data must be ensured;

Improving the contribution of organic farming to sustainability

61. Reiterates the importance of research and innovation for the sustainability of the organic farming sector and in meeting societal expectations on biodiversity, climate change and climate adaptation, animal welfare and efficient resource use, and welcomes the Commission’s intention to earmark Horizon Europe funding to support these aims; stresses, in this context, the need for research and innovation to encourage the conversion to organic agriculture, including livestock production, to find alternatives for certain inputs both in farming and processing so as to increase yields and to ensure the availability of the necessary protein feed, vitamins, plant protection products, in particular biocontrol solutions, fertilisers and genetic resources to further develop robust farming systems and increase tolerance to drought, pests and disease; calls on the Commission to stimulate and foster cooperation between research communities working on organic and conventional food and farming, in particular through the agricultural European Innovation Partnership (EIP-AGRI);

62. Encourages a science-based approach regarding soil fertility and the need to develop, accept and incentivise innovations in novel plant nutrient sources in organic farming, including increased nutrient recycling through adequate processing and nutrient separation and, where suitable and appropriate, fertilising products produced from renewable sources, such as biomass waste and animal manure to avoid long-term nutrient deficits; recalls the importance of livestock manure as an organic fertiliser and encourages its sustainable use in the cultivation cycle; calls on the Commission to assess new recycled materials containing essential plant nutrients (phosphorus, potassium and nitrogen) for their future addition to the list of input materials in Regulation (EU) 2018/848, in line with the principles of organic farming and ensuring quality, safety and consumer confidence;

63. Calls for more research into and information on the potential benefits of using plant biostimulants and bio-based soil improvers in organic farming systems and how they contribute to nutrient absorption and better performance in this production model, in order to allow their wider uptake and help reduce the gap between organic and conventional yields; points out that the promotion of the use of an adequate farm-specific combination of different external nutrients, on top of biological nitrogen fixation, could address the challenge of the imbalances in nutrient budgets in organic farming systems;

64. Highlights the urgent need for the production of organic plant proteins to be developed and the production of organic legumes, including in forage systems, to be stimulated in the European Union, in order to decrease the dependency of the organic sector on imports; urges the Commission to draw up a dedicated strategic plan in this regard;

65. Welcomes the contribution of organic farming to the reduction of the use of synthetic pesticides and calls on the Commission, when drafting the new legislation on the sustainable use of pesticides, to define biocontrol products and to increase the availability of biocontrol solutions and natural substances, which have scope for much wider use, by improving and speeding up the evaluation and authorisation process;

66. Reminds the Commission and the Member States of Parliament’s resolution of 15 February 2017 on low-risk pesticides of biological origin (9) and stresses the need to support the development of safe, effective and affordable alternative plant protection products, and to encourage their wider use, in particular by easing both the authorisation procedure for basic substances and the extension of their use, as an important component in the development of organic production; highlights the need to create the conditions for equal access to organic plant protection products and fertilisers in the Member States; stresses that pesticide residues, which are present in the environment, may potentially affect organic products as well;

67. Points out that organic farmers, who guarantee high environmental standards in production, must not be held responsible for risks outside of their control and calls on the Commission to further promote harmonisation in the handling of pesticide residue findings;

68. Highlights the importance of sufficiently available, high-quality organic seeds, heterogeneous material and high-yielding plant varieties, native varieties and locally adapted varieties; points out their potential in strengthening resilience against plant diseases and the impact of climate change; encourages the Commission and the Member States to step up efforts, including through specific actions, to improve the functioning of the organic seed market and believes that transitional periods would be helpful in achieving this; calls on the Commission to ensure that sufficient financial resources are allocated to research into organic seeds and animal breeding;

69. Highlights the importance of supporting programmes for the preservation and selection of local breeds which, given their robustness, are particularly suited to organic farming; stresses the need to support traditional crop breeding for the development of healthy and resilient varieties and also the need for modern, sustainable and innovative methods when developing new organic seeds and agricultural practices, maintaining a high level of protection of human health and the environment;

70. Highlights, in this context, the role that scientific innovations in plant breeding can play, in particular in improving the resistance of varieties, in fostering the diversity of genetic resources and in strengthening food production systems, while recalling that the use of genetically modified (GMO) seeds is not permitted in organic agriculture;

71. Supports the Commission’s intention to extend the EU Market Observatories’ analysis to organic products; stresses the importance of intensifying the collection and improving the availability of accurate and timely data, including at regional level, on the organic sector so as to better appreciate its environmental, economic and social effects;

72. Believes that this should include data on the sector’s contribution to environmental sustainability, together with data on production, processing, consumption, including in the hospitality sector and in public canteens, on trade within the EU and with non-EU countries and on farm gate and retail prices, consumer preferences, supply chain structures, added value and farmers’ share in supply chains; is convinced that this data is essential in order to shape and monitor EU policy on organic production and take action to remedy supply and demand imbalances, evaluate consumption and production trends and increase transparency and confidence in the sector;

73. Recognises the potential of a common European agriculture data space to increase consumer knowledge and trust, as well as to improve traceability in the organic supply chain; emphasises that in order to stimulate demand, it is essential to identify consumer needs through relevant assessments; calls on the Member States to better communicate on the organic sector’s economic results; calls on the Commission to conduct comprehensive studies and analyses of the impact that an increase in organic farming would have in terms of both climate change and food security in the European Union;

74. 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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Persecution of minorities on the grounds of belief or religion

European Parliament resolution of 3 May 2022 on the persecution of minorities on the grounds of belief or religion (2021/2055(INI))

(2022/C 465/03)

The European Parliament,

— having regard to Articles 2, 18 and 26 of the Universal Declaration of Human Rights,

— having regard to Articles 2, 4, 18, 24, 26 and 27 of the International Covenant on Civil and Political Rights,

— having regard to Articles 2 and 13 of the International Covenant on Economic, Social and Cultural Rights,

— having regard to Articles 6 and 21 of the Treaty on European Union (TEU),

— having regard to Article 17 of the Treaty on the Functioning of the European Union,

— having regard to Articles 10, 14, 21 and 22 of the Charter of Fundamental Rights of the European Union,

— having regard to Article 9 of the European Convention on Human Rights and Fundamental Freedoms, to Article 2 of the first Protocol thereto, and to Article 12 of Protocol No 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms,

— having regard to the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide,

— having regard to the 1979 UN Convention on the Elimination of all Forms of Discrimination against Women,

— having regard to the Rome Statute of the International Criminal Court,

— having regard to the Declaration of 25 November 1981 of the UN General Assembly on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief,

— having regard to the Declaration of 18 December 1992 of the UN General Assembly on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

— having regard to the UN Human Rights Council resolution of 24 March 2011 on combating intolerance, negative stereotyping and stigmatisation of, and discrimination, incitement to violence and violence against, persons based on religion or belief,

— having regard to the Rabat Plan of Action of 5 October 2012, on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

— having regard to the decision of the UN General Assembly designating 22 August as the International Day Commemorating the Victims of Acts of Violence Based on Belief or religion, adopted on 28 May 2019,

— having regard to the UN General Assembly resolution of 21 January 2021 on promoting a culture of peace and tolerance to safeguard religious sites,

— having regard to the reports of 15 July 2019 and 3 March 2021 of the UN Special Rapporteur on minority issues to the UN Human Rights Council, addressing in particular respectively the concept of a ‘minority’ and the widespread targeting of minorities through hate speech in social media,

— having regard to the report of 12 October 2020 of the UN Special Rapporteur on freedom of religion or belief, addressing the importance of safeguarding freedom of religion or belief for all for the successful implementation of the 2030 Agenda for Sustainable Development and how persons belonging to religious or belief minorities are at risk of ‘being left behind’,
— having regard to the annual report of 28 December 2020 of the Office of the UN High Commissioner for Human Rights on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

— having regard to the Marrakesh Declaration of 27 January 2016 on the Rights of Religious Minorities in Predominantly Muslim Majority Communities,

— having regard to the Council conclusions of 16 November 2009 on freedom of religion or belief,

— having regard to the Council conclusions of 21 February 2011 on intolerance, discrimination and violence on the basis of religion or belief,

— having regard to the Council conclusions of 22 February 2021 on EU priorities in UN Human Rights Fora in 2021,

— having regard to the EU Guidelines of 24 June 2013 on the promotion and protection of freedom of religion or belief,

— having regard to the EU Human Rights Guidelines of 18 March 2019 on non-discrimination in external action,

— having regard to the reports from the Special Envoy for the promotion of freedom of religion or belief outside the EU,

— having regard to the 2020-24 EU Action Plan on Human Rights and Democracy, to be funded under the 2021-2027 multiannual financial framework,


— having regard to the awarding of the European Parliament’s Sakharov Prize for Freedom of Thought to Raif Badawi in 2015, Nadia Murad and Lamiya Aji Bashar in 2016 and Ilham Tohti in 2019,

— having regard to its resolution of 10 October 2013 on caste-based discrimination (1), in particular paragraph 6 thereof on religion as an intersectional factor in discrimination and abuse,

— having regard to its resolution of 15 January 2019 on EU Guidelines and the mandate of the EU Special Envoy on the promotion of freedom of religion or belief outside the EU (2),

— having regard to its resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called ‘ISIS/Daesh’ (3),

— having regard to its resolution of 4 July 2017 on addressing human rights violations in the context of war crimes, and crimes against humanity, including genocide (4),

— having regard to its resolution of 15 March 2018 on the situation in Syria (5),

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(2) OJ C 411, 27.11.2020, p. 30.
(5) OJ C 162, 10.5.2019, p. 119.
— having regard to its resolution of 4 October 2018 on mass arbitrary detention of Uyghurs and Kazakhs in the Xinjiang Uyghur Autonomous Region (\(^{6}\)), 18 April 2019 on China, notably the situation of religious and ethnic minorities (\(^{7}\)), 19 December 2019 on the situation of the Uyghurs in China (China Cables) (\(^{8}\)) and 17 December 2020 on forced labour and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region (\(^{9}\)),

— having regard to its resolutions of 7 July (\(^{10}\)) and 15 December 2016 (\(^{11}\)), 14 September (\(^{12}\)) and 14 December 2017 (\(^{13}\)), and 19 September 2019 (\(^{14}\)) on Myanmar and the situation of the Rohingya people,

— having regard to its resolutions of 28 November 2019 on the situation of freedoms in Algeria (\(^{15}\)) and 26 November 2020 on the deteriorating situation of human rights in Algeria, in particular the case of journalist Khaled Drareni (\(^{16}\)),

— having regard to its resolution of 19 December 2019 on violations of human rights including religious freedoms in Burkina Faso (\(^{17}\)),

— having regard to its resolution of 16 January 2020 on Nigeria, notably the recent terrorist attacks (\(^{18}\)),

— having regard to its resolution of 29 April 2021 on blasphemy laws in Pakistan, in particular the case of Shagufta Kausar and Shafqat Emmanuel (\(^{19}\)), and in which the case of Asia Bibi is also cited, 14 April 2016 on Pakistan, in particular the attack in Lahore (\(^{20}\)), and 13 December 2018 on Iran, notably the case of Nasrin Sotoudeh (\(^{21}\)),

— having regard to its resolution of 25 November 2020 on the foreign policy consequences of the COVID-19 outbreak (\(^{22}\)),

— having regard to its recommendation of 29 April 2021 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy concerning EU-India relations (\(^{23}\)),

— having regard to its recommendation of 9 June 2021 to the Council on the 75th and 76th sessions of the United Nations General Assembly (\(^{24}\)),

— having regard to its resolution of 15 January 2020 on human rights and democracy in the world and the European Union’s policy on the matter — annual report 2018 (\(^{25}\)), in particular paragraphs 42, 43 and 45 thereof,

— having regard to its resolution of 20 January 2021 on human rights and democracy in the world and the European Union’s policy on the matter — annual report 2019 (\(^{26}\)), in particular paragraphs 103, 104, 106 and 107 thereof,

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\(^{6}\) OJ C 11, 13.1.2020, p. 25.

\(^{7}\) OJ C 158, 30.4.2021, p. 2.

\(^{8}\) OJ C 255, 29.6.2021, p. 60.


\(^{11}\) OJ C 238, 6.7.2018, p. 112.


\(^{13}\) OJ C 369, 11.10.2018, p. 91.

\(^{14}\) OJ C 171, 6.5.2021, p. 12.


\(^{17}\) OJ C 255, 29.6.2021, p. 45.

\(^{18}\) OJ C 270, 7.7.2021, p. 83.

\(^{19}\) OJ C 506, 15.12.2021, p. 77.


\(^{21}\) OJ C 388, 13.11.2020, p. 127.


\(^{24}\) OJ C 67, 8.2.2022, p. 150.

\(^{25}\) OJ C 270, 7.7.2021, p. 25.

\(^{26}\) OJ C 456, 10.11.2021, p. 94.
— having regard to the activities of the European Parliament Intergroup on Freedom of Religion or Belief and Religious Tolerance,

— having regard to Rule 54 of its Rules of Procedure,

— having regard to the opinion of the Committee on Development,

— having regard to the report of the Committee on Foreign Affairs (A9-0071/2022),

A. whereas UN human rights treaties, together with international and EU laws, provide standards for the protection of the rights of persons belonging to belief or religious minorities as an integral part of human rights;

B. whereas the right to freedom of thought, conscience and religion includes the freedom to choose what to believe or not to believe, the freedom to found, adhere to, change or abandon a religion or belief without any constraints, and the freedom, either individually or within a community and either privately or publicly, to express one’s religion or belief with regard to worship, teaching, practice and observance; whereas this freedom also entails the right for religious, secular and non-confessional organisations to have recognised legal personality; whereas freedom of religion or belief also includes the right to express critical or satirical opinions on religions and religious authorities as a legitimate expression of freedom of thought or artistic creation;

C. whereas according to Article 21 TEU, the EU promotes and defends respect for human dignity and the universality and indivisibility of human rights and fundamental freedoms, as part of the guiding principles of its foreign policy;

D. whereas freedom of religion or belief is violated in a considerable number of countries worldwide; whereas a large number of people live in countries that impose or tolerate severe violations of freedom of thought, conscience, religion or belief;

E. whereas discrimination against and persecution of minorities on the grounds of belief or religion is carried out by different actors — whether by states, non-states actors or a combination of both — and can take different forms, such as killings, torture, physical attacks, mass incarceration, arbitrary arrests, enforced disappearances, extrajudicial executions, coercion, forced conversions, kidnappings, early and forced marriages, gender-based violence, rape, physical and mental abuse, forced birth control use and abortions, forced labour and displacement, human trafficking, threats, exclusion, discriminatory and unfair treatment, harassment, expropriation, limitations on access to citizenship, elected office, employment, education, health and administrative services, the destruction of places of worship, cemeteries and cultural heritage, and offline and online hate speech;

F. whereas the COVID-19 pandemic has exacerbated persecution and violence against belief and religious minorities in some countries; whereas furthermore the health crisis has provided some countries with a pretext to adopt persecutory measures for purposes unrelated to the pandemic; whereas belief and religious minorities have become particularly vulnerable to COVID-19 infections and deaths due to unequal access to adequate medical care;

G. whereas women belonging to belief or religious minorities are particularly at risk of increased discrimination and violence, both of which are linked to intersectional factors such as gender, religion, caste, ethnic background, power imbalances and patriarchy, and in some cases are justified by religious or belief motivations; whereas they face more difficulties in exercising their right to leave a religious or belief community due to lack of social or economic independence, threats of violence or loss of custody of their children;

H. whereas gender-based violence and discrimination grounded in religious justifications persist; whereas women and LGBTIQ+ people continue to experience discrimination and violence inflicted in the name of religion by both state and non-state actors; whereas sexual and reproductive health and rights (SRHR), including abortion, are being banned in the name of religion by both state and non-state actors;
I. whereas any persecution on the basis of religion or belief deserves the utmost condemnation and swift reactions from national governments and international actors;

J. whereas the practices relating to indigenous beliefs or religions are part of a people's cultural identity; whereas indigenous peoples have the right to promote, develop and maintain their institutional structures and distinctive customs, spirituality, traditions, procedures and practices according to international human rights standards;

K. whereas in almost every region in the world, religious minorities appear to be at risk of being designated 'terrorist groups' and of having members arrested under charges of 'extremism' or 'illegal activity'; whereas some governments are using national security imperatives and counter-terrorism measures to criminalise membership in or the activities of certain religious or belief groups; whereas such approaches severely undermine the exercise of the right to freedom of religion or belief;

L. whereas belief or religious minorities often lack adequate national representation; whereas legislation often excludes the needs and interests of these minorities, with governments employing a range of extra-legal measures that persecute, delegitimise or stigmatise these minorities;

M. whereas in numerous conflicts and crises around the world, attacks on cultural heritage have been an instrument of symbolic violence and the politicisation of cultural heritage; whereas the religious aspects of these conflicts have directly contributed to humanitarian crises, displacement, migration and the violation of religious and cultural rights and human dignity; whereas these conflicts and crises can polarise societies, countries, regions, ethnic groups and communities and increase the risk of violent conflict; whereas therefore the destruction and looting of cultural heritage can be a weapon of war and a warning sign of future mass atrocities; whereas, furthermore, this destruction and looting represent major obstacles to dialogue, peace and reconciliation;

N. whereas the destruction of cultural heritage renders communities, especially religious communities, vulnerable, as they are deprived of an important part of their identity; whereas extremist groups and other parties to conflict can easily spread their influence in areas where identities and social cohesion have been weakened and divisions in communities have been reinforced;

O. whereas in cases of international crimes based on religion or belief, perpetrators have enjoyed impunity, with some minor exceptions, and therefore, atrocities have been able to continue;

P. whereas, in accordance with the 1948 UN Genocide Convention, states and public authorities have the obligation to not only punish the perpetrators of genocides, but also to prevent such crimes in the first place;

1. Affirms its unwavering commitment to promoting and protecting the rights of persons belonging to belief or religious minorities everywhere in the world, including their right to adopt, change, choose, manifest, exercise or abandon their belief or religion, in respect of the principles of equality and non-discrimination; condemns in the strongest terms all persecution, violence, incitements to violence and acts of terrorism targeting any minority on the grounds of belief or religion, or the lack thereof; stresses that in some cases, violations of these human rights may amount to genocide or crimes against humanity; condemns the denial of or efforts to minimise such violations and reaffirms its commitments to their eradication and its support for victims;

2. Stresses that states have the primary responsibility to promote and safeguard the human rights of persons belonging to belief or religious minorities, including their right to exercise their religion or beliefs and their right not to believe freely, and to protect them against the violations of those rights, in particular, crimes against humanity and genocide;

3. Takes the view that, regardless of belief, religion, thought or conscience, it is essential to promote and ensure the inclusion of all people in their societies and in political, socioeconomic and cultural life, as well as to ensure that their dignity, citizenship, individual rights and freedom are respected;
4. Stresses that freedom of thought, conscience, belief and religion, including the freedom to worship, observe, practise and teach, the freedom to believe or not believe, the freedom to espouse theistic, non-theistic, agnostic or atheistic views, and the right to apostasy are human rights protected under international law; stresses that the promotion and protection of these rights have contributed to the advancement of human rights and democracy in a number of settings, including in repressive environments; recognises that violations of these rights often exacerbate or give rise to intolerance, which often constitute early indicators of potential violence and conflict.

5. Recalls that combating discrimination against all minorities, regardless of their traditions, beliefs or religion, and promoting and protecting their rights, contributes vastly to social and political stability, poverty reduction, democratic governance and conflict prevention;

6. Emphasises that the persecution of minorities on the grounds of belief or religion is often intertwined with other distinct grounds, in particular those linked to national or ethnic origin, gender or caste; highlights the cases in which belief or religious groups suffer persecution, including when they have a strong presence in the territory of a state or are not demographically in the minority, but find themselves in a vulnerable situation that makes them easy targets of violence and repression; also highlights that converts who leave a majority faith may experience severe violations of their human rights, including imprisonment, forced divorce, abduction, physical violence and murder;

7. Is deeply concerned about the high levels of coercion, discrimination, harassment, violence and repression against people belonging to belief or religious minorities as a global phenomenon that is intensifying in certain regions; notes that it affects many religious communities, such as Buddhism, Christianity, Hinduism, Islam and Judaism among other religions, as well as groups of people who are atheists, humanists, agnostics or who do not identify with any belief or religion;

8. Strongly deplores that non-religious, secular and humanist organisations are facing growing persecution, including unprecedented waves of incitement to hatred and killings, in a number of countries worldwide; denounces that countless individuals and civil society organisations are under assault for peacefully questioning, criticising or satirising religious beliefs; stresses that this ongoing violation of freedom of thought and expression is occurring across geographic and cultural borders, including within EU Member States;

9. Emphasises that the perpetrators of acts of persecution include authoritarian regimes, governments inclined to impose the supremacy of dominant ethnic or religious populations over minorities, terrorist organisations, political and religious extremist parties or groups, and also, sometimes, family members, friends and neighbours of victims, for instance when victims change or abandon their religious allegiance;

10. Welcomes the positive role of some belief and religious communities and faith-based non-governmental organisations in humanitarian activities in conflict zones, in the fight against environmental degradation, in advocating for peace and reconciliation and in contributing to development;

11. Acknowledges that churches, faith-based organisations (FBOs) and other belief and religious institutions and associations play a significant role in the social fabric of developing countries;

12. Underlines that certain FBOs play a strategically important role in influencing and impacting members of their communities to come to a position of understanding and advocacy on crucial issues such as HIV, sexual and reproductive healthcare and the empowerment of girls and women;

13. Notes that churches and other belief and religious institutions, as well as FBOs, are frequently the only providers of healthcare and other social services in remote areas of certain developing countries and in conflict-prone settings;

14. Is of the opinion that humanitarian actors should be trained in the particular sensitivities of religious and belief minority groups in settings where people have been displaced to provide more inclusive aid and protection for a range of refugee populations;
Tackling key challenges posed by persecution against religious minorities

15. Stresses the paramount importance of holding accountable perpetrators of human rights abuses against persons belonging to belief or religious minorities; stresses the paramount importance of conducting comprehensive investigations into human rights abuses, of ensuring that victims and their families have effective access to justice and remedies, and of providing them with adequate reparations; calls on the EU and its Member States to urgently work with relevant UN mechanisms and committees to step up their investigations into ongoing human rights violations against belief or religious minorities around the world; reaffirms, in this regard, its support for the International Criminal Court and underlines the importance of its role in prosecuting the most serious crimes; notes that the Rome Statute covers both crimes against humanity and genocide against groups on the basis of belief or religion and establishes a fundamental international legal framework to fight impunity; calls on the EU and its Member States to increase their financial support to the International Criminal Court and calls on the UN member states to commit to the fight against impunity in this context through the ratification of the Rome Statute; emphasises the need to work towards preventing acts of violence based on belief or religion, in particular international crimes, such as genocide, crimes against humanity and war crimes; stresses the need for the EU and its Member States to implement mechanisms that enable them to monitor early warning signs and risk factors for international crimes, as per the UN Framework of Analysis for Atrocity Crimes, analyse them and provide comprehensive responses, including in accordance with the duty to prevent and punish the crime of genocide;

16. Notes with concern that most belief and religious-based hate crimes remain under-reported and unprosecuted worldwide; calls on the Council, the Commission, the European External Action Service (EEAS) and the EU Member States to work with third countries on the adoption of measures to prevent and fight hate crimes, and on the adoption of legislation that is fully compliant with international standards on the freedom of expression, belief and religion; also calls on governments to establish comprehensive data collection systems on hate crimes and other discriminatory acts against belief or religious communities;

17. Calls on the Council and EU Member States to apply sanctions against individuals and entities responsible for or involved in serious or systematic abuses or violations of freedom of religion or belief, as provided for by the EU Global Human Rights Sanctions Regime;

18. Is appalled by the exacerbation of persecution against belief or religious minorities during the COVID-19 pandemic; denounces the fact that persons belonging to belief or religious minorities have been scapegoated, blamed for spreading the COVID-19 virus, and have faced discrimination in or been denied access to public healthcare, food or humanitarian aid on the basis of belief or religious criteria;

19. Underlines that the delivery of humanitarian assistance must be free from any kind of discrimination and strongly condemns any discrimination based on religious affiliation in the distribution of humanitarian assistance;

20. Calls on the EU and its Member States to recognise the rights, beliefs and values of indigenous peoples, and commit to addressing the specific discrimination that indigenous populations face based on their beliefs in a comprehensive manner through EU external action;

21. Is concerned about the application of blasphemy and religious laws that prevail over national laws in some countries; deplores that women and girls belonging to belief or religious minorities have been specifically and increasingly targeted with the purpose of inflicting harm on their community as a whole; stresses that they are particularly exposed to violent attacks, kidnappings, rape, sexual and gender-based violence, forced conversion, forced sterilisation and abortions, female genital mutilation, forced and early marriage and domestic incarceration; strongly condemns all of these human rights violations against them and stresses that lockdown measures taken during the COVID-19 pandemic have made their human rights situation even more precarious and have further restricted their access to information;

22. Condemns all acts of or incitements to violence, persecution, coercion and discrimination against individuals on the basis of gender or sexual orientation, including by religious leaders or based on religious or belief motivations; stresses that the defence of ‘tradition’ or ‘public morality’ cannot contradict, in any instance, international human rights provisions to
which states must adhere; highlights, in particular, discrimination in employment, education, access to justice and effective remedies, housing and healthcare; expresses deep concern about the misuse and instrumentalisation of belief or religion to impose discriminatory policies, laws, including criminal laws, or restrictions that contradict and undermine the rights of LGBTQI people, women and girls and restrict access to basic services, such as education and health, including sexual and reproductive rights, criminalise abortion in all cases, criminalise adultery or facilitate religious practices that violate human rights; calls for the repeal of the relevant policies, laws or restrictions that are often translated into national legislation as secular restrictions;

23. Condemns the religious cults whose activities target diaspora populations from developing countries through schemes to profit financially from the vulnerabilities of these migrant communities in Europe and which promote biased worldviews, often integrating homophobia, transphobia and misogyny;

24. Condemns the human rights violations, sexual abuse, sectarianism and financial misconduct carried out by religious missions and leaders in several developing countries;

25. Condemns the use of legislation on security, sedition, disturbance of public order, incitement to violence and the fight against terrorism and extremism as an instrument to persecute or criminalise persons belonging to belief or religious minorities, outlaw or restrict the practice or expression of their belief or religion, close places of worship and deter the membership in or registration of belief or religious associations; calls on the Commission and the EEAS to monitor the implementation of such legislation carefully, and to consistently raise this issue in bilateral dialogues with the governments concerned; urges EU Member States to reject any request by foreign authorities for judicial and police cooperation in individual judicial cases if they are based on such legislation;

26. Strongly condemns any practice of coercive detention in state-run re-education camps, forced labour or exploitation of persons belonging to belief or religious minorities, where the objectives include compelling them to abandon their religion and assimilate to the dominant culture, language or ways of thinking; also condemns the extensive use of digital surveillance technologies to monitor, control and repress persons belonging to belief or religious minorities;

27. Deplores restrictions on access to legal documentation and registration for organisations and individuals that belong to religious and belief minorities, and recalls that legal identity is a right that must be guaranteed for all people in an equal manner;

28. Deplores the fact that in more than 70 countries in the world, authorities enforce criminal laws or seek to introduce new legislation that provide for punishments for blasphemy, heresy, apostasy, defamation of or insults against religions, and conversion, including the death sentence; notes that laws already in place are used disproportionately against people belonging to belief or religious minorities, and foment a climate of violence, discrimination and religious intolerance, which may include mob violence against minority communities and the destruction of places of worship; calls for the EU to intensify its political dialogue with all countries concerned, with a view to repealing those laws; stresses that the EU's external action in support of the promotion of freedom of religion or belief would benefit from efforts by the EU and the Member States working together to abolish blasphemy laws worldwide; calls for the EU to lead by example by addressing its internal situation, in this regard;

29. Stresses the need to protect the human rights defenders, lawyers, non-governmental organisations and civil society activists who support and defend those who are persecuted on the grounds of belief or religion; denounces the recourse to denunciations of blasphemy, apostasy or other accusations based on religious grounds, in order to crack down on these people and organisations in relation to their legitimate activities, including on the internet and social media;

30. Stresses that states that have compulsory military service should allow for conscientious objection, including on the grounds of religion or belief, and provide for an alternative national service;
31. Considers that the lack of knowledge and recognition of the diversity of religions and beliefs for individuals and communities could fuel bias and stereotypes that contribute to increased tensions, misunderstandings, discriminatory attitudes and disrespect between individuals; recalls that, as stated by the UN Human Rights Committee, public education that includes instruction in a particular religion or belief is inconsistent with the right to freedom of thought, conscience and religion, unless provisions are made for non-discriminatory exemptions or alternatives that would accommodate the wishes of affected persons and their guardians;

32. Underlines the importance of strategic approaches and educational initiatives that encompass education and intercultural, interfaith and inter-religious dialogues, including those of religious leaders and civil society organisations, in tackling the persecution of and intolerance and hate speech towards minorities on the ground of belief or religion; highlights that intercultural, interfaith and inter-religious dialogues can serve as a catalyst to developing a sense of trust, respect and understanding and to building mutual respect and reconciliation, so as to learn to live together peacefully and constructively in a multicultural context;

33. Notes that young people in developing countries are particularly vulnerable to extremist ideologies, and quality education is one of the key steps to combat radicalisation; notes that extremist movements often exploit the weak presence of the state in rural areas;

34. Deplores that social media platforms and networks are being increasingly exploited as spaces for intimidation and incitement to hatred and violence; highlights that belief or religious minorities continue to be subject to online and offline hate speech from individuals and organised groups across the political and religious spectrum and calls on governments to address and counter this;

35. Takes note that the post of the EU Special Envoy for the promotion of freedom of religion or belief outside the EU has remained vacant for more than a year; reiterates its call for the Council and the Commission to carry out a transparent and comprehensive assessment of the effectiveness and added value of the position of the Special Envoy, to provide the Special Envoy with adequate resources, and to adequately support the Special Envoy’s institutional mandate, capacity and duties; reiterates its calls for the Commission to guarantee transparency in the nomination, mandate, activities and reporting obligations of the Special Envoy; stresses that the Special Envoy’s duties should focus on promoting freedom of thought, conscience, religion and belief, and the rights to non-belief, apostasy and the espousal of atheistic views, while also paying attention to the situation of non-believers at risk; recommends that the Special Envoy work closely and in a complementary manner with the EU Special Representative for Human Rights and the Council Working Group on Human Rights (COHOM);

36. Calls on the Council, the Commission, EEAS and EU Member States to address persecutions based on belief or religion as one of the priorities of EU human rights foreign policy, in line with the EU action plan for human rights and democracy for 2020-2024; stresses that a multi-layered and multi-actor approach is needed to protect and promote freedom of belief or religion, encompassing human rights, dialogue, mediation and conflict resolution and prevention in cooperation with multiple state and non-state actors, such as FBOs, religious leaders, non-believer’s groups, civil society organisations and human rights defenders; calls for enhanced cooperation with UN initiatives on this matter; reiterates its call for a regular and public review of the EU Guidelines on freedom of religion or belief, allowing for the assessment of their implementation and of proposals for their update; notes that the EU Guidelines provide for an evaluation of their implementation by COHOM after a period of three years, and that no such evaluation has been shared or made public; considers that such an evaluation should highlight best practices, identify areas for improvement and provide concrete recommendations on the implementation of the Guidelines, in accordance with a specified timeline and milestones; calls for the evaluation to be included in the EU Annual Reports on Human Rights and Democracy in the World; also calls for progress reports on the implementation of the Guidelines to be communicated regularly to Parliament;
37. Calls on the EU and its Member States to strengthen legal and institutional protection mechanisms to secure the human rights of members of belief and religious minorities and of any person in a vulnerable situation, including women and girls, persons of different ethnicities or castes, elderly and disabled people, migrants, refugees and internally displaced persons, and LGBTIQ persons, so that they are fully protected on the basis of their fundamental rights and are not subjected to discrimination because of their belief or religion;

38. Underlines that the instrumentalisation of religion and belief constitutes an important driver of conflict worldwide; stresses that persecution and discrimination on the grounds of religion and belief forces many individuals and communities to migrate or become internally displaced persons; calls on the Commission and the EU Member States to assist all displaced persons, including those belonging to belief or religious minorities, who wish to voluntarily return to their homelands when material and security conditions allow for it and the circumstances that led to their departure no longer exist, in particular by contributing to their livelihoods and the reconstruction of their housing and basic infrastructure, such as schools and hospitals;

39. Calls for the EU and its partners to consider mapping the role of religion in specific conflicts, identifying and engaging with existing positive actions by religious leaders in peace-building endeavours and conflict analysis and prevention, and listening to and assessing multiple voices representative of both majority and minority religious groups;

40. Points out that violence against religious minorities during conflict can also make them vulnerable to further attacks in refugee settings due to misinterpretations of the humanitarian principles of neutrality and universality and widespread assumptions held about religion as either non-essential or divisive;

41. Urges the EEAS and EU delegations to include objectives specifically related to the persecution of minorities on the grounds of belief or religion for all relevant situations, as part of the human rights and democracy country strategies for 2021-2024; calls on the EEAS and EU delegations to consistently raise general issues and specific cases relating to the persecution of or discrimination against belief or religious minorities during human rights dialogues with partner countries and at UN human rights fora, while following a result-oriented approach and including a gender perspective; reiterates its call for Members of Parliament to be given access to the content of these country strategies; observes that atheism and non-religious groups are growing rapidly and should be treated equally under the EU policy framework;

42. Points out that in some countries, the main sources of discrimination against minorities come from non-state actors; calls on the Commission and Member States not to focus exclusively on government-based discrimination and to work with partner countries in tackling the causes of societal discrimination against minorities, with special regard to hate speech;

43. Calls on the EU delegations and the representations of the Member States to support human rights defenders and journalists active in relation to belief or religious minorities, and, where appropriate, to facilitate the issuance of emergency visas and provide temporary shelter in EU Member States when these individuals are at risk;

44. Calls on the Commission to support civil society organisations and social campaigns that promote understanding and awareness of non-majority belief and religious groups, especially humanists and atheists in countries where they face particularly serious forms of discrimination;

45. Calls on the Commission and EEAS to closely scrutinise the human rights situations of belief or religious minorities in third countries and the implementation of those countries' related commitments under bilateral agreements with the EU; calls on the Commission to review, in particular, the eligibility of third countries under the generalised scheme of preferences in this regard; advocates a system that gradually grants preferences to a third country based on its compliance with its human rights commitments, including with respect to freedom of religion or belief;

46. Stresses that the EU should take into account the concrete challenges that religious, ethnic and linguistic minorities often face when accessing humanitarian assistance due to marginalisation, active targeting or weak socioeconomic positioning; calls on the Commission to assess minorities’ effective access to humanitarian assistance and ensure that its humanitarian policy does not overlook minorities;
47. Deplores destruction of and damage to religious sites, which constitute an integral part of cultural heritage, and calls for their protection and restoration; recommends that the EU include the protection of cultural heritage as an element of its foreign policy external actions with the aims of preserving peace, promoting reconciliation and preventing conflict; recommends that the EU use cooperation on cultural heritage as part of confidence building measures in peace processes;

48. Calls on the Commission to ensure adequate funding for issues related to the protection of persons belonging to belief or religious minorities, under the human rights thematic programme of the Neighbourhood, Development and International Cooperation Instrument — Global Europe; calls for the EU to ensure respect for the principles of pluralism, neutrality and fairness and to refrain strictly from strengthening policies or legislation that favour one belief or religious group over others when allocating funds for this purpose;

49. Recommends strengthening EU multilateral engagement with a view to promoting and mainstreaming the respect for belief or religious minorities in human rights policies worldwide; calls for the EU and its Member States to enhance cooperation with the UN, the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE) to intensify open and constructive dialogues with the African Union, the Organization of American States, the Association of Southeast Asian Nations, the Organisation of Islamic Cooperation and other regional organisations, and forge alliances with third countries or groups of like-minded states in order to provide international responses to human rights issues faced by belief or religious minorities, in particular those who are most vulnerable or targeted in conflict areas; recommends that the EU continue to be the lead sponsor of resolutions on freedom of thought, conscience, religion or belief at the UN General Assembly and the UN Human Rights Council; calls for EU-UN joint initiatives to tackle persecution and discrimination against belief or religious minorities and non-believers; calls for the EU to step up cooperation with the UN Human Rights Council, notably through the UN Human Rights Council’s special procedures, the Office of the High Commissioner for Human Rights and the Special Rapporteur on freedom of religion or belief; also recommends that special envoys for freedom of religion or belief throughout the EU Member States share their best practices and work closely together;

50. Underlines the importance of 22 August as the International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief; calls on the Council, the Commission and the EU Member States to pay special attention to this day in their planning and actively engage with belief or religious minorities in order to show commitment to promoting and protecting their freedoms and work towards preventing future acts of violence and intolerance against them;

51. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the governments and parliaments of the Member States and the United Nations.
EU strategy to promote education for children in the world

European Parliament resolution of 3 May 2022 toward an EU strategy to promote education for children in the world: mitigating the impact of the COVID-19 pandemic (2021/2209(INI))

(2022/C 465/04)

The European Parliament,

— having regard to the UN Convention on the Rights of the Child of 20 November 1989,

— having regard to Article 26 of the Universal Declaration of Human Rights, Article 18 of the International Covenant on Civil and Political Rights, Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, and Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women,

— having regard to the UN Sustainable Development Goals (SDGs) adopted in 2015 and the UN Sustainable Development Goals Report 2021,

— having regard to the General Comments of the UN Committee on the Rights of the Child (1),

— having regard to the UN guidelines for the Alternative Care of Children of 18 December 2009,

— having regard to the UN Global Study on Children Deprived of Liberty of 11 July 2019,

— having regard to the UN policy brief of 15 April 2020 entitled ‘The impact of COVID-19 on children’, and to the positive response thereto co-led by the EU and the Group of Latin America and Caribbean Countries and signed by 173 countries,

— having regard to the policy response of the Organisation for Economic Co-operation and Development of 19 October 2020 entitled ‘What is the impact of the COVID-19 pandemic on immigrants and their children?’,

— having regard to the UNESCO Convention against Discrimination in Education, adopted on 14 December 1960,

— having regard to the UNICEF, UNESCO and World Bank brochure entitled ‘Mission: Recovering Education in 2021’,

— having regard to Article 49 of the Charter of the Organization of American States of 1967,

— having regard to Article 11 of the African Charter on the Rights and Welfare of the Child of 1990,

— having regard to Articles 17 and 25 of the African Charter on Human and Peoples’ Rights of 1981,

— having regard to Article 31 of the Human Rights Declaration of the Association of Southeast Asian Nations of 2012,

(1) In particular General Comment No 5 on general measures of implementation of the Convention on the Rights of the Child: No 6 on the treatment of unaccompanied and separated children outside their country of origin; No 10 on children’s rights in juvenile justice; No 12 on the right of the child to be heard; No 13 on the right of the child to freedom from all forms of violence; No 14 on the right of the child to have his or her best interests taken as a primary consideration; No 15 on the right of the child to the enjoyment of the highest attainable standard of health; and No 16 on State obligations regarding the impact of the business sector on children’s rights.
— having regard to Article 14 of the Charter of Fundamental Rights of the EU,

— having regard to Articles 3(5) and 21 of the Treaty on European Union,

— having regard to the UN Development Programme report of April 2021 entitled ‘Leaving No One Behind: Impact of COVID-19 on the Sustainable Development Goals (SDGs)’,

— having regard to the European Child Guarantee,

— having regard to the International Year for the Elimination of Child Labour 2021 and the Commission's zero tolerance approach towards child labour,

— having regard to its resolution of 26 November 2019 on children's rights on the occasion of the 30th anniversary of UN Convention on the Rights of the Child (2),

— having regard to its resolution of 11 March 2021 on the Syrian conflict — 10 years after the uprising (3),

— having regard to Rule 54 of its Rules of Procedure,

— having regard to the opinions of the Committee on Development and the Committee on Culture and Education,

— having regard to the report of the Committee on Foreign Affairs (A9-0058/2022),

A. whereas almost five million people globally have died because of the COVID-19 pandemic, prompting governments all over the world to enact extraordinary measures to contain the spread of the COVID-19 virus, including closing schools and limiting access to educational facilities;

B. whereas new variants are intensifying the COVID-19 health crisis, while conflicts and other crises, including the climate crisis, continue to put children around the world at an increased risk of falling below minimum proficiency levels;

C. whereas access to education is an internationally recognised fundamental human right that is indispensable for the exercise of other human rights; whereas the right to education entails that primary education is compulsory and universal and is accessible to all;

D. whereas UNICEF estimates that more than 168 million children have lost a full year of education because of school closures due to the COVID-19 lockdowns, while UNESCO data shows that education has been significantly disrupted for 800 million students worldwide, who lost two thirds of an academic year on average;

E. whereas since March 2020, around 194 countries have been forced to close schools nationwide because of the COVID-19 pandemic, which has affected more than 1.8 billion school learners globally and cut off their access to education and other vital benefits provided by schools; whereas schools in some regions are still closed; whereas the closure of schools has increasingly exposed children to violence, abuse and exploitation, including in a domestic setting; whereas partial or total school closures impact vulnerable and marginalised children the most by increasing the existing disparities within education systems and disrupting all aspects of their daily lives;

F. whereas according to UNICEF, one third of children worldwide do not have access to the internet, which creates a barrier to access to remote/digital learning; whereas the need for remote learning and teaching programmes will remain after the COVID-19 pandemic, especially in countries affected by natural disasters and conflict; whereas e-learning has created new challenges for teachers in terms of facilitating student learning and maintaining social interaction; whereas the COVID-19 pandemic and the fast-tracked innovative measures taken to ensure continuous learning for children represent an opportunity to reimagine education as more forward-looking, inclusive, flexible and resilient; whereas remote learning programmes must be accessible for all children, taking into account the socioeconomic challenges children may face, as well as their lack of access to the internet, broadcasts or digital media;

(3) OJ C 474, 24.11.2021, p. 130.
G. whereas the economic consequences of the COVID-19 pandemic on parents have in turn impacted the health, well-being and access to education of their children; whereas school closures have found parents unprepared for remote and home schooling; whereas some working parents without financial means or alternatives have been forced to leave their children home alone, and others, mostly women, have been forced out of work, thereby pushing families into poverty;

H. whereas more than 90% of countries introduced some form of remote learning during the emergency school closures; whereas remote learning mostly benefited children in primary and secondary education, leaving children at pre-primary level at risk of being unprepared for primary school;

I. whereas schoolchildren around the world have already lost around 1.8 trillion hours of in-person learning since the beginning of the COVID-19 pandemic and more than 39 billion in-school meals have been missed globally because of school closures (4);

J. whereas well before the COVID-19 pandemic, the world was already facing a global learning crisis caused not only by hampered access to education due to poverty, long commutes to the nearest school, harmful gender norms, discrimination against vulnerable groups, environmental risks and conflicts, but also by schooling that does not necessarily lead to learning; whereas the pandemic has compounded the critical situation of children in a number of conflict regions, which is often characterised, inter alia, by increasing insecurity, greater vulnerability to the impacts of climate change and attacks on educational institutions, leaving children at a heightened risk of being recruited into conflict, which constitutes a serious violation of children’s rights and international humanitarian law; whereas 617 million children and adolescents worldwide are unable to reach minimum proficiency levels in reading (5) and mathematics, even though two thirds of them are at school;

K. whereas COVID-19 has wiped out 20 years of education gains; whereas an additional 101 million children — 9% of those in grades 1-8 — fell below minimum reading proficiency levels in 2020 (6);

L. whereas an estimated additional 825 million children will not reach adulthood with the secondary-level skills they need for work and life by 2030; whereas millions of children and young people who regularly attended schools are not developing the knowledge and skills they need to successfully enter the job market, achieve their full potential and contribute to their communities;

M. whereas school closures have a large economic impact as they prevent children and young people from developing necessary skills, reaching their full potential and preparing for life, which frequently gives rise to unemployment and, consequently, increases in inequality, thereby resulting in fewer opportunities;

N. whereas according to the UN, there are 11 million primary and secondary school learners worldwide — 5.2 million of whom are girls — at risk of not returning to education following COVID-19-related school closures (7); whereas the longer children are out of school, the higher the likelihood that they will drop out of education altogether; whereas this situation risks undermining the results obtained in the area of education and towards the achievement of the SDGs, and in particular those related to poverty reduction, health and well-being, and quality education;

O. whereas school closures have distinct gendered impacts and carry risks of widening inequalities; whereas it is estimated that school closures during crises may lead to increases in teenage pregnancy; whereas girls out of school are disproportionally exposed to the risk of early and forced marriage and sexual exploitation; whereas it is estimated that


(3) UNESCO, How many students are at risk of not returning to school?, 30 July 2020.
two million more cases of female genital mutilation could occur over the next decade; whereas a significant number of girls may be blocked from returning to schools once they reopen given the existence of certain discriminatory policies that ban pregnant girls and young mothers from school;

P. whereas 129 million girls worldwide are out of school, including 32 million of primary-school age, 30 million of lower-secondary-school age, and 67 million of upper-secondary-school age; whereas fewer than half of countries worldwide have achieved gender parity in participation in primary education; whereas the shift to remote learning puts children, in particular girls, from the poorest and most vulnerable households at a significant risk of dropping out of school permanently or for extended periods;

Q. whereas 9 of the top 10 most difficult nations for girls to be educated in are in Sub-Saharan Africa and the other is Afghanistan, where the Taliban have effectively deprived girls of education past primary school by ordering secondary schools to reopen only for boys; whereas the Taliban's unclear policy and vague and unfulfilled promises about girls' education makes millions of Afghan girls understandably fearful for their education; whereas several international initiatives by universities and private individuals emerged offering remote education for Afghan girls and women;

R. whereas according to several national and regional law enforcement authorities, children out of school — in particular girls and children from disadvantaged backgrounds, such as children of minorities, rural, indigenous and migrant children, including refugees, children with disabilities, children in care and children who have lost their parents and/or grandparents due to the COVID-19 pandemic, among others — are disproportionately vulnerable to exploitation, child labour and domestic violence, including the witnessing of violence, online bullying and other crimes such as sexual exploitation and abuse (*)

S. whereas in addition to the enormous social costs, the World Bank estimates that a global school shutdown of five months could generate learning losses that have a present value of USD 10 trillion; whereas loss of learning may cost economies up to USD 161 million per day;

T. whereas school closures have unfortunately been essential to limit the spread of COVID-19; whereas schools are more than places where children can learn, as they also constitute meeting places and hubs for mental health and psychosocial support; whereas according to UNESCO and UNICEF, school closures do not only affect the right to education but also the right to health, with more than 80 million children missing primary vaccinations as a result of school closures; whereas school closures mean that teachers are not able to look out for signs of abuse or a lack of proper care on the part of parents; whereas according to the UNICEF Office of Research — Innocenti and the World Food Programme, school closures also impact the right to good nutrition and access to a daily meal; whereas school food programmes can provide incentives for the most vulnerable children to return to school; whereas school closures seriously affect children's mental well-being as children can be exposed to violence and stress in the home; whereas school closures may have acute and long-lasting psychosocial consequences, including depression, increased anxiety and suicide, as children are deprived of social contact;

U. whereas dropping out of school reinforces social inequality and may affect a country's stability and prosperity, thereby jeopardising the futures of millions of the world's children and severely impacting a whole generation; whereas education has proven essential to countering extremism and the radicalisation of children and young people;

V. whereas according to the UNHCR Education Report 2021 half of all refugee children remain out of school; whereas refugee children are excluded from remote learning opportunities; whereas the overcrowded living conditions of child refugees, especially those living in refugee camps, often facilitate the spread of the virus and hamper compliance with sanitary rules; whereas the COVID-19 situation in the camps constitutes a crisis for children, as many children often


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already have weakened immune systems or underlying health conditions during their formative years, which puts them at higher risk of developing more severe cases when coping with this deadly virus; whereas most refugee camps do not have suitable health services to adequately respond to children's and their families' needs;

W. whereas the unequal distribution of COVID-19 vaccines worldwide disproportionately affects low-income countries;

1. Acknowledges and expresses appreciation for the work of teachers, educators of all kinds and support staff, who rapidly adjusted to the COVID-19 pandemic and ensured the continuation of the learning process for children and adolescents; commends initiatives by international and local civil society organisations, private citizens and businesses to provide children with information and communication technology, remote learning courses and other learning materials, especially in countries where children have limited access to remote learning or no access to learning at all; urges the Commission, the European External Action Service (EEAS) and the Member States to promote a children's rights-based approach to global efforts to mitigate the impact of the COVID-19 pandemic on access to education for children, and one which is based on the principles of non-discrimination, acting in the best interests of the child and child participation;

2. Acknowledges that education is a cross-cutting issue relevant to all dimensions of sustainable development;

3. Welcomes the commitments made at the 2021 UNESCO World Conference on Education for Sustainable Development and the adoption of the Berlin Declaration; insists on ensuring quality education for all children as an enabler for all SDGs and underscores the importance of integrating sustainable development into all levels of education and training from early childhood to tertiary and adult education, including vocational education and training, non-formal education and informal learning;

4. Insists that the EU lead the way as an educational power that enables Member States to fully exercise their capacity to support education for children the world over and assert their convictions on this issue; underlines the key role of the future European Education Area in providing an important opportunity for more international cooperation to build synergies on education beyond Europe in order to develop common approaches and solutions to common challenges; urges the Commission to redouble its efforts to define a strategy to that end, including a clear outline and objectives;

5. Stresses the key importance of guaranteeing children's right to education and giving every child the opportunity to go back to school and calls on the Commission, the EEAS and the Member States to support the authorities of third countries in prioritising school reopening in their recovery plans, including support for teachers to help children catch up with lost learning and support for children's well-being, as schools are critical for children's learning, safety, health, nutrition and overall well-being; calls on the Commission, the EEAS and the Member States to support third-country authorities in ensuring that all children can enjoy their right to primary education and to take action to ensure that secondary education is available and accessible; calls, furthermore, on the Commission, the EEAS and the Member States to support third-country authorities in developing and implementing digital teaching and learning methods and to facilitate internet access for all;

6. Considers that improving domestic resource mobilisation, protecting and strongly increasing domestic expenditure on social sectors, notably education and health, and improving the quality of this expenditure must be prioritised in national recovery plans and assistance programmes run by EU and international financial institutions; insists, in this context, on ensuring equitable allocation and financing so that disadvantaged, impoverished and marginalised children — with a particular focus on girls — young people and families are not left behind; highlights that the best interests of the child must guide all efforts to mitigate the impact of the COVID-19 pandemic on access to education and that such measures must respect children's rights to be informed, empowered and given the opportunity to have their voices heard;
7. Stresses that it is essential to take into account the social situation of parents and to support families whose income has been reduced as a result of the economic impact of the COVID-19 pandemic;

8. Acknowledges that achieving quality education must be a priority for the official development assistance of the EU and the Member States;

9. Notes that forced displacement leads to rising numbers of people living in refugee settings; calls on the Commission to support skill transmission in refugee camps and strong education support for refugees and displaced people in order to support their integration and engagement in income generating activities;

10. Is concerned by the lasting financial impact of the pandemic on funding for education, as the majority of UNESCO member states have not yet reached the threshold of 4–6 % of GDP or 15–20 % of public expenditure;

11. Highlights the inequity in efforts to tackle the pandemic owing to unequal access to vaccines, resulting in unequal protection capabilities; emphasises that the pandemic can only be brought to an end if it is done so globally and that vaccines must be accessible to all; calls on the Member States to increase their contributions to and the overall efficiency of the UN COVAX programme to guarantee sufficient access to COVID-19 vaccines for third countries in order to allow them to put national COVID-19 vaccination campaigns in place that are in line with the guidelines set by competent national public health authorities and the World Health Organization, so as to ensure a speedy return to schools; urges the Commission, the EEAS and the Member States to work closely with their transatlantic allies and international partners in order to boost the global supply of COVID-19 vaccines, ensuring fair distribution to the countries and populations that are most in need, and aiming to enhance global access to affordable COVID-19-related medical products and to address global production constraints and supply shortages;

12. Urges the EU, in conjunction with the US and other members of the World Trade Organization (WTO), to scale up the production and range of supply options to ensure equitable access to diagnostics, vaccines, therapeutics and other relevant health products needed to contain, prevent and treat COVID-19 and to ensure that these objectives are achieved by the 12th Ministerial Conference of the WTO;

13. Calls on the Commission, the EEAS and the Member States to support the authorities of third countries in financing and implementing 'safe school' operations, including providing hygiene supplies and sharing information on handwashing and other hygiene measures, as well as on maintaining the continuity of nutrition services for school-age children and adolescents; stresses that school meals and clean water are vital in ensuring children's nutrition, growth and development as they provide a strong incentive for children — especially girls and those from the poorest and most marginalised communities — to return to school once restrictions are lifted; highlights, in this regard, the key role that teachers and civil society actors, including faith-based organisations, religious communities and NGOs, can play in health promotion and in combating the COVID-19 pandemic, as well as in supporting children and their families in overcoming the challenges and difficulties posed by the health crisis, improving their well-being and providing training and education programmes;

14. Calls on the Commission, the EEAS and the Member States to support the authorities of third countries in establishing education risk mitigation and management plans through resilience planning; highlights the importance of developing and guaranteeing contingency planning and crisis response plans now to reduce the risk of COVID-19 transmission in schools and to minimise the impact of school closures on children and their families, especially on the poorest and most marginalised children, as well as those with severe disabilities; highlights, in this regard, the need to prioritise children in conflict-affected areas and their access to quality education;

15. Underlines the impact that school closures could have on parents' professional responsibilities while they simultaneously take care of their children; stresses the importance of providing working parents with proper resources and guidance on distance education, extracurricular activities, and psychological support methods for balancing working from home and home schooling;
16. Stresses the importance of providing educational and psychosocial support to children and families who must self-isolate to minimise the risk of contagion, with a view to reducing stress and anxiety in the home;

17. Calls on the Commission, the EEAS and the Member States to support the authorities of third countries in proactively issuing guidance on best practices in remote learning, and in ensuring that appropriate and safe tools, curricula and technology are used and are made accessible to children from low-income families, rural, indigenous and migrant children, marginalised children and children with disabilities or learning difficulties, children in alternative care, children in places of detention, and children living in remote areas or in environments where they are deprived of liberty or where internet access is not ubiquitous; highlights the potential for digital learning to enable educational institutions to reach all children at speed and scale, while at the same time fostering partnerships and working with a wide range of actors from civil society as well as the public and private sectors; insists, however, that investment in digital learning must seek to reduce the digital divide and must be context-specific, consistent with the best interests of the child and not to the detriment of supporting basic education infrastructure and staff, as well as in-person learning; recalls, however, that access to digital technologies has still not been equitable or widespread during the pandemic: considers that heavy investment is needed in this sector, in terms of both training and funding; calls for the EU and its Member States to continue to provide accessible educational resources and open access to digital tools for teachers, parents and students; stresses, in this regard, that children's privacy and the protection of personal data must be guaranteed in connection with all digital tools and that due account must be taken of gender-responsive content and the different realities of children's lives;

18. Calls on the Commission and the EEAS to maintain robust funding for education through all EU financial instruments available, in line with the 10% benchmark on education in the Global Europe instrument, and to make more funding available in order to increase resilience to ongoing and future crises;

19. Calls on the Commission, the EEAS and the Member States to support the authorities of third countries in ensuring appropriate care for children, including by putting in place a contingency plan for the care of children orphaned or left without appropriate care because of severe cases of COVID-19 that require hospitalisation of adult caregivers;

20. Calls on the Commission to establish a link between possible investment de-risking activities and financial support for access to education and vocational training, particularly to establishing proper infrastructure and training for teachers, under the Neighbourhood, Development and International Cooperation Instrument (NDICI) — Global Europe;

21. Calls on the Commission and the EEAS to support the governments of third countries in building and further developing stronger gender-responsive and inclusive education systems accompanied by the eradication of all forms of gender-based violence against women and girls; recalls that women's access to education has been established as a fundamental right by the UN; believes that increasing girls' education and supporting women's participation in education and careers in science, technology, engineering and mathematics (STEM) as a matter of priority should be a central policy target for the EU and the international development community; insists, in this regard, on the need for girls to be able to complete their education and have access to age-appropriate information and services, free from discrimination and gender bias and with equal opportunities to fulfil their potential; stresses the urgent need to address gender-related barriers to education, such as laws, policies and harmful socio-cultural norms that prevent girls from continuing education in the event of pregnancy, marriage or motherhood; encourages the tackling of gender stereotypes and harmful socio-cultural norms through education, and the prevention of violence through gender-sensitive education programming;

22. Condemns the fact that millions of girls worldwide do not have access to education, thus leaving them exposed to dependence and at a higher risk of violence and exploitation, especially in cases where women and girls are systematically denied access to education, work and public life by the authorities in power; rejects the misuse and instrumentalisation of any practice that discriminates in access to education and imposes the closing of schools; calls for an end to these practices and urges the reopening of all schools for girls and women;

23. Calls on the Commission and the EEAS to preserve and further strengthen the achievements of the past 20 years in education for women and girls in Afghanistan; urges that the requisite funding be allocated within the EU humanitarian aid
package for Afghanistan to enable international and local organisations to facilitate the reopening of educational facilities for women and girls and to develop remote learning programmes as a temporary measure; calls for similar attention to be paid to the education of Afghan children and young people in countries hosting Afghan refugees;

24. Underlines that the right to education and information on sexual and reproductive health, family planning, modern contraceptive methods, safe and legal abortion, and maternal, prenatal and postnatal healthcare must be guaranteed for all people;

25. Calls on the Commission, the EEAS and the Member States, as well as the national governments of third countries, to develop specific programmes to manage and mitigate the mental health and psychosocial impact of the COVID-19 outbreak on children, teachers and their communities, and to design specific preventive campaigns aimed at children, parents and teachers on the risks when using the internet, such as harassment, trafficking, sexual abuse and online bullying as well as promote special plans to assist children who have been a victim of these practices, and their parents;

26. Underlines the need for age-appropriate, evidence-based, comprehensive sexuality education programmes to reduce the vulnerability of girls and young women to early childbirth and unintended pregnancy, child marriage, prostitution, HIV transmission and gender-based violence;

27. Notes that the ratio of pupils to trained professionals in the Sub-Saharan region remains high, despite the EU’s various efforts and the assistance it provides; highlights the regional averages of 58 pupils per trained teacher at primary level, and 43 pupils per trained teacher at secondary level; points out that many developing countries struggle to make efficient use of resources and that very often, increased education spending does not translate into more learning and improved human capital; stresses the role of teachers at all levels in facilitating learning, the importance of technology for learning and efficient management of schools and education systems in these countries; recalls that according to UNESCO, there is a need to hire at least 15 million teachers to reach the education-related goals in Sub-Saharan Africa by 2030, in line with SDG 4;

28. Calls on the Commission, the EEAS and the Member States to support the authorities of partner countries in addressing the challenges in their education systems with the aim of making them capable of withstanding future crises, and making systems more resilient and inclusive, implementing learning recovery programmes and protecting educational budgets, with dedicated investments in high-quality, affordable and inclusive education, including investments in education technology tools, teacher training and other resources to ensure that children and young people reach their full potential, are prepared for life and do not miss out on opportunities to enter the labour market later in life, while respecting the education needs and rights of every child; highlights that remote learning programmes designed to address future crises must encompass different learning materials, including printed material, in order to be accessible to the most disadvantaged and marginalised children;

29. Welcomes the UNESCO Paris Declaration: a Global Call for Investing in the Futures of Education; urges countries around the world to consider education as an investment rather than an expense; believes that adequate and effective financial assistance in education is a prerequisite to eliminate poverty and enhance well-being, especially at a time when public resources are increasingly constrained with competing demands in badly affected sectors such as health and education; urges the Commission and the Member States to substantially increase funding for education in their international development and assistance strategies;

30. Underlines that young people are the most valuable assets for boosting developing countries’ economic development;

31. Recalls that the global community is committed to improving the quality of education by 2030 (SDG 4);

32. Calls for international educational exchanges between young people in Africa and the EU to be increased, through programmes such as Erasmus and Erasmus for Young Entrepreneurs, aimed at helping new entrepreneurs to acquire the relevant skills for managing businesses;

33. Calls on the Member States to take account of the fact that the COVID-19 health crisis has exacerbated the situation of those detained in camps in Syria and to immediately repatriate all European children held in those camps, ensuring that the best interest of the child prevails as the primary consideration;
34. Stresses the importance of including vocational training and ‘second chance programmes’ in the recovery plans to help children and young people enter the labour market; calls on the Commission, the EEAS, the Member States and third countries to offer desirable future prospects for young people;

35. Stresses the importance of accompanying investment in training and education with support for job creation to provide a better future outlook for the next generation of young people in Africa and other developing regions; notes the particular importance of public-private partnership in achieving SDG 8 on access to decent work; stresses the importance of secondary education and vocational training, which are essential for youth employability and sustainable development; further notes that the increasing youth population of Africa requires first and foremost the support of quality education and the advancement of vocational skills training to increase mobility and access to markets and rights;

36. Calls for the EU to foster investment in vocational training and lifelong learning and the strengthening of educational structures, in cooperation with the private sector, to harness human capital;

37. Highlights the importance of continuous professional development and enhanced financial support for teachers, empowering them to address learning losses among their students so as to be able to respond to their individual social, family and mental health conditions, and to incorporate digital technology into their teaching; stresses the urgent need to seize the opportunity and employ COVID-19 recovery funds and fast-tracked innovative measures used to ensure remote learning during the pandemic to reimagine education and build systems that are more forward-looking, inclusive, flexible and resilient; believes that these new approaches must address learning losses, prevent dropouts, and ensure the social and emotional welfare of students, teachers and staff;

38. Emphasises the role of non-formal and informal education, citizenship education and volunteering; calls on the Commission to support third countries in improving the recognition of soft skills; insists on the promotion of practices of intergenerational solidarity and mentoring to reduce inequalities, exclusion or early school leaving;

39. Calls for the acceleration of global knowledge exchanges and mobility at all levels of education and between and within countries and regions, while acknowledging the complex and contested history of global relationships and emphasising the importance of promoting heritage, cultural identity, history, art and global citizenship through education; notes the potential of combining online exchanges and travel to this end;

40. Stresses the importance of developing and strengthening awareness-raising activities related to climate change and environmental protection and their impact on children and future generations; calls for environmental education to be made a core component of school curricula;

41. Emphasises the important role of physical education in schools, as physical activity and a healthy lifestyle are key to improving learners’ health; calls on the Commission and the EEAS, therefore, to support national authorities in ensuring sufficient and safe sports facilities in schools and the training of qualified sports teachers;

42. Draws attention to the need to harness the synergies between culture and education in order to shape sustainable, inclusive and resilient societies; calls on the Commission and the EEAS, in this regard, to support national authorities in including arts and culture in school curricula and extracurricular activities in order to enrich the educational and learning experiences of learners in third countries;

43. Considers that national governments — and their competent national, regional or local authorities — must communicate with children in a child-friendly manner to explain the measures taken to limit the spread of COVID-19 in order to raise awareness about the impact, risks and threats of COVID-19 and to inform children of their rights;

44. Stresses the importance of the acquisition of skills, notably through face-to-face learning, that will enable children to progress throughout their lives, such as on personal relationships, study skills, empathy and cooperation; highlights the importance of children being able to engage in play and leisure activities as a key element of their development, as
recognised in Article 31 of the UN Convention on the Rights of the Child; calls for steps to be taken to enhance the enjoyment of leisure and cultural activities for children, both as rights in and of themselves and as a means to improve their mental health and general well-being;

45. Reiterates its call for all UN member states which have not done yet done so to ratify the UN Convention on the Rights of the Child, while stressing the importance of making this core human rights instrument effective worldwide;

46. Stresses the need to properly evaluate, follow up on and monitor the impact of initiatives introduced during the crisis, in order to identify the gaps and shortfalls and determine how they can be remedied;

47. Commits to making education a key topic of discussions in parliamentary delegation work, notably through joint parliamentary assemblies such as the ACP-EU Joint Parliamentary Assembly;

48. Instructs its President to forward this resolution to the Council and the Commission.
Reaching women’s economic independence through entrepreneurship and self-employment

European Parliament resolution of 3 May 2022 on reaching women’s economic independence through entrepreneurship and self-employment (2021/2080(INI))

(2022/C 465/05)

The European Parliament,

— having regard to Articles 2 and 3(3) of the Treaty on European Union and Article 8 of the Treaty on the Functioning of the European Union,

— having regard to Articles 21(1), 23 and 33(2) of the Charter of Fundamental Rights of the European Union,


— 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 1 July 2020 entitled ‘European Skills Agenda for sustainable competitiveness, social fairness and resilience’ (COM(2020)0274),


— having regard to the study by the Commission’s Directorate-General for Communications Networks, Content and Technology of 2020 entitled ‘Women in the Digital Age’,

— having regard to its resolution of 19 January 2016 on external factors that represent hurdles to European female entrepreneurship (1),

— having regard to its resolution of 28 April 2016 on gender equality and empowering women in the digital age (2),

— having regard to its resolution of 3 October 2017 on women’s economic empowerment in the private and public sectors in the EU (3),

— having regard to its resolution of 17 April 2018 on empowering women and girls through the digital sector (4),

— having regard to its resolution of 21 January 2021 entitled ‘Closing the digital gender gap — women’s participation in the digital economy’ (5),

— having regard to its resolution of 21 January 2021 on the gender perspective in the COVID-19 crisis and post-crisis period (6),

— having regard to its resolution of 21 January 2021 on the EU Strategy for Gender Equality (7).
— having regard to its resolution of 10 June 2021 on promoting gender equality in science, technology, engineering and mathematics (STEM) education and careers (8),

— having regard to the study entitled ‘The Professional Status of Rural Women in the EU’ published by the Policy Department for Citizens’ Rights and Constitutional Affairs in its Directorate-General for Internal Policies in May 2019,

— having regard to the study entitled ‘Enhancing Women’s Economic Empowerment through Entrepreneurship and Business Leadership in OECD Countries’ published by the Organisation for Economic Co-operation and Development (OECD) Directorate for Employment, Labour and Social Affairs in 2014,

— having regard to the study entitled ‘International Survey of Adult Financial Literacy’ published by the OECD in 2020,

— having regard to Chapter 2 of the study entitled ‘The Missing Entrepreneurs 2019: Policies for Inclusive Entrepreneurship’ published by the OECD in December 2019,

— having regard to the European Institute for Gender Equality’s (EIGE) Gender Equality Index,

— having regard to Article 6 of the United Nations Convention on the rights of persons with disabilities,

— having regard to the United Nations Sustainable Development Goals (SDGs),

— having regard to the Women in Digital scoreboard,

— having regard to the study entitled ‘Women’s entrepreneurship and self-employment, including aspects of gendered Corporate Social Responsibility’ published by the Policy Department for Citizens’ Rights and Constitutional Affairs in its Directorate-General for Internal Policies in May 2020,

— having regard to the study entitled ‘Funding women entrepreneurs — How to empower growth’ published by the European Investment Bank’s Innovation Finance Advisory in June 2020,

— 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 (A9-0096/2022),

A. whereas gender equality is a fundamental value and key objective of the EU and a basic precondition for the full enjoyment of human rights by women and girls, and is essential for their empowerment, the development of their full potential and the achievement of a sustainable and inclusive society; whereas gender-based discrimination based on stereotypes and inequalities, combined with intersectional discrimination due, among others, to their sex, race, ethnic or social origin or disability, sexual orientation, gender identity or gender expression has negative social and economic consequences and impacts the way women experience challenges, including in pursuing entrepreneurship and becoming self-employed;

(*) OJ C 67, 8.2.2022, p. 137.
B. whereas female entrepreneurship boosts women’s emancipation and empowerment; whereas in the 2014-2018 period the median annual income for full-time entrepreneurs was equal for men and women (9); whereas women’s economic independence and empowerment is central to realising women’s rights and gender equality and includes the ability to participate equally in labour markets, access to and control over productive resources, control over their own time, lives and bodies, self-fulfilment and meaningful participation in economic decision-making at all levels; whereas the promotion of economic independence requires boosting women’s entrepreneurship and self-employment and be accompanied by appropriate measures to ensure women’s equal participation in labour markets, equal pay for equal work or work of equal value, access to decent work and sharing and recognition of domestic and care responsibilities;

C. whereas women are the most valuable and largest untapped source of entrepreneurial and leadership potential in Europe; whereas from 2014-2018 women across the OECD were twice as likely to start their own businesses as those in the EU (10); whereas women entrepreneurs and self-employed women are an under-utilised source of sustainable economic growth, job creation and innovation potential, whereas the promotion of this source of growth is an important tool for fostering women’s economic empowerment and independence; whereas women’s economic empowerment boosts productivity and increases economic diversification and income equality; whereas self-employment needs to be recognised as a form of work which helps to create jobs and reduce unemployment; whereas studies show that women often have a different management and leadership style than men and that gender diversity in teams is beneficial for society and the economy (11); whereas supporting women entrepreneurs and women self-employed would also strengthen EU competitiveness and, therefore, all entrepreneurial activity that creates jobs and incomes, and thus added value for business and society should be promoted by the EU and its Member States;

D. whereas women in rural and disadvantaged regions are more likely to engage in entrepreneurship and self-employment than those in urban and economically prosperous regions (12); whereas the employment opportunities for women in rural areas in the EU are worse than those for men in rural areas and women in urban areas; whereas the share of self-employed women in rural areas is slightly higher than that in total areas; whereas 30% of farms in the EU are run by women, as self-employed (13);

E. whereas the relative scarcity of women entrepreneurs should be considered an untapped source for innovation and development, especially in the context of Europe’s green and digital transformations and its economic recovery following the COVID-19 crisis; whereas the COVID-19 crisis has disproportionately affected women, particularly those working in precarious employment, feminised sectors and the informal economy, having significant economic and employment impacts on them because of an increase in care and domestic responsibilities, restricted access to sexual and reproductive health and rights (SRHR) as well as in gender-based violence and harassment; whereas the European economy has the potential to benefit from GDP growth of EUR 16 billion by encouraging more women to enter the digital jobs market; whereas improving gender equality and empowering female entrepreneurship are key to accelerating and fortifying European recovery;

(10) Ibid.
(13) Ibid.
F. whereas the European Union is lagging behind the US and China on the development of technologies in, for example, artificial intelligence and blockchain technologies; whereas in April 2021 the highest-valued start-ups in the world were mainly Chinese and US companies; whereas the European Union should recognise and support European women’s innovation capabilities for developing technologies;

G. whereas women only account for 34.4% of the self-employed in the EU and 30% of its start-up entrepreneurs, confirming that the largest gender gaps in entrepreneurial activity are found in Europe and North America (14); whereas only 34% of managerial positions in the EU are held by women (15); whereas previous experience in management positions provides individuals with the necessary skills and confidence to own businesses themselves (16); whereas the lack of social protection such as paid sick, maternity, paternity and parental leave can be problematic for self-employed women in several Member States; whereas self-employed women are more likely to fall into poverty;

H. whereas starting and running a business is complex in the EU because of the different bureaucratic and administrative requirements and procedures, which is an obstacle to encouraging more women to become entrepreneurs; whereas women face different barriers, particularly of an economic, legislative and social nature, to pursuing entrepreneurship than men; whereas these barriers are constructed around gender stereotypes which contribute to gender segregation in education, a lack of specific training, a lower level of entrepreneurial confidence, less access to information, financial and government support and less tools for social and business networks, gender biases and difficulties in reconciling work and family life, due to the lack of care infrastructures, specially childcare and because of the stereotype that women carry out most care and domestic work; whereas women are more likely than men to report flexible working hours as their motivation to engage in entrepreneurship and self-employment (17); whereas female entrepreneurship and self-employment can also be a valuable instrument for reconciling work and personal life; whereas from 2014 to 2018 only 34.5% of women in the EU and 37.7% of women in the OECD felt they had the necessary skills and knowledge to start their own business; whereas women are nearly 10% more likely to report a fear of failure than men (18); whereas there is a financial literacy gap between men and women; whereas this gap acts as a barrier for women when accessing funding, and overall impedes them from participating confidently in economic and financial activities (19);

I. whereas harmful structures and stereotypes perpetuate inequality; whereas traditional gender roles and stereotypes still influence the division of labour at home, in education, at the workplace and in society; whereas unpaid care and domestic work is mostly carried out by women, impacting employment and career progression and contributing to the gender pay and pension gap; whereas work-life balance measures, such as the Work-Life Balance Directive, need to be urgently and properly transposed by the Member States and complemented by further measures in order to involve more men in unpaid work;

(18) Ibid.
J. whereas access to networks, mentoring and promoting women entrepreneurs as role models are important in encouraging women to consider entrepreneurship as a career and in increasing women’s economic empowerment; whereas the diversity of role models can appeal to women from diverse backgrounds;

K. whereas some private companies have included actions such as mentoring, networking and support to increase women’s access to finance and technology to support women’s entrepreneurship as part of their corporate social responsibility (CSR) strategies;

L. whereas statistics show that women entrepreneurs face more difficulties than men in raising finance and capital; whereas women-led companies still account for a very small proportion of investment recipients; whereas all-men founding teams received 93% of all capital invested in European technology companies in 2018 (20); whereas only 32% of venture capital funding was allocated to companies with at least one female executive (21); whereas women’s innovations are less often identified and acknowledged as innovations and promising ideas; whereas despite receiving lower financial backing women-led businesses in the Central and Eastern Europe (CEE) Region outperform male-founded companies in capital productivity by 96% (22);

M. whereas data shows that women entrepreneurs generate more revenue despite receiving lower financial backing;

N. whereas only 10% of business angels in Europe are women (23), and women are especially under-represented among private equity investors in digitalisation; whereas only 10% of all senior positions in private equity and venture capital firms globally (24) are occupied by women; whereas several studies show that investment managers tend to provide capital and to hire those who are similar to themselves, leaving women and especially those from diverse backgrounds and facing intersectional discrimination, among other reasons due to their racial, ethnic or socio economic backgrounds, at a clear disadvantage; whereas venture capital firms with women partners are two to three times more likely to invest in female-led businesses (25); whereas the lack of women in decision-making roles at venture capital firms is one of the primary sources of the persistent funding gap for women-driven enterprises in the EU (26); whereas another major cause for the persistent funding gap for women-driven enterprises in the EU is that women are less likely than men to seek external funding such as bank loans, venture capital or funding from state programmes, and instead resort to self-funding through personal savings or funding from family members (27); whereas implementing measures to achieve a fair representation of women and develop a gender-balanced financial ecosystem, creating a more favourable environment at the EU level and providing sufficient budgetary resources is fundamental to creating both the necessary funding conditions and the essential network of women investors for women-led companies to thrive;

(22) Women in VC, Experior Venture Fund and Unconventional, Funding in the CEE Region Through the Lens of Gender Diversity and Positive Impact, 2021.
whereas six Member States have created 11 private funds to fill the gap in funding for women entrepreneurs, and these funds use gender considerations that support diversity in their investment criteria; whereas some of these funds have received national or EU support, which shows the important role of public policies in promoting entrepreneurship (28);

whereas there are challenges in effectively measuring entrepreneurship in the EU;

whereas less than 8% of top companies’ CEOs are women;

whereas 59% of scientists and engineers in the EU in 2018 were men and only 41% were women, representing a gap of 18% (29); whereas social norms, stereotypes, cultural discouragement and gendered expectations about career choices, which are often reinforced through educational content and curricula, are two of the main drivers of gender segregation in higher education and in the labour market;

whereas it is crucial for Europe to have an equal number of women and men as entrepreneurs to ensure diversification of content and products; whereas between 2014 and 2018 female-led start-ups were as likely to offer new products and services as those led by men in the EU (30), showing that women and men must be seen as performing equally well in innovation; whereas encouraging more women to become entrepreneurs can improve the quality and diversity of innovations, products and services;

whereas the European Network of Female Entrepreneurship Ambassadors has so far organised more than 650 national meetings and reached over 61 000 would-be women entrepreneurs; whereas its ambassadors have supported the creation of more than 250 new women-led enterprises as well as several more networking and business support clubs for women (31);

whereas in 2020, there were more people who knew someone who had stopped a business than knew someone who had started one (32), which recalls the importance of nurturing fertile ground for every kind of entrepreneurship, and of staying connected to other economies, to remain alert to new opportunities, and to safeguard the jobs of the future;

whereas the gender pay gap in the EU stands at 14.1% and has only changed minimally over the last decade; whereas 24% of the gender pay gap is related to the overrepresentation of women in relatively low-paying sectors, such as care, health and education;

whereas entrepreneurship requires knowledge and skills; whereas increasing women’s and girls’ educational attainment contributes to their economic empowerment and more inclusive economic growth; whereas lifelong education, upskilling and reskilling, especially to keep pace with rapid technological and digital transformations increases their professional opportunities and is important for women and girls’ health, well-being and quality of life;

whereas entrepreneurship should be accessible for all women including women with disabilities, older women and those with a minoritised racial or ethnic background; whereas women with disabilities can find it more difficult to start their own businesses; whereas entrepreneurship among older women is not being promoted although they should be seen as a valuable and unused potential for economic growth; whereas the promotion of entrepreneurship among migrant women can offer great opportunities for their integration in the labour market and foster their economic independence and empowerment;

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Entrepreneurship programmes, education and competence building

1. Underlines that women’s entrepreneurship contributes to increasing women’s economic independence and their empowerment, which is an essential precondition for reaching gender-equal societies and should be encouraged and promoted across the EU; notes that women’s economic independence reinforces their equal participation in the labour market, offers control over productive resources and enhanced participation in economic decision-making at all levels, as well as economic empowerment and self-determination, which is crucial to realising women’s rights and gender equality; highlights that every woman who wants to pursue entrepreneurial activity should be encouraged to take this step, since the running of a business creates jobs and incomes and thus added value for business and the whole of society; calls on the Commission to step up its efforts to increase the employment rate of women in Europe and facilitate their access to the labour market, including by providing more incentives to promote women’s entrepreneurship; welcomes the Commission’s proposal for a pay transparency directive;

2. Regrets the fact that women do not start and run businesses as much as men; urges the Member States to introduce business-friendly reforms to promote equality and increase female entrepreneurship; calls for women’s needs and participation in the labour market, as well as horizontal and vertical labour market segregation, to be closely examined at EU level;

3. Welcomes Commission initiatives such as Women TechEU and the European Innovation Council Women Leadership Programme and the creation of various European networks for women entrepreneurs; urges the Commission and the Member States to promote such initiatives more actively by focusing on the EU’s sustainable growth potential and to support the achievements of women entrepreneurs in all their diversity; encourages the Commission to strengthen networks focusing on women’s entrepreneurship on European level to boost innovation and cooperation between national, EU and international networks; notes that further cross-border cooperation between women entrepreneurs can strengthen the internal market of the European Union;

4. Calls on the Commission and the Member States to include public-private partnerships in their initiatives because private companies can play a valuable role as advisers and impart relevant and specialised skills to women entrepreneurs; urges the Commission to facilitate pan-European networking of women entrepreneurs and to support their cooperation; calls on the Commission to establish programmes that foster creativity in innovation, to ensure entrepreneurship in the labour market, and to ensure that women can bring added value to society;

5. Highlights that mentoring-relationships between experienced and novice entrepreneurs can be beneficial to both sides and help raise awareness about entrepreneurship, combat doubts about venturing into the entrepreneurial sector and foster exchange of information and advice among female entrepreneurs;

6. Highlights the necessity and importance of recognising and promoting women entrepreneurs and investors as role models and mentors, and to ensure that these role models represent women in all their diversity; notes, in this regard, the EU Prize for Women Innovators 2021 and the European Network of Female Entrepreneurship Ambassadors, which encourages women to consider entrepreneurship as a career; calls on the Commission to highlight prominent women entrepreneurs and investors as role models by launching a Europe-wide campaign raising awareness about the potential of entrepreneurship targeting predominantly women and to conduct case studies of women entrepreneurs;

7. Calls on the Commission to develop a strategy with Member States to ensure the meaningful representation of all women from diverse backgrounds in decision-making roles and with specific actions and policies to promote their economic empowerment; calls for it to be ensured that all measures for women’s entrepreneurship include an intersectional perspective to ensure that all women receive the relevant help and support and that no woman is left behind;

8. Welcomes public and private women’s entrepreneurship programmes in the Member States that include aspects of networking, mentoring, training, coaching and consultancy services and professional advice on legal and fiscal matters to support and advise women entrepreneurs, and promote their economic independence; notes that publicly available reports and testimonials in seven Member States suggest the positive impact of these programmes; urges the Commission and the EIGE to collect gender-disaggregated data from all Member States and analyse the impact of women’s entrepreneurship programmes; calls on the Commission and Member States to share best practices to strengthen and increase the share of women entrepreneurs and self-employed within the EU; calls on the Member States to promote a well-developed training
strategy to provide different levels of training, from awareness-raising and information to specialised and advanced training, and to recognise the various opportunities and constraints of specific business environments and the wide range of characteristics and needs of women entrepreneurs, with specific attention to work-life balance; highlights the need for one stop shops that offer, for instance, courses and training within a wide range of disciplines, such as accounting and marketing, to entrepreneurs with little or no experience or qualifications; notes that this initiative can encourage more women to become entrepreneurs;

9. Calls on the Commission and the EIGE to make up-to-date and comparable statistics available for the purpose of analysing the economic significance of entrepreneurs and the self-employed, and the various categories within entrepreneurship and self-employed with respect to industry, and gender to identify the share of women entrepreneurs and self-employed; reiterates its calls on the Commission and the Member States to improve the collection of gender-disaggregated data, statistics, research and analysis, in particular on women’s participation in the labour market and in areas such as informal employment, entrepreneurship, access to financing and to healthcare services, unpaid work, poverty and the impact of social protection systems; recalls the role of EIGE in this regard, and calls on the Commission to use these data to effectively implement gender impact assessments of its policies and programmes, and those of other EU agencies and institutions;

10. Calls, in particular, for greater women-focused promotion of and awareness-raising about STEM subjects, digital education and financial literacy in order to combat prevailing stereotypes in education, training, school curricula and career guidance; calls for it to be ensured that more women enter these sectors, which would allow for more diverse management and leadership styles that would bring an added value to these sectors and contribute to their development; stresses the importance of broadening the horizon of women’s entrepreneurship to include more sectors than STEM and IT and to promote different forms of entrepreneurship; calls on the Commission and Member States to implement measures to improve the diversification of entrepreneurship and to promote social and collective forms of women’s entrepreneurship; welcomes specific training, research and studies in entrepreneurship; highlights the importance of promoting education and careers in finance to women to support the development of a reliable network of women investors and emphasises at the same time the need to empower women to be economically independent and thrive as entrepreneurs;

11. Regrets the fact that women are under-represented in leadership positions, and highlights the need to promote equality between men and women at all levels of decision-making in business and management; calls for a swift negotiation process of the Women on Boards Directive; highlights the necessity to provide more and better information about entrepreneurship as an attractive career option, both for young women in school and for women outside the labour force who are considering starting or getting back into work; calls on the Commission to promote entrepreneurship support programmes for older people, and notes that this can reach women who are left out of the labour market; emphasises the necessity to promote policies for stimulating high-growth firms as well as growth and development in medium-sized and larger businesses to ensure more women become entrepreneurs and support sustainable growth; calls on Member States and the Commission to further increase awareness of support policies among women entrepreneurs and to decrease bureaucratic and administrative barriers to accessing programmes aimed at fostering entrepreneurship; welcomes the efforts to promote support from experts and consultants who as mentors can build up women entrepreneurs’ confidence and guide them through all stages of the entrepreneurship process, taking account of all the aspects involved, including issues relating to legislation, tax, administration, economics, and accounting, as well as legal, formal, labour and recruitment issues;

12. Calls for the need to recognise the entrepreneurial potential of women in all sectors and education fields, including those that are female-dominated, such as for example in healthcare and teaching; highlights the need to provide further training and retraining opportunities to employees and those moving from employment to self-employment; calls on the Commission to promote lifelong learning for all; highlights that the entrepreneurial dimension must also be recognised in all youth programmes at the European level; encourages Member States and regional and local authorities to invest in reskilling and upskilling programmes targeted at self-employed women and female entrepreneurs with a specific focus on financial literacy reskilling;
Access to capital

13. Emphasises the need to recognise women entrepreneurship and self-employment as profitable investment cases and as sources of economic growth and job creation;

14. Calls on Member States and the Commission to boost awareness and facilitate easier access to finance for women entrepreneurs and self-employed including alternative forms of financing, making sure finance is available and reaches them; notes that women entrepreneurs are more likely to use alternative sources such as crowd lending and funding platforms; notes that in certain cases microcredits have proven to be successful in motivating more women to start their own business; acknowledged the impact of funding policies and the positive impact they can bring to women; encourages Member States and regional and local authorities to make use of the current European Structural Funds to target and promote women entrepreneurs and self-employed women; urges the Commission to establish a European network of gender-conscious investors; considers that such a network will be able to provide women-led companies with relevant connections, networks and funding opportunities; stresses the need for awareness-raising and information campaigns on current and future EU funding possibilities for women entrepreneurs in order to provide tailored support to women business owners and women entrepreneurs and increase the visibility of women leaders so they can provide stronger role models and break current stereotypes; urges the Commission to establish a women’s entrepreneurship action plan as part of small business act and, as a part of it, a pan-European entrepreneurship, innovation and investment event bringing together scientists, entrepreneurs, start-ups and above all, private equity investors, in order to boost new female business opportunities;

15. Welcomes the efforts by the dedicated private investment funds that incorporate gender criteria in their investment assessments to address the underfunding of women-led enterprises; calls on the Commission to support co-investment programmes with venture capital funds and business angels that have an investment focus on women and mentorship programmes for women entrepreneurs; considers that this would be a powerful action to nurture the ecosystem from the ground up;

16. Welcomes public and private funds that implement gender equality, diversity and inclusion policies; notes, in this regard, the Diversity Commitment initiative, which is the first initiative in the world where private funds have committed to measuring and tracking gender representation and to reporting annually and in public on their findings;

17. Highlights the important role of microcredits in improving women’s financial inclusion by overcoming market and social barriers in the financial markets; notes that the advantage of microfinance is that it offers women entrepreneurs the possibility for strong incentives to create a sustainable business since they must repay the loan, and this instrument is designed specifically for the needs of people who experience difficulties in obtaining access to conventional credit;

18. Calls on the Commission and Member States to systematically track and monitor gender-disaggregated data across the whole Union to ensure high-quality data on EU and national funding programmes; recalls, further, the importance of collecting equality data in order to obtain information on intersecting experiences of discrimination, and highlights that this could serve as a basis for more informed policy decisions in the future and for enhancing of women’s economic independence; notes that a women’s entrepreneurial dimension has to be recognised in the formulation of business- and SME-related policies to ensure an adequate policy framework that supports more female entrepreneurship and innovation by diversity;

Better framework for women entrepreneurs

19. Calls on Member States to implement the 2019 Council recommendation on ensuring effective access to social protection systems and entitlements, including pension and leaves for all self-employed workers and to implement all the principles set out in the European Pillar of Social Right as a way to ensure non-discrimination and foster gender equality;

20. Calls on Member States and the Commission to introduce gender mainstreaming at all stages of the design process of support measures for women entrepreneurs and to consult with a diverse group of potential and current women entrepreneurs in order to ensure these support measures are aligned and match their expectations and needs;
21. Emphasises the need to remove administrative barriers to starting a business in order to make becoming an entrepreneur or self-employed more attractive to women, including also immigrant women; calls on Member States to consider developing standardised administrative packages for entrepreneurs to follow in the early stages of starting a business; believes that this will ease the administrative burden in interactions with local authorities such as tax authorities, municipalities, etc.;

22. Highlights the need to develop Europe's innovation ecosystem to empower more women to create sustainable and profitable businesses and innovation to strengthen EU competitiveness, economic growth and job creation;

23. Calls on the Commission to implement the measures laid out in its Better Regulation communication as well as in its SME strategy without delay;

24. Emphasises the need for guidance and simplified forms, procedures and processes to help self-employed women entrepreneurs navigate the regulatory landscape, for example in order to export; notes that microbusinesses and SMEs in particular already struggle with a lack of resources for navigating and managing compliance obligations across Member States; encourages the Commission and Member States to evaluate and where necessary improve guidance and administration;

25. Welcomes the Commission's better regulation agenda; believes that the Commission's willingness to implement the 'one in, one out' approach is an important step towards minimising administrative burdens on businesses, including start-ups and SMEs, making it more attractive for women to become entrepreneurs or self-employed;

26. Calls on Member States to consider enhanced tax incentives or flexible tax structures to improve framework conditions for entrepreneurship and self-employment; points as an example to the taxation of entrepreneurs in their early stages, when taxing only revenue or delaying tax payments in order to secure capital can make it more attractive for women to become entrepreneurs or self-employed;

27. Highlights the importance of work-life balance and good quality, affordable social services as prerequisites for women entrepreneurs and self-employed; recognises that female entrepreneurship and self-employment provide the flexibility to achieve a better work-life balance; recognises the importance of making equal sharing of domestic and care responsibilities possible in order to achieve the work-life balance necessary for women to engage in entrepreneurship and self-employment; calls on the Commission and Member States to ensure a better work-life balance through better maternity, paternity, parental and carer's leave, flexible working hours and on-site childcare facilities, and by promoting telework; highlights that working hours and working patterns in rural areas differ considerably from those in urban areas and that it is important to offer childcare adapted to the specific needs of women in different areas; calls on Member States and regional and local authorities to support social frameworks, such as for the elderly, dependents and to provide more flexible childcare provisions and opportunities for parental leave, as they are essential to encouraging and enabling more women to become entrepreneurs; calls on Member States to implement the Barcelona targets, ensuring the coverage of these needs through investment in accessible and affordable high-quality care services and to modernise them so that women do not have to choose between family and participation in the labour market; emphasises that further enabling and improving women's possibilities to become entrepreneurs can play a vital role in closing the gender pay gap in Member States; welcomes actions already taken by some Member States on this matter, and urges them to ensure access to quality childcare and long-term care services, to promote access for the self-employed and to swiftly and fully transpose and implement the Work-Life Balance Directive, and calls on the Commission to monitor it effectively; recognises national differences in social policy and respect for subsidiarity; highlights it is in the interest of Member States to promote family-friendly working models;

28. Is concerned that the Court of Auditors, in its Special report No 10/21 on gender mainstreaming in the EU budget, found that the Commission had not adequately implemented gender mainstreaming and had made insufficient use of sex-disaggregated data and indicators; calls on the Commission to implement gender-responsive budgeting to ensure women and men benefit equally from public spending, including in NextGenerationEU and all the economic recovery measures;
29. Instructs its President to forward this resolution to the Council and the Commission.
Artificial intelligence in a digital age

European Parliament resolution of 3 May 2022 on artificial intelligence in a digital age (2020/2266(INI))
(2022/C 465/06)

The European Parliament,

— having regard to Articles 4, 16, 26, 114, 169, 173, 179, 180, 181 and 187 of the Treaty on the Functioning of the European Union,

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

— having regard to the UN Convention on the Rights of the Child and General Comment No 25 of the UN Committee on the Rights of the Child of 2 March 2021 on children’s rights in relation to the digital environment,

— having regard to the recommendation of the UN Educational, Scientific and Cultural Organization (UNESCO) on the ethics of artificial intelligence adopted by the UNESCO General Conference at its 41st session on 24 November 2021,

— having regard to the Interinstitutional Agreement of 13 April 2016 on Better Law-Making (*) and the Commission’s Better Regulation Guidelines,

— having regard to the Commission communication of 24 March 2021 on the EU strategy on the rights of the child (COM(2021)0142),

— having regard to its resolution of 7 October 2021 on the state of EU cyber defence capabilities (†),

— having regard to its resolution of 15 December 2021 on the challenges and prospects for multilateral weapons of mass destruction arms control and disarmament regimes (‡),

— 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 — GDPR) (§),


— having regard to the proposal for a regulation of the European Parliament and of the Council of 21 April 2021 laying down harmonised rules on Artificial Intelligence (Artificial Intelligence Act) and amending certain Union legislative acts (COM(2021)0206),


— having regard to Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services (9),


— having regard to the Commission communication of 25 April 2018 entitled ‘Artificial Intelligence for Europe’ (COM(2018)0237),

— having regard to the Commission communication of 7 December 2018 on a coordinated plan on artificial intelligence (COM(2018)0795),

— having regard to the Commission communication of 8 April 2019 on building trust in human-centric artificial intelligence (COM(2019)0168),

— having regard to the Commission White Paper of 19 February 2020 entitled ‘Artificial Intelligence — A European approach to excellence and trust’ (COM(2020)0065),

— having regard to the Commission Green Paper of 27 January 2021 on ageing — fostering solidarity and responsibility between generations (COM(2021)0050),

— having regard to the Commission communication of 19 February 2020 on a European strategy for data (COM(2020)0066),

— having regard to the Commission communication of 19 February 2020 on shaping Europe’s digital future (COM(2020)0067),


— having regard to the proposal for a decision of the European Parliament and of the Council of 15 September 2021 establishing the 2030 Policy Programme ‘Path to the Digital Decade’ (COM(2021)0574),

— having regard to the Commission study of 28 July 2020 entitled ‘European enterprise survey on the use of technologies based on artificial intelligence’,

— having regard to the Commission study of 26 November 2020 entitled ‘Energy-efficient cloud computing technologies and policies for an eco-friendly cloud market’,

— having regard to the Commission report to the European Parliament, the Council and the European Economic and Social Committee of 19 February 2020 on the safety and liability implications of artificial intelligence, the internet of things and robotics (COM(2020)0064),

— having regard to the Council conclusions of 22 March 2021 on the EU’s cybersecurity strategy for the digital decade.

(8) OJ L 170, 12.5.2021, p. 149.
(10) OJ L 256, 19.7.2021, p. 3.
— having regard to the report of the High-Level Expert Group on Artificial Intelligence of 8 April 2019 entitled ‘Ethics guidelines for trustworthy AI’,

— having regard to the report of the High-Level Expert Group on Artificial Intelligence of 8 April 2019 entitled ‘A definition of AI: main capabilities and disciplines’,

— having regard to the report of the High-Level Expert Group on Artificial Intelligence of 26 June 2019 entitled ‘Policy and investment recommendations for trustworthy AI’,

— having regard to the UNESCO publication of March 2019 entitled ‘I’d blush if I could: closing gender divides in digital skills through education’,

— having regard to the European Union Agency for Fundamental Rights report of 14 December 2020 entitled ‘Getting the future right — Artificial intelligence and fundamental rights’,

— having regard to the recommendation of the Council of the Organisation for Economic Co-operation and Development (OECD) of 22 May 2019 on artificial intelligence,

— having regard to the UN platform for dialogue on artificial intelligence: AI for Good Global Summit,

— having regard to the G20 AI Principles of 9 June 2019,

— having regard to the World Health Organization report of 28 June 2021 on artificial intelligence in health and six guiding principles for its design and use,

— having regard to the European Economic and Social Committee own-initiative opinion of 31 May 2017 entitled ‘Artificial Intelligence — The consequences of artificial intelligence on the (digital) single market, production, consumption, employment and society’ (1),


— having regard to the publication of the Ad hoc Committee on Artificial Intelligence (CAHAI) of the Council of Europe of December 2020 entitled ‘Towards Regulation of AI systems — Global perspectives on the development of a legal framework on Artificial Intelligence systems based on the Council of Europe’s standards on human rights, democracy and the rule of law’,

— having regard to the European University Institute working paper of October 2020 entitled ‘Models of Law and Regulation for AI’,

— having regard to the joint report by Trend Micro Research, the UN Interregional Crime and Justice Research Institute and Europol of 19 November 2020 entitled ‘Malicious Uses and Abuses of Artificial Intelligence’,

— having regard to the Commission’s political guidelines for 2019-2024 entitled ‘A Union that strives for more: my agenda for Europe’,

— having regard to the judgment of the Court of Justice of the European Union of 16 July 2020 in case C-311/18 (Schrems II),

— having regard to its resolution of 16 February 2017 with recommendations to the Commission on civil law rules on robotics (12),

— having regard to its resolution of 1 June 2017 on digitising European industry (13),

— having regard to its resolution of 6 October 2021 on the EU Road Safety Policy Framework 2021-2030 — Recommendations on next steps towards ‘Vision Zero’ (14),

— having regard to its resolution of 12 September 2018 on autonomous weapon systems (15),

— having regard to its resolution of 12 February 2019 on a comprehensive European industrial policy on artificial intelligence and robotics (16),

— having regard to its resolution of 12 February 2020 entitled ‘Automated decision-making processes: ensuring consumer protection and free movement of goods and services’ (17),

— having regard to its resolution of 20 October 2020 with recommendations to the Commission on a civil liability regime for artificial intelligence (18),

— having regard to its resolution of 20 October 2020 on intellectual property rights for the development of artificial intelligence technologies (19),

— having regard to its resolution of 20 October 2020 with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies (20),

— having regard to its resolution of 20 January 2021 on artificial intelligence: questions of interpretation and application of international law in so far as the EU is affected in the areas of civil and military uses and of state authority outside the scope of criminal justice (21),

— having regard to its resolution of 20 May 2021 entitled ‘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’ (22),

— having regard to its resolution of 25 March 2021 on a European strategy for data (23),

— having regard to its resolution of 19 May 2021 on artificial intelligence in education, culture and the audiovisual sector (24),

— having regard to its resolution of 6 October 2021 on artificial intelligence in criminal law and its use by the police and judicial authorities in criminal matters (25),

— having regard to the study by its Directorate-General for Internal Policies (DG IPOL) of June 2021 entitled ‘Artificial Intelligence diplomacy — Artificial Intelligence governance as a new European Union external policy tool’,

(12) OJ C 252, 18.7.2018, p. 239.
(14) OJ C 132, 24.3.2022, p. 45.
(20) OJ C 404, 6.10.2021, p. 63.
(21) OJ C 456, 10.11.2021, p. 34.
(22) OJ C 15, 12.1.2022, p. 204.
(24) OJ C 15, 12.1.2022, p. 28.
— having regard to the DG IPOL study of May 2021 entitled ‘Challenges and limits of an open source approach to Artificial Intelligence’,

— having regard to the DG IPOL of May 2021 entitled ‘Artificial Intelligence market and capital flows — AI and the financial sector at crossroads’,

— having regard to the DG IPOL study of June 2021 entitled ‘Improving working conditions using Artificial Intelligence’,

— having regard to the DG IPOL study of May 2021 entitled ‘The role of Artificial Intelligence in the European Green Deal’,

— having regard to the DG IPOL study of July 2021 entitled ‘Artificial Intelligence in smart cities and urban mobility’,

— having regard to the DG IPOL study of July 2021 entitled ‘Artificial Intelligence and public services’,

— having regard to the DG IPOL study of July 2021 entitled ‘European Union data challenge’,

— having regard to the DG IPOL study of June 2020 entitled ‘Opportunities of Artificial Intelligence’,

— having regard to the DG IPOL study of October 2021 entitled ‘Europe's Digital Decade and Autonomy’,

— having regard to the DG IPOL study of January 2022 entitled ‘Identification and assessment of existing and draft EU legislation in the digital field’,

— having regard to the European Parliament Research Service (EPRS) study of September 2020 entitled ‘Civil liability regime for artificial intelligence — European added value assessment’,

— having regard to the EPRS Scientific Foresight Unit study of December 2020 entitled ‘Data subjects, digital surveillance, AI and the future of work’,

— having regard to the EPRS study of September 2020 entitled ‘European framework on ethical aspects of artificial intelligence, robotics and related technologies’,

— having regard to the EPRS study of March 2020 entitled ‘The ethics of artificial intelligence: Issues and initiatives’,

— having regard to the EPRS study of June 2020 entitled ‘Artificial Intelligence: How does it work, why does it matter, and what can we do about it?’,

— having regard to the EPRS study of July 2020 entitled ‘Artificial Intelligence and Law enforcement — Impact on Fundamental Rights’,

— having regard to the EPRS study of June 2020 entitled ‘The impact of the General Data Protection Regulation (GDPR) on artificial intelligence’,

— having regard to the EPRS study of April 2020 entitled ‘The White Paper on Artificial Intelligence’,

— having regard to the EPRS study of April 2020 entitled ‘The White Paper on Artificial Intelligence’,
— having regard to the EPRS study of September 2021 entitled ‘Regulating facial recognition in the EU’,

— having regard to the EPRS study of February 2021 entitled ‘The future of work: Trends, challenges and potential initiatives’,

— having regard to the EPRS study of June 2021 entitled ‘Robo-advisors: How do they fit in the existing EU regulatory framework, in particular with regard to investor protection?’,

— having regard to the EPRS study of September 2021 entitled ‘China’s ambitions in artificial intelligence’,

— having regard to the EPRS study of June 2021 entitled ‘What if we chose new metaphors for artificial intelligence?’,

— having regard to the EPRS study of January 2018 entitled ‘Understanding artificial intelligence’,

— having regard to the EPRS study of July 2021 entitled ‘Tackling deepfakes in European policy’,

— having regard to the working paper of the Special Committee on Artificial Intelligence in a Digital Age (AIDA) of February 2021 entitled ‘Artificial Intelligence and Health’,

— having regard to the AIDA working paper of March 2021 entitled ‘Artificial Intelligence and the Green Deal’,

— having regard to the AIDA working paper of March 2021 entitled ‘The External Policy Dimensions of AI’,

— having regard to the AIDA working paper of May 2021 entitled ‘AI and Competitiveness’,

— having regard to the AIDA working paper of June 2021 entitled ‘AI and the Future of Democracy’,

— having regard to the AIDA working paper of June 2021 on ‘AI and the Labour Market’,

— having regard to Rule 54 of its Rules of Procedure,

— having regard to the report of the Special Committee on Artificial Intelligence in a Digital Age (A9-0088/2022).

1. **Introduction**

1. Notes that the world stands on the verge of the fourth industrial revolution; points out that in comparison with the three previous waves, initiated by the introduction of steam, electricity, and then computers, the fourth wave draws its energy from an abundance of data combined with powerful algorithms and computing capacity; stresses that today’s digital revolution is shaped by its global scale, fast convergence, and the enormous impact of emerging technological breakthroughs on states, economies, societies, international relations and the environment; recognises that radical change of this scale has differing impacts on various parts of society depending on their objectives, geographical location or socio-economic context; emphasises that the digital transition must be shaped with full respect for fundamental rights and in such a way that digital technologies serve humanity;

2. Observes that the digital revolution has, at the same time, triggered a global competition as a result of the tremendous economic value and technological capabilities that have accumulated in economies that commit the most resources to the research, development and marketing of artificial intelligence (AI) applications; notes that digital competitiveness and open strategic autonomy have become a central policy objective in several countries; stresses the growing realisation among decision makers that emerging technologies could affect the geopolitical power status of entire countries;
3. Points out that Europe, which for centuries set international standards, dominated technological progress and led in high-end manufacturing and deployment, has therefore fallen behind, developing and investing far less than leading economies like the US or China in the digital market, while remaining relatively competitive in AI thematic research output; recognises the risk of European actors being marginalised in the development of global standards and advancements of technology and of European values being challenged;

4. Highlights, firstly, that digital tools are increasingly becoming an instrument of manipulation and abuse in the hands of some corporate actors as well as in the hands of autocratic governments for the purpose of undermining democratic political systems, thus potentially leading to a clash between political systems; explains that digital espionage, sabotage, low-scale warfare and disinformation campaigns challenge democratic societies;

5. Stresses that the nature of digital business models allows for great degrees of scalability and network effects; points out that many digital markets are characterised by a high degree of market concentration, allowing a small number of tech platforms, most of which are currently US-based, to lead the commercialisation of groundbreaking technological innovations, attract the best ideas, talent and companies and achieve extraordinary profitability; warns that dominant market positions in the data economy are likely to be extended into the emerging AI economy; points out that only eight of today's top 200 digital companies are domiciled in the EU; stresses that the completion of a true digital single market is of the highest importance in that regard;

6. Emphasises that as a result, the global competition for tech leadership has become a priority in the EU; stresses that if the EU does not act swiftly and courageously, it will end up having to follow rules and standards set by others and risks damaging effects on political stability, social security, fundamental rights, individual liberties and economic competitiveness;

7. Argues that AI is one of the key emerging technologies within the fourth industrial revolution; notes that AI fuels the digital economy, as it allows for the introduction of innovative products and services, has the power to increase consumer choice and can render production processes more efficient; states that by 2030, AI is expected to contribute more than EUR 11 trillion to the global economy; stresses, at the same time, that AI technologies risk reducing human agency; highlights that AI should remain a human-centric, trustworthy technology and should not substitute human autonomy nor assume the loss of individual freedom; stresses the need to ensure that this fourth industrial revolution is inclusive and leaves no one behind;

8. Suggests that there is a global contest for AI leadership; points out that AI technologies promise to deliver immense economic value to those economies which profitably develop, produce and adopt such technologies, as well as to those countries in which such value creation takes place; underlines that AI is not an omnipotent technology, but an efficient set of tools and techniques that can be put to the benefit of society; explains that how technologies function depends on how we design them; points out that the EU has declared its intention to pioneer a regulatory framework on AI; stresses, nonetheless, that it is crucial for the EU to be able to define the regulatory approach, including the protection of fundamental rights and freedoms, and to act as a global standard-setter; stresses, therefore, the importance of European competitiveness in AI and the ability of the EU to shape the regulatory landscape at international level; stresses that certain uses of AI may pose individual and societal risks that can endanger fundamental rights and should therefore be addressed by policymakers, thereby allowing AI to effectively become an instrument that serves people and society, pursuing the common good and general interest;

9. Notes that a clear regulatory framework, political commitment and a more forward-leaning mindset, which are often lacking at present, are needed for European actors to be successful in the digital age and to become technology leaders in AI; concludes that based on such an approach, both EU citizens and businesses can benefit from AI and the great opportunity it offers to boost competitiveness, including with regard to prosperity and well-being; underlines that regulatory frameworks must be shaped in such a way as not to impose unjustified barriers to prevent European actors from being successful in the digital age, in particular for start-ups and small and medium-sized enterprises (SMEs); highlights that private and public investments should be substantially increased to create a climate in which more European success stories emerge and develop on our continent;
10. Highlights that rapid technological progress introduced by AI is increasingly inextricable from most areas of human activity and will also affect the livelihoods of everyone who does not possess the skills they need to adapt fast enough to these new technologies; points out that while achieving digital literacy through upskilling and reskilling can help to address many of the resulting socio-economic concerns, these impacts should also be addressed in the context of social welfare systems, urban and rural infrastructure, and democratic processes;

11. Emphasises the need to reflect the objectives and interests of women and vulnerable groups in the digital transition; highlights, in this context, that women only accounted for 22% of global AI professionals in 2018, a problem that serves only to perpetuate and entrench stereotypes and bias; recognises the need to preserve the rights to equality before the law, privacy, freedom of expression, and participation in cultural and political life when using AI technologies, especially for minority communities;

2. Potential opportunities, risks and obstacles in the use of AI: six case studies examined by the AIDA Committee

12. Recalls that AI is based on software that uses probabilistic models and algorithmic prediction for a set of specific objectives; points out that the term AI is an umbrella term covering a wide range of old and new technologies, techniques and approaches better understood as ‘artificial intelligence systems’, which refers to any machine-based systems that often have little more in common than being guided by a given set of human-defined objectives, with varying degrees of autonomy in their actions, and engaging in predictions, recommendations or decision-making based on available data; notes that while some of these technologies are already in widespread use, others are still under development or are even just speculative concepts that may or may not exist in the future;

13. Points out that there is a significant difference between symbolic AI, the main approach to AI from the 1950s to the 1990s, and machine-learning, data-driven AI, which has dominated since the 2000s; clarifies that during the first wave, AI was developed by encoding the knowledge and experience of experts into a set of rules that was then executed by a machine;

14. Notes that in the second wave, the automated learning processes of algorithms based on the processing of large amounts of data, the ability to bring together inputs from multiple different sources and form complex representations of a given environment, and the identification of patterns made AI systems more complex, autonomous and opaque, which can lead to less explainable outcomes; stresses that current AI can therefore be broken down into many different sub-domains and techniques, whereby deep learning is for instance a subfield of machine learning, which itself is a subfield of AI;

15. Notes that although today's AI has become much more effective and powerful than symbolic AI, thanks to the significant increases in computing capacities, it can still only solve clearly defined tasks in domain-specific niches such as chess or image recognition and its programming is not designed to fully recognise the actions that the AI system performs; highlights that AI systems — contrary to what their name suggests — do not have ‘intelligence’ in a human sense; points out that it is therefore referred to as ‘narrow’ or ‘weak’ AI and is still no more than a tool that provides recommendations and predictions; notes, for instance, that self-driving cars operate through a combination of various one-task AI systems that together are able to provide a three-dimensional map of the surroundings of the vehicle so that its operating system can make decisions;

16. Highlights that many fears linked to AI are based on hypothetical concepts such as general AI, artificial superintelligence and singularity which could, in theory, lead to machine intelligence outperforming human intelligence in many areas; stresses that there are doubts as to whether this speculative AI can even be achieved with our technologies and scientific laws; believes, nevertheless, that the risks currently posed by AI-based decision-making need to be addressed by the legislators as it is demonstrably clear that harmful effects such as racial and sex discrimination are already attributable to particular instances where AI has been deployed without safeguards;

17. Underlines that the majority of AI systems currently in use are low-risk; refers, for instance, to automatic translation, ‘Eureka machines’, gaming machines and robots that carry out repetitive manufacturing processes; concludes that some use cases can be categorised as risky and that such cases require regulatory action and effective safeguards, should these not already be in place;
18. Encourages a public debate on how to explore the enormous potential of AI based on fundamental European values, the principles of transparency, explainability, fairness, accountability, responsibility and trustworthiness, as well as the principle that AI and robotics should be human-centred and developed to complement humans; stresses that in a significant number of areas of human life, from sustainability to healthcare, AI can provide benefits as an auxiliary tool for users and professionals, augmenting the capabilities of humans without impeding their ability to freely act and decide; stresses that the agreed AI ethical principles and requirements should be operationalised in all domains of AI application, building in the necessary safeguards, which will increase citizens’ trust, thereby making them embrace the benefits of AI;

19. Underlines that the level of risk of a particular AI application varies significantly depending on the likelihood and severity of harm; highlights, therefore, that legal requirements should be adjusted to this, in line with a risk-based approach and taking into due account, when justified, the precautionary principle; stresses that in such present or future instances where, in a particular use case, AI systems pose high risks to fundamental and human rights, full human oversight and regulatory intervention are needed and that, given the speed of technological development, regulation for high-risk AI systems needs to be flexible and future-proof;

20. Illustrates that the present report addresses six AI case studies in detail, outlining the opportunities offered by AI in the respective sector, the risks to be addressed and the obstacles preventing Europe from fully harnessing the benefits of AI; highlights that the case studies represent some of the most important AI use cases today and, at the same time, reflect some of the main topics of the public hearings held by the AIDA Committee during its mandate, namely health, the Green Deal, external policy and security, competitiveness, the future of democracy and the labour market;

a) AI and health

21. Finds that the methodological analysis of large amounts of data, including through AI, can unlock new solutions or improve existing techniques in the health sector that could speed up scientific research enormously, save human lives and improve patient care by offering innovative treatments and better diagnosis and fostering supportive environments for healthy lifestyles; highlights that AI systems can also contribute to the accessibility, resilience and sustainability of health systems, while at the same time bringing a competitive edge to the European ICT and healthcare sectors if the inherent risks are managed appropriately;

22. Highlights that the use of AI in the health sector should be anchored in strong ethical requirements such as equitable access to healthcare, privacy, liability, transparency, explainability, reliability, inclusiveness and representability of data sets, and constant human oversight; stresses that the design of AI-based systems must address the risk of resources being wrongly allocated to individuals based on faulty or biased categorisation, prioritisation or malfunctioning technology, leading to misdiagnosis, maltreatment or no treatment at all; believes that the highest ethical standards should apply to all healthcare applications and that ethical rules should be established at a very early stage in their development and design, i.e. ethics by design; underlines that automated decision-making in healthcare applications may pose risks to patients’ well-being and fundamental rights and stresses that AI must therefore have a supportive role in healthcare, where professional human oversight should always be maintained; calls for AI in medical diagnoses in public health systems to preserve the patient-doctor relationship and to be consistent with the Hippocratic oath at all times; notes, however, that AI improves the accuracy of screening and is already outperforming doctors’ diagnoses in several instances; finds that the existing liability frameworks do not provide sufficient legal certainty and do not uphold the right of patients to legal redress in the event of misdiagnosis and incorrect treatment through AI; welcomes, in this regard, the upcoming legislative proposal on AI liability; notes that it is important to protect health professionals as users of AI systems, as well as patients as end recipients, providing them with sufficient and transparent information;

23. Underlines that AI-based solutions are already being used or tested in clinical settings with the aim of supporting diagnosis, prognosis, treatment and patient engagement, thus speeding up and improving treatment and reducing unnecessary interventions; notes, moreover, that AI can enhance personalised medicine and patient care; notes that AI is
currently covering a wide range of health areas, including public health, care services, self-care and health systems; remarks that data plays an important role; finds that there are promising applications for AI in extracting information from images and in other medical devices to inform downstream analysis and notes that it is also expected that deep learning algorithms can deliver a quantitative leap in a variety of clinical tasks;

24. Highlights that AI technologies can be applied to the research, development and mass production of pharmaceuticals and have the potential to speed up the development of new drugs, treatments and vaccines at a lower cost; finds that AI can help predict the outcome of responses to treatments and can allow doctors to adjust therapeutic strategies according to individual genetic or physiological characteristics with increasing levels of accuracy when based on high-quality data and sound assumptions, thereby increasing the effectiveness of preventive care, provided that all ethical requirements are met with regard to professional oversight over AI clinical validation, privacy, data protection and informed consent; notes that big data in health can be analysed with the aid of AI to accelerate its processing; underlines the importance of ensuring that high-performance computing is interoperable with AI, as major economic sectors including manufacturing, health and pharmaceuticals rely on high-performance computing;

25. Underlines that AI-based solutions have the potential to tailor treatments and drug development to patients’ specific needs and enhance engagement with stakeholders and participants in the healthcare system; finds that AI and access to relevant, updated and high-quality anonymised and representative data sets, in line with the EU rules on personal data protection, supports healthcare professionals to help them provide better care for their patients and more personalised feedback, guidance and support, promoting patient safety and making therapy more effective; highlights that this may be particularly helpful in selecting and reviewing the growing body of scientific knowledge for the purposes of extracting relevant insights for health professionals; highlights that citizens from all Member States should be able to share their health data with healthcare providers and authorities of their choice; underlines, in this regard, the need to create incentives for upskilling, reskilling and outskilling for workers in health careers;

26. Finds that the fight against COVID-19 has both accelerated research into and the deployment of new technologies, notably AI applications, in the quest for improved case detection, clinical care and therapeutics research, and highlighted the usefulness of AI as well as the importance of funding and high-quality data for the purpose of the efficient monitoring and modelling of the spread of infectious disease outbreaks, in accordance with data protection law; notes, however, that experiences with AI applications during COVID-19 have revealed some of the limitations in the use of AI in medical diagnostics (26);

27. Highlights the potential of AI systems to alleviate the burden on health systems and health professionals in particular and to contribute to solutions to provide care to rapidly ageing populations in Europe and the world and protect them from dangerous diseases;

28. Highlights that the use of safe and efficient AI applications for administrative tasks that do not require human action can save a lot of time for healthcare workers that can be devoted to patient visits instead;

29. Stresses that consumer health applications based on AI can help track an individual’s health status through everyday devices such as smartphones, allowing users to voluntarily provide data which can be the basis for early warnings and alerts regarding life-threatening illnesses such as strokes or cardiac arrests; stresses that health applications based on AI may also encourage healthy behaviour and empower responsible self-care for individuals by equipping patients with additional means to monitor their own health and lifestyle and by improving the accuracy of screening by healthcare professionals; points out, however, the particular sensitivity of personal health data and the risk of data breaches or misuses in this regard, and underlines the need to apply strong cybersecurity standards for any health application;

30. Stresses that AI in the health sector is particularly dependent on large amounts of personal data, data sharing, high data quality, data accessibility and data interoperability to realise the full potential of AI and health; stresses the need to facilitate the linking of electronic health records with e-prescribing systems in order to allow health professionals involved in patient care to access the necessary information on the patient, subject to his or her consent;

31. Welcomes the creation of a European health data space in order to build in data of very high quality for use in the health sector; considers that the interconnection and interoperability of high-performance computing infrastructure with the European health data space would ensure the availability of large, high-quality health data sets, which are important for researching and treating pathologies, especially rare diseases and paediatric conditions;

32. Stresses the need to build trust by promoting interoperability and more collaboration between different healthcare professionals serving the same patients; stresses the need to offer training to healthcare professionals on AI techniques and approaches; stresses the need to combat mistrust, such as by tapping into the full potential of data anonymisation and pseudonymisation, and to better inform citizens, health professionals and decision makers about the uses, benefits and risks of AI in the field of health, as well as AI developers about the challenges and risks of processing sensitive data in this domain;

33. Believes, moreover, that binding and robust ethical and legal standards and enforceable rights of redress are necessary to promote an ecosystem of trust among citizens and to adequately protect health data from potential misuse and unlawful access; agrees with the Commission that citizens should have secure access to a comprehensive electronic record of data concerning their health and should retain control over personal data concerning their health and be able to share it securely, with effective protection for personal data and strong cybersecurity, with authorised third parties; highlights that unauthorised access and dissemination should be prohibited and that the protection of patients’ personal data must be guaranteed in compliance with data protection legislation;

34. Underlines, in this regard, the risk of biased decisions leading to discrimination and violations of human rights; stresses the need, therefore, for impartial checks on the algorithms and data sets used, and for the promotion of further research on the methods and bias embedded in trained AI systems in order to prevent unethical and discriminatory conclusions in the field of human health data;

35. Stresses that an efficient and uniform application of the GDPR across the EU is needed in order to overcome challenges such as legal uncertainty and a lack of cooperation in the health sector; stresses that such challenges lead in some cases to delays in scientific discoveries and a bureaucratic burden in health research; stresses that the creation of a European health data space that guarantees patients’ rights and data portability could increase cooperation and stimulate data sharing for research and innovation in the European health sector;

36. Notes that AI can contribute to the rapid progress of new technologies, such as brain imaging, which already have important applications in medicine but also entail substantial risks to human agency and the expression of fundamental rights without requiring consent; is concerned about the lack of legislation concerning neurological data and believes that the EU should strive to become a world leader in the development of safe neurological technologies;

b) AI and the Green Deal

37. Highlights that the Commission’s two key priorities for the years to come are a Europe fit for the digital age and the Green Deal; underlines the need to ensure that the digital transition contributes to the achievement of sustainable development and promotes the green transition; finds that this requires an acceleration of innovation compatible with the EU’s climate targets and environmental standards; highlights that AI applications may be able to bring environmental and
economic benefits and strengthen predictive capabilities that can contribute to the fight against climate change and to achieving the objectives of the European Green Deal and the EU’s target of becoming the first climate-neutral continent by 2050; finds that the use of AI has the potential to reduce global greenhouse gas emissions by up to 4% by 2030 (27); finds that according to some estimates, ICT technologies may reduce 10 times more greenhouse gas emissions than their own footprint (28), but recognises that this requires conscious design choices and regulatory action; warns, at the same time, that the increasing energy consumption in storing the large data sets needed to train AI systems can also have a negative effect; recalls that data traffic and ICT infrastructure consume about 7% of the world’s electricity today, a figure which, without the right safeguards, is projected to increase to 13% by 2030; adds that the intensive use of raw materials to build microprocessors and high-tech devices using AI can also contribute to this negative impact; underlines that in order to guarantee the ‘large handprint but small footprint’ of AI on the environment and climate, these direct and indirect negative environmental impacts need to be considered and AI systems need to be designed to promote sustainable consumption, limit resource usage and energy consumption, avoid unnecessary processing operations and prevent damage to the environment; emphasises that addressing the environmental impact of the ICT sector requires relevant information and data;

38. Is concerned that only six Member States have included a strong focus on AI applications in their efforts to meet the Green Deal objectives; finds that AI can be used to collect and organise information relevant to environmental planning, decision-making and the management and monitoring of the progress of environmental policies, for instance for cleaner air, where AI applications can monitor pollution and warn of hazards; highlights that such AI and digital solutions could be used across several sectors to scale up resource-efficient solutions;

39. Emphasises the importance of AI-based systems in developing smart cities and villages by optimising resource use and increasing the resilience of infrastructure, including through traffic prediction and reduction, smart energy management, emergency assistance and waste, as is already the case in several cities and municipalities across the EU; stresses that AI-based solutions can further assist in urban planning, architecture, construction and engineering processes to reduce emissions, construction time, costs and waste;

40. Stresses that the energy transition will not take place without digitalisation; highlights that AI can monitor, optimise and reduce energy consumption and production, as well as support the integration of renewable energies into existing electricity grids; underlines that smart meters, efficient lighting, cloud computing and distributed software together with an AI component have the potential to transform energy use patterns and promote responsible usage;

41. Highlights that the growing complexity of an energy transition system, with increased volatile renewable generation and changes in load management, makes increasing automated control necessary for energy supply security; stresses that AI has the potential to benefit security of supply, especially in the operation, monitoring, maintenance and control of water, gas and electricity networks; notes, however, that AI-enhanced grid technologies will introduce millions of intelligent components with common vulnerabilities, adding a large number of potential attack points to the energy networks and increasing the vulnerabilities of critical infrastructure, if the appropriate cybersecurity provisions are not in place; finds that smart grids require further investment and research;

42. Finds that AI and other digital applications for mobility and transport have the potential to optimise traffic flows and enhance road safety, including by increasing the efficiency of transport systems; points out that AI can inform the design and energy management of energy-efficient vehicles; highlights that the options for app-based ride services, ride pooling and car sharing have considerably increased and that AI is often used in such mobility services through efficient route planning and pick-up point selection;

43. Believes that AI can have a transformative role in the agricultural sector, supporting the emergence of new harvesting methods, including harvest prediction and agricultural resource management; stresses that agriculture is a key sector in which AI can help cut emissions and the use of pesticides, fertilisers, chemicals and water by focusing their use on the exact amount and in a narrower area; further stresses that AI can contribute to the restoration of biodiversity by

(27) DG IPOL study, Opportunities of Artificial Intelligence, June 2020.
(28) AIDA working paper, Artificial Intelligence and the Green Deal, March 2021.
monitoring endangered species or tracking deforestation activities; highlights the need to develop deployment guidelines and standardised assessment methodologies to support ‘green AI’ in areas such as smart grids, precision farming, and smart and sustainable cities as well as communities; is of the opinion that AI in the form of precision farming has the potential to optimise the on-farm production of food as well as broader land management by improving land use planning, predicting land use change and monitoring crop health, as well as the potential to transform predictions of extreme weather events;

44. Stresses that AI can contribute to the circular economy by rendering production, consumption and recycling processes and behaviour more resource-efficient and increasing the transparency of material use, for example with regard to the ethical sourcing of raw materials and reduced waste; highlights that AI has the potential to increase businesses’ understanding of their emissions, including in value chains, thus helping them to adjust and achieve individual emissions targets; underlines that digital tools can help businesses to implement the necessary steps towards more sustainable conduct, especially SMEs which otherwise may not have the resources to do so;

45. Highlights that it is not currently possible to use AI to fully measure environmental impacts; finds that there is a need for more studies on the role of AI in reducing environmental impacts; stresses that more environmental data is needed in order to gain more insight and induce more progress through AI solutions; underlines that using AI to systematically connect data on CO₂ emissions with data on production and consumption patterns, supply chains and logistics routes could ensure that activities that have a positive or negative impact are detected;

c) **External policy and the security dimension of AI**

46. Reiterates that the EU is pushing for a global agreement on common standards for the responsible use of AI, which is of paramount importance; believes, as a matter of principle however, in the potential of like-minded democracies to work together to jointly shape the international debate on an AI framework that is respectful of human rights and the rule of law, to work together towards certain common norms and principles, technical and ethical standards, and guidelines for responsible state behaviour, especially under the umbrella of intergovernmental organisations such as the UN and OECD, thereby promoting multilateralism, sustainable development, interoperability and data sharing on the international stage; supports the work of the UN Open-Ended Working Group on ICT and international security; underlines that confidence-building measures are essential to increase the level of dialogue and trust; calls, therefore, for more transparency in the use of AI in order to ensure better accountability;

47. Welcomes the recent multilateral initiatives to develop guidelines and standards for an ethically responsible use of AI such as the OECD principles on AI, the Global Partnership on AI, the UNESCO recommendation on the ethics of AI, the AI for Good Global Summit, the Council of Europe’s recommendations for a possible legal framework on AI, and UNICEF’s policy guidance on AI for children; welcomes the work ongoing at international level on AI standards and the progress made with the International Organization for Standardization standards on the governance implications of AI;

48. Welcomes, furthermore, the establishment and operationalisation of the EU-US Trade and Technology Council (TTC); salutes the outcome of the TTC’s first meeting in Pittsburgh; sees the TTC as a potential forum for global coordination between the European Union and the United States for setting global rules for AI and global technological standards that safeguard our common values, for boosting joint investment, research and development, and for closer political coordination in international institutions on issues related to technology and AI;

49. Highlights the key role the EU can play in setting global standards, as the first bloc in the world to introduce legislation on AI; stresses that the Union’s legal framework on AI could make Europe a world leader in the sector and should therefore be promoted worldwide by cooperating with all international partners while continuing the critical and ethics-based dialogue with third countries that have alternative governance models and standards on AI;

50. Observes that the Chinese Government has signed standards and cooperation agreements with 52 countries through its Belt and Road Initiative; warns that since several of these standards, including on AI technologies and in particular in relation to government surveillance and individual liberties, are not in line with human rights and EU values, China’s standards activism poses a challenge for the EU;
51. Stresses that AI technologies, especially those that have not been designed and developed with the explicit control procedures in place and are used improperly and without oversight in military command centres or in missile launch facilities, entail particularly significant risks and could escalate an automated reciprocal conflict;

52. Notes that the use of AI systems in defence-related developments is considered a game changer in military operations through the analysis of data, the ability to reflect greater situational complexity, the potential to improve target accuracy, optimise logistics and engage in armed conflicts with a reduced risk of physical harm to civilian populations and one's own military personnel, as well as using data for the development of modes of action such as wargaming; cautions, however, that this could lead to a lower threshold for the use of force and therefore more conflicts; affirms that machines cannot make human-like decisions involving the legal principles of distinction, proportionality and precaution; affirms that humans should be kept in control of the decision to deploy and use weapons and remain accountable for the use of lethal force and for decisions over life and death; is of the opinion that AI-based weapons systems should be subject to global standards and an international ethical code of conduct to underpin the deployment of AI technologies in military operations, with full respect for international humanitarian law and human rights law and in compliance with Union law and values;

53. Is concerned about the military research and technological developments being pursued in some countries with regard to lethal autonomous weapons systems without meaningful human control; observes that lethal autonomous weapons systems are already used in military conflicts; recalls that Parliament has repeatedly called for an international ban on the development, production and use of lethal autonomous weapons systems and for effective negotiations to begin on their prohibition; stresses that AI-enabled systems can under no circumstances be allowed to replace human decision-making involving the legal principles of distinction, proportionality and precaution;

54. Notes, in particular, that AI technology may entail potential risks as a means of pursuing various forms of hybrid warfare and foreign interference; specifies that it could for instance be mobilised to trigger disinformation, by using bots or fake social media accounts, to weaponise interdependence, by gathering valuable information or denying network access to adversaries, to create disturbances in the economic and financial systems of other countries, to pollute the political debate and favour extremist groups, or to manipulate elections to destabilise democracies;

55. Highlights that AI technologies could also include AI-powered malware, identity theft, data poisoning or other forms of adversarial machine learning that cause other AI systems to misinterpret input; points, in particular, to the rise in deepfakes, which are not necessarily cyberattacks but lead to doubts over the authenticity of all digital content, including videos, and therefore require particular attention in terms of transparency requirements; warns that deepfakes could contribute to a broad climate of public mistrust in AI, as well as a deeper socio-political polarisation within our societies;

56. Elaborates that the use of AI systems in a significant amount of key critical infrastructure such as energy and transport grids, the space sector, the food chain, banking and financial infrastructure, and hospital facilities has created new vulnerabilities that require robust cybersecurity measures to prevent threats; points out, in this regard, the importance of cooperation and information sharing and action both at EU level as well as among Member States; underlines the importance of fostering the resilience of critical entities to hybrid threats;

57. Warns that the capabilities of AI may also pose security risks, as they may lead humans to place such confidence in AI that they trust it more than their own judgement; notes that using a human-in-the-loop approach as a corrective mechanism is not feasible in all cases; notes that experiments have shown that this can elevate the level of autonomy of AI beyond the supporting role for which it was originally designed and means that humans miss opportunities to gain experience and refine their skills and knowledge of AI systems; stresses, therefore, that safety by design and meaningful human oversight based on appropriate training as well as appropriate security and privacy safeguards are required in high-risk AI systems in order to overcome such automation bias;
58. Highlights, however, that AI can be used to predict power failures and identify maintenance needs with great accuracy; specifies, in addition, that it can be used to synthesise large amounts of data via automated information extraction or automated information classification, and to detect specific patterns; stresses that these elements would allow for better prediction and assessment of the threat level and system vulnerabilities, faster decision-making processes, improved reactivity and securing endpoint devices more effectively;

59. Underlines, in particular, the inherent potential in enabling law enforcement agencies to identify and counter criminal activity, which is aided by AI technology; underlines that such AI-related law enforcement activities do, however, require full respect for fundamental rights, strict democratic oversight, clear transparency rules, a powerful IT infrastructure, human oversight, highly skilled employees and access to relevant and high-quality data;

d) AI and competitiveness

60. Notes that more and more products and services along the value chain will be interconnected in the near future, with AI and automation playing an important role in many manufacturing processes, operations and business models; underlines the paramount importance of basic research for the development of AI industrial ecosystems as well as substantial investment to promote digital public administration and upgrade digital infrastructure;

61. Observes that despite the significant increase in venture capital and other early-stage funding in the last two years, many European industries are lagging behind and the current funding levels in the EU are still insufficient and should be substantially ramped up in order to match the dynamism of leading AI ecosystems like Silicon Valley and elsewhere; highlights the peculiar cluster-network structure of the EU innovation ecosystem, as opposed to centralised (and state-supported) innovation ecosystems;

62. Underlines that AI can be a game changer for the competitiveness of EU industry and has the potential to increase productivity, accelerate innovation, improve manufacturing processes and help to monitor the resilience of European supply chains;

63. Points to the risk of supply chains being disrupted due to economic decoupling or catastrophic events such as pandemics or climate change-related phenomena; stresses that using AI can help to detect patterns of disruption in supply chains and inform predictive maintenance, which could support the diversification of suppliers;

64. Notes that companies that have initiated digital disruption have often been rewarded with significant gains in market share; notes that recent studies indicate that this pattern is likely to repeat itself with even more intensity as companies that adopt AI often collect large amounts of data, which tends to enhance their competitive position; is concerned about the resulting risks of market concentration to the detriment of SMEs and start-ups;

65. Emphasises that this outlook is particularly concerning since the largest incumbent tech companies that will likely also dominate AI technologies are gatekeepers to markets, while capturing most of the value that is generated; stresses that because the data that drives the AI sector is overwhelmingly collected from the very same large tech companies, which offer users access to services in exchange for data and exposure to targeted advertisements, their existing market dominance is likely to, in itself, become a driver of further market dominance; points out that many of these tech companies are headquartered outside the EU yet manage to capture the value generated by data on European customers, thus gaining a competitive advantage;

66. Welcomes the recent Commission communication calling for competition rules to be updated to make them fit for the digital age (29) and stresses the key role of ex ante measures, including the future Digital Markets Act, in counterbalancing concentration before it arises; underlines, moreover, the role that standardisation and regulatory cooperation can play in addressing this issue, by facilitating the global development of products and services irrespective of their physical location;

67. Underlines that SMEs and start-ups are playing a central role in the introduction of AI technologies within the EU as they represent the bulk of all companies and are a critical source of innovation; observes, however, that promising AI start-ups face significant barriers to expanding across Europe due to the incomplete digital single market and regulatory divergence in many Member States, or, when they do scale up, are acquired by large tech companies; regrets that SMEs often face a lack of funding, complex administrative procedures and a lack of adequate skills and access to information; notes that EU competition authorities have in the past allowed most foreign takeovers of European AI and robotics companies;

68. Stresses that the intensive use of algorithms, e.g. for price-setting, could also create completely new AI-specific problems within the single market; notes that antitrust authorities might, for instance, find it difficult to prove price collusion between AI-driven price-setting systems; adds, moreover, that the few AI providers that are already participating in stock trading could present a systemic risk to the financial markets, including through collusion; stresses that algorithmic collusion can be very hard to identify, since AI-based systems do not need to communicate with each other in the way that humans do for collusive practices, which can make it impossible to prove collusive intent; underlines the risk that this poses for market stability and the need for EU and national competition authorities to develop appropriate strategies and tools; highlights, in addition, the systemic risk to financial markets from the widespread use of algorithmic trading models and systems without any human interaction, which have in the past greatly amplified market movements, and are likely to do so again in the future;

69. Observes that many AI companies within the EU currently face legal uncertainty regarding how they can develop their products and services in an assured manner as a result of bureaucratic hurdles, an overlap between existing sector-specific legislation and the absence of established AI standards and norms;

70. Highlights the challenge for AI companies in terms of quality control and consumer protection; concludes that transparency and trustworthiness are essential to ensure that EU companies have a competitive advantage, as such considerations will decide in the future whether a product or service is eventually accepted by the market;

71. Notes that although 26 % of high-value research publications on AI come from Europe, only four out of the top 30 applicants (13 %) and 7 % of businesses engaged in AI patenting worldwide are European;

72. Considers that the EU's intellectual property laws require harmonisation and clear and transparent enforcement, and a balanced, enforceable and predictable framework to allow European businesses, and in particular SMEs and start-ups, to secure intellectual property protection;

73. Is concerned that SME use of IP protection remains low, as SMEs often do not use IP protection as they are not fully aware of their rights nor do they have enough resources to uphold them; highlights the importance of information and statistics on IP protection among SMEs active in knowledge-intensive sectors and welcomes efforts, including simplified registration procedures and lower administrative fees, to provide SMEs and start-ups with better knowledge and to facilitate their access to IP protection; notes that in order to help EU companies protect their AI IP rights, the EU's position as a global standard-setter should be strengthened; stresses that international competitiveness and attractiveness is rooted in a strong and resilient single market, including in IP protection and enforcement;

74. States that data analytics, as well as access to, sharing and re-use of non-personal data, are already essential for many data-driven products and services today, but will be important for the development and deployment of upcoming AI systems; stresses, however, that most of the non-personal data generated in the EU so far goes unused, while a single market for data is still in the making;

75. Points out the importance of facilitating access to data and data sharing, and open standards and open source technology as a way to enhance investments and boost innovation in AI technologies in the EU; specifies that better harmonisation on the interpretations by national data protection authorities as well as on guidance on mixed data and on depersonalisation techniques would be useful for AI developers;
76. Highlights the role AI can play in assisting enforcement action by European and national authorities, particularly in the fields of customs and market surveillance; is of the opinion that trade and customs procedures can be made more efficient and more cost-effective through AI, by increasing compliance and ensuring that only safe products enter the single market; points to the example of the Canada Border Services Agency Assessment and Revenue Management (CARM) system, which greatly simplifies import and export procedures using qualified AI risk assessment and streamlined digitalised information management to reduce the need for lengthy inspections;

e) AI and the labour market

77. Notes that AI is increasingly influencing the labour market, the workplace and the social domain and that the impacts of technological change on work and employment are multifaceted; emphasises that the use of AI in this area gives rise to a number of ethical, legal and employment related challenges; is concerned that in terms of the labour market, digitalisation could lead to workforce reorganisation and the potential disappearance of certain sectors of employment; believes that the adoption of AI, if combined with the necessary support infrastructure, education and training, could increase capital and labour productivity, innovation, sustainable growth and job creation;

78. Stresses that although AI may replace some tasks, including repetitive, heavy, labour-intensive or dangerous ones, it could also help to improve skills, raise the quality of work and create new, higher value-added employment, leaving more time for stimulating tasks and career development; stresses that AI is currently already substituting or complementing humans in a subset of tasks but that it is not yet having detectable significant aggregate labour market consequences (30); stresses, however, the potential for an increase in income inequality if AI increases high-skill occupations and replaces low-skill occupations; adds that any resulting economic and social implications need to be mitigated by appropriate measures, research and foresight and prepared for by investing in reskilling and upskilling of the workforce with a focus on underrepresented groups such as women and minorities, who are likely to be most affected by this transition, and by promoting diversity in all phases of development of AI systems; is concerned that AI could produce processes of deskilling and create and embed low-paid, low-autonomy work and extend atypical, flexible (or ‘gig’) work; underlines that algorithmic management could lead to power imbalances between management and employees and obscurity about decision-making;

79. Highlights that AI uptake offers an opportunity to foster significant cultural change within organisations, including through improved workplace safety, better work-life balance, and offering the right to disconnect and more effective training opportunities and guidance to employees; points, in this regard, to the recommendations of the OECD stressing that automation could also give rise to a reduction of working time, thus improving workers’ living conditions and health; is of the opinion that human-empowering AI applications could also create new job opportunities, in particular for those who, because of restrictions such as disabilities or living circumstances, have until now been bound to less qualified jobs; stresses the need to use AI assistance in the workplace to provide time for humans to improve the quality of their output instead of just increasing the workload;

80. Condemns the increased recourse to AI-fuelled surveillance in the workplace, often occurring without the workers’ knowledge, let alone their consent, particularly also in the context of teleworking; sustains that this practice should not be allowed, as it is extremely abusive of the fundamental right to privacy, data protection and the human dignity of the worker and to social and labour rights, and also has negative effects on the mental health of workers due to the degree of intrusion, its blanket or indiscriminate effect, and lack of safeguards for affected individuals;

81. Is concerned that a similar risk of surveillance is present also in the school environment, with the increasing adoption of AI systems in schools, undermining the fundamental rights of children; notes that the implications AI has for children’s privacy, safety and security fall across a wide spectrum, from benefits related to the ability to understand threats facing children with greater specificity and accuracy, to risks around unintended privacy infringements; underlines that both the positive and negative implications for children’s privacy, safety and security call for close examination and corresponding safeguards; further stresses that special consideration and protection need to be given to children when developing AI systems because of their particularly sensitive nature and specific vulnerabilities;

82. Stresses that it is paramount to provide individuals with comprehensive skills development programmes in all stages of life, in order to enable them to remain productive in a continuously evolving workplace and avoid their exclusion from the labour market; considers that the adaptation of the workforce in terms of AI education, lifelong learning and reskilling is of vital importance; highlights that current concepts of learning and working are still overly defined by the pre-digital world, which is contributing to a growing skills gap and a new digital divide for citizens who do not have access to a secure digital space; stresses that enhancing digital literacy contributes to achieving the UN Sustainable Development Goals, in particular those on education, human capital and infrastructure; highlights the gain in knowledge of new forms of working and learning due to the COVID-19 crisis which could further be explored;

83. Underlines that to reap the full benefits of digitalisation, the Union must address digital literacy and skills for all; believes that digital literacy is a precondition for citizens’ trust in and public awareness of the impacts of AI; highlights the importance of including basic training in digital skills and AI in national education systems; believes that the implementation and development of AI technology in the field of minority languages might lead to a boost in their knowledge and use; stresses that more than 70% of businesses report a lack of staff with adequate digital and AI skills as an obstacle to investment; is concerned that as of 2019, there were 7.8 million ICT specialists in the EU, with a prior annual growth rate of 4.2%, which is far short of the 20 million experts that are needed for key areas such as data analysis as projected by the Commission;

84. Is concerned about the extensive gender gap in this area, with only one in six ICT specialists and one in three science, technology, engineering and mathematics (STEM) graduates being women (31); notes with concern that the gender divide is persisting, especially in the area of start-ups, where in 2019, USD 92 of every USD 100 invested in European tech companies went to founding teams that were entirely comprised of men; recommends targeted initiatives to support women in STEM in order to close the overall skills gap in this sector; stresses that this gap inevitably results in biased algorithms; emphasises the importance of empowering and motivating girls towards STEM careers and eradicating the gender gap in this area;

f) AI and the future of democracy

85. States that AI has, on the one hand, the potential to assist in building a more transparent and efficient public sector, but on the other hand, that the technical developments in the field of AI, often driven by a logic of growth and profits, are very rapid and dynamic, making it difficult for policymakers to have a sufficient understanding of how new AI applications work and what kind of outcomes those applications can produce, although they have a duty to provide a framework to ensure that AI complies with fundamental rights and can be used for the benefit of society; highlights that expert forecasts on the future impact of AI also vary, suggesting it might be difficult even for them to predict the outcomes of deploying new AI technologies; argues, therefore, that this uncertainty makes it necessary for legislators to take due account of the precautionary principle in regulating AI; believes it is crucial to consult experts with different expertise and backgrounds in order to create solid, workable and future-proof legislation; cautions that legal uncertainty can be one of the biggest impediments to innovation; notes, in this regard, the importance of promoting AI literacy among citizens, including elected representatives and national authorities;

86. Warns that legislative cycles are therefore often out of sync with the pace of technological progress, forcing policymakers to play catch up and favour the regulation of use cases already in the market; points out that a sound regulatory approach to AI must be preceded by an exhaustive analysis of proportionality and necessity, to avoid hampering innovation and the competitiveness of EU companies;

87. Stresses that using AI to acquire biometric data could be both intrusive and damaging or beneficial for the individual, as well as for the general public;

88. Notes with concern that such AI technologies pose crucial ethical and legal questions; notes that certain AI technologies enable the automation of information processing to an unprecedented scale, which paves the way for mass surveillance and other unlawful interference and poses a threat to fundamental rights, in particular the rights to privacy and data protection;

89. Stresses that many authoritarian regimes use AI systems to control, exert mass surveillance over, spy on, monitor and rank their citizens or restrict freedom of movement; stresses that any form of normative citizen scoring by public authorities, especially within the field of law enforcement, border control and the judiciary, as well as its use by private companies or individuals, leads to loss of autonomy and privacy, brings risks of discrimination and is not in line with European values; recalls that technologies such as cyber-surveillance and biometric recognition, which can be used to these ends, are subject to the EU Export Control Regulation; is highly concerned about and condemns cases of EU companies selling biometric systems which would be illegal to use within the EU to authoritarian regimes in non-EU countries;

90. Notes that dominant tech platforms nowadays not only have significant control over access to information and its distribution, but they also use AI technologies to obtain more information on a person's identity, behaviour and knowledge of decisional history; believes that such profiling poses risks to democratic systems as well as to the safeguarding of fundamental rights and the autonomy of citizens; stresses that this creates an imbalance of power and poses systemic risks that could affect democracy;

91. Points out that digital platforms can, including through AI-driven marketing applications, be used for foreign interference and to spread disinformation and deepfakes, acting as networks for propaganda, trolling and harassment with the aim of undermining electoral processes; stresses that machine learning enables, in particular, the targeted use of personal data to manipulate unaware voters by creating personalised and convincing messages; stresses the importance of strong transparency obligations that are effectively enforced;

92. Underlines that AI could, however, also be used to reduce anti-democratic and unethical activities on platforms, and as a means to limit the distribution of fake news and hate speech, even though tests of its abilities to understand context-specific content have so far shown poor results; is concerned that divisive language may lead to greater user engagement, which is why removal of such language would be in direct conflict with such platforms' business model which is based on maximising user engagement; is of the opinion that AI-powered solutions must be based on full respect for freedom of expression and opinion, and on strong evidence in their favour, before their eventual use;

93. Stresses that bias in AI systems, especially when it comes to deep learning systems, often occurs due to a lack of diverse and high-quality training and testing data, for instance where data sets are used which are not sufficiently representative of vulnerable groups, or where the task definition or requirement settings themselves are biased; notes that bias can also arise due to a possible lack of diversity in developer teams, reiterating intrinsic biases, due to a limited volume of training and testing data, or where a biased AI developer has compromised the algorithm; points out that reasoned differentiation is also intentionally created in order to improve the AI's learning performance under certain circumstances;

94. Stresses that structural biases present in our society should not be repeated or even increased through low quality datasets; specifies, in this regard, that algorithms learn to be as discriminatory as the data they are working with, and, as a result of low quality training data or biases and discrimination observed in society, might suggest decisions that are inherently discriminatory, which exacerbates discrimination within society; notes, however, that AI biases can sometimes be corrected; concludes that it is therefore necessary to apply technical means and establish different control layers on AI systems, including the software, algorithms and data used and produced by them, in order to minimise this risk; argues that AI can and should be used to reduce biases and discrimination and promote equal rights and positive social change in our societies, especially within the field of law enforcement, border control and the judiciary; stresses that the most efficient ways of reducing bias in AI systems is to ensure, to the extent possible under Union law, that the maximum amount of non-personal data is available for training purposes and machine learning;
g) Recurring findings in all six case studies

95. Notes that there are clear societal benefits and opportunities associated with adopting AI technologies, which can only be reaped if transversal obstacles are addressed in the EU, in accordance with fundamental rights, values and legislation; states that overlap of legislation, market fragmentation, bureaucratic hurdles, a lack of accessible digital infrastructure and digital skills in the broader society, and insufficient investment in research and development can be observed in particular as barriers to the successful application of trusted AI in all fields analysed;

96. Concludes from the case studies examined, furthermore, that there are certain use cases that are risky or harmful, but that it is not necessarily specific AI technologies themselves but their areas of application; recognises that future regulation needs to address legitimate concerns related to these risks in order for AI technologies to find broad application in the EU;

97. States that while it is important to examine and categorise potential risks posed by AI, the case studies illustrated that AI technologies can provide us with effective countermeasures that are able to mitigate or eliminate these risks; underlines that as AI is still in its early stages of development within a wider context of emerging technologies, its full potential as well as its risks are not certain; points out that there is a need to look not only at risks to individuals, but also at the broader societal and non-material individual harms; highlights the significant imbalances of market power present in data markets and the adjacent AI economy; stresses that fair competition and removing obstacles to competition for start-ups and SMEs are essential to fairly distribute the potential benefits of AI in economic and societal terms, which appear to be significant both in the EU and globally;

3. The EU’s place in global AI competition

98. Observes fierce global AI competition, where the EU has not yet met its aspirations; examines in the following sections the EU’s global competitiveness with regard to AI by comparing it with that of China and the US, focusing on three core elements: regulatory approach, market position and investments; recognises, however, that transnational markets and corporations cannot easily be delineated across national borders, as most tech companies have customers, shareholders, employees and suppliers in many different countries;

a) Regulatory approach

99. Notes that the US has not yet introduced horizontal legislation in the digital field, and has so far focused on sector-specific laws and facilitating investments, including through tax measures on private sector innovation, in particular among its tech giants and leading universities; observes that, despite recent developments showing a more active policymaking role, the US approach has so far mostly reflected a focus on providing legal guidance to businesses, investing in research projects and removing perceived barriers to innovation;

100. Stresses that the 2019 American AI Initiative Act ushered in a slight realignment, as besides redirecting funding, retraining workers and strengthening digital infrastructure, the US Government announced the development of common standards for trustworthy AI; notes, however, that the resulting 10 principles were very broadly formulated in order to allow each government agency to create sector-specific regulations; expects that although the current US administration plans to bring forward a new bill of rights to limit AI harms in 2022, the US approach will remain market-driven;

101. Highlights that the Chinese President Xi Jinping underlined in as early as 2013 the importance of technologies in geopolitics, the role of public policies in defining long-term objectives and the fact that AI technologies offer an opportunity to relaunch its military power; stresses further that the Chinese Government subsequently put forward the Made in China 2025 plan in 2015 and the Next Generation AI Development Plan in 2017, both of which had the clear targets of making China the global leader in AI by 2030; notes that the 2018 Chinese AI standardisation white paper further outlined how the socialist market economy can develop international standards and strategically engage in international standardisation organisations; notes the introduction of rules on recommender systems as well as an ethics code on AI in China;
102. Observes that on the global stage, China actively promotes international AI partnerships as a way to export its own AI-based surveillance practices, social scoring system and censorship strategies; emphasises that heavy investment abroad under the Digital Silk Road initiative is also used as a means to spread Chinese influence and its AI technology globally, which could have far-reaching implications beyond imposing technological standards or maintaining technological competitiveness; concludes that the Chinese Government’s approach is therefore built upon deploying AI domestically as well as exporting AI technologies based on predetermined standards that are in line with the ideology of the Chinese Government;

103. Notes that the Commission started its work on regulating AI in 2018 by publishing the European AI strategy, setting up a High-Level Expert Group and introducing a coordinated plan (32) to foster ‘AI made in Europe’; notes that the 2020 white paper on AI proposed numerous measures and policy options for future AI regulation and eventually resulted in the horizontal AI Act (33), which was presented along with a revised coordinated plan on AI (34) in May 2021; points out that as of June 2021, 20 Member States have published national AI strategies, while seven more are in the final preparatory stages of adopting theirs;

104. Emphasises that central to the EU regulatory approach is a strong attention to the development of a European digital single market as well as ethical considerations in line with core human rights values and democratic principles; acknowledges that establishing the world’s first regulatory framework for AI could give the EU leverage and a first-mover advantage in setting international AI standards based on fundamental rights as well as successfully exporting human-centric, ‘trustworthy AI’ around the world; underlines that this approach needs to be supported by regulatory coordination and convergence with international partners;

b) Market situation

105. Notes that many of the 100 leading AI companies globally are headquartered in the US, whereas only few are in the EU; notes that the US also leads in the total number of AI start-ups;

106. Points out that in recent years, several European digital companies have been acquired by US tech giants; welcomes the Commission’s ambition of tackling acquisitions that may have a significant impact on effective competition in the digital market and of limiting killer acquisitions; points out, however, that in some cases, acquisition may be a primary objective of start-up creators and their funders, as one legitimate method to derive benefits from their ideas;

107. Stresses that while the US and China are trying to accelerate the use of AI technologies in the public and private sectors, the adoption of AI within the EU lags behind; states that in 2020, only 7% of EU companies with at least 10 employees were using AI technologies, with significant differences among Member States as well as among different business sectors;

108. Is concerned that while the US and China each have a unified digital market with a coherent set of rules, the EU’s digital single market is still not complete and unjustified barriers remain; stresses that the development of AI products and services could be further slowed down by the ongoing work on 27 different national AI strategies;

109. Points also to the fact that inconsistencies in EU law, overlap of different legislative initiatives, contradictions between EU and national laws, different legal interpretations and a lack of enforcement among Member States all prevent a level playing field and risk creating legal uncertainty for European companies as they may find it difficult to determine whether their AI innovations are compliant with EU law;

(34) Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions — Fostering a European approach to Artificial Intelligence (COM(2021)0205).
110. Notes that the market fragmentation for AI companies is further exacerbated by a lack of common standards and norms in some sectors, including on data interoperability; regrets the regulatory risk resulting from the delay of legislation, such as the ePrivacy Regulation; highlights as an example the fact that EU AI developers face a data challenge that neither their US nor Chinese counterparts do due to the incomplete European digital single market; observes that they often do not have enough high-quality data to train and test their algorithms, and struggle with a lack of sectoral data spaces and cross-sectoral interoperability, as well as constraints on cross-border data flows;

c) Investments

111. Observes that European companies and governments invest far less in AI technologies than the US or China; points out that although private investments in the EU AI industry are rising significantly, the EU is still substantially underinvesting in AI compared to other leading regions, as the US and China account for more than 80% of the EUR 25 billion annual equity investments in AI and blockchain, while the EU's share only amounts to 7% or about EUR 1.75 billion; stresses that the liquidity of EU financing markets for tech companies still lacks the scale of comparable markets in the US; notes that the US is also leading in venture capital and private equity funding, which is particularly important for AI start-ups, with EUR 12.6 billion in 2019, against EUR 4.9 billion for China and EUR 2.8 billion for the EU; notes that as a consequence, European AI entrepreneurs are crossing the Atlantic to scale up their businesses in the US;

112. States that together with national initiatives, the estimated annual public investment of the EU in AI of EUR 1 billion (35) is much lower than the EUR 5.1 billion invested annually in the US and up to EUR 6.8 billion in China (36); states, however, that between 2017 and 2020, EU public funding for AI research and innovation increased by 70% compared to the previous period, and in 2019, the EU invested between EUR 7.9 and 9 billion in AI, which was 39% more than in the previous year; acknowledges and welcomes the Commission's plans to increase investment further through the Digital Europe programme, Horizon Europe, InvestEU, the European Structural and Investment Funds, the European Investment Fund, the Connecting Europe Facility in telecom and various cohesion policy programmes, which will be further complemented and leveraged by the 20% minimum expenditure target for digital transition in the national recovery and resilience plans, as agreed by the Commission and the Member States under the Recovery and Resilience Facility; underlines, however, the recent report by the European Investment Bank which quantifies the EU investment gap in AI and blockchain technologies at EUR 5-10 billion per year;

113. Stresses that AI companies within the EU face strong competition for qualified employees, which is made worse by 42% of the EU population lacking basic digital skills; stresses the need to train and attract a substantially higher number of well-educated graduates, including women, to work in the digital sector;

114. Observes that although the EU has an excellent community of researchers on AI, the brain drain of EU researchers remains an issue; stresses that measures are needed to appeal to leading researchers; notes that the EU only spent 2.32% of its GDP on research and development in 2020, while the US spent 3.08%; recalls that the Member States must uphold their commitment to invest 3% of their GDP in research and development in order to ensure the Union's strategic autonomy in the digital field;

115. Notes that the EU's digital infrastructure needs substantial updating, with just 25% of people in the EU being able to connect to a 5G network, compared to 76% of people in the US; observes that the EU lacks sufficient high-performance digital infrastructure with interoperable data spaces, high transmission rates and volumes, reliability and short delays; stresses the need to support European AI ecosystems with excellence clusters;

(35) Data from 2018.
(36) Koerner, K., (How) will the EU become an AI superstar?, Deutsche Bank, March 2020.
Conclusion

116. Concludes that the US is the overall leader in AI as it is ahead in many categories, with US-headquartered companies leading technology development in areas such as cloud computing and high-performance computing capabilities, and also when it comes to investment, attracting AI talent, research and infrastructure; highlights, however, that China, which a few years ago was still significantly lagging behind the US in all indicators, is quickly catching up; recognises that both countries have the advantage of a unified single market and stronger commitment to remaining a leader in AI;

117. Stresses that despite the EU’s strong position on industrial software and robotics, EU actors are still behind their US and Chinese peers in many categories; underlines that the EU should develop an ambitious plan for human-centric European AI; notes that the EU is, however, ahead on regulatory approaches; points out that a viable EU strategy for becoming more competitive on AI involves focusing on research and innovation, skills, infrastructure and investment, while at the same time trying to establish a future-oriented, horizontal and innovation-friendly regulatory framework for AI development and use, and simultaneously ensuring that fundamental rights of EU citizens and the rule of law are safeguarded;

118. Underlines that Brexit had a negative impact on the EU’s efforts to strengthen its global AI footprint, as the UK was one of the leading EU countries in AI; stresses, however, that the UK should remain a valued partner of the EU, bolstering the competitiveness of both partners and the promotion of shared regulatory outlooks in global standard setting;

119. Concludes that the EU is currently still far from fulfilling its aspiration of becoming competitive in AI on a global level, and could risk falling further behind in some categories; maintains that swift action on the EU Roadmap for AI outlined below poses an opportunity to change this situation;

120. Specifies that as the EU does not have the legislative power to address all the points listed in the EU Roadmap for AI, the special committee recommends pursuing further high-level discussions and political processes among EU institutions and Member States in order to push for a more harmonised approach to AI and help Member States to coordinate their efforts; refers, in this regard, to the EU 2000 Lisbon agenda, which, despite the criticism, played an important part in guiding the EU’s policy orientation over 20 years and in keeping up the pressure on Member States to reform;

4. ‘Europe fit for the digital age’ — Roadmap for becoming a global leader

a) Favourable regulatory environment
i. LAW-MAKING

121. Calls on the Commission to only propose legislative acts in the form of regulations for new digital laws in areas such as AI, as the digital single market needs to undergo a process of genuine harmonisation; is convinced that due to rapid technological development, digital legislation should always be flexible, principle-based, technology-neutral, future-proof and proportionate, while adopting a risk-based approach where appropriate, based on respect for fundamental rights and preventing unnecessary additional administrative burden for SMEs, start-ups, academia and research; stresses, furthermore, the importance of a high degree of legal certainty and, consequently, the need for robust, practical and unambiguous applicability criteria, definitions and obligations in all legal texts regarding the sale, use or development of AI technologies;

122. Believes that the better regulation agenda is key to making the EU AI strategy a success; stresses the need to focus on the review, adaptation, implementation and enforcement mechanisms of already existing laws before proposing new legislative acts;

123. Urges the Commission to perform in-depth ex ante impact assessments with adequate foresight and risk analysis prior to issuing new digital proposals in areas such as AI; emphasises that impact assessments should systematically map and evaluate relevant existing legislation, preventing any overlaps or conflicts;

124. Suggests that new laws in areas such as AI should be complemented with the promotion of stakeholder-developed European standards; is of the opinion that the EU should strive to avoid fragmentation and that international standards can serve as a useful reference, but that the EU should prioritise developing its own standards; highlights that such standards should result from fair competition for the best standards within the EU, which should be responded to by the EU and
standardisation organisations; notes that technical standards and design instructions could then be combined with labelling schemes as a way to build consumer trust by providing trustworthy services and products; stresses the role of EU standardisation organisations in developing state-of-the-art technical standards; calls on the Commission to accelerate issuing standardisation mandates to the European standardisation organisations according to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation (37);

125. Explains that an open certification platform could establish an ecosystem of trust that involves governments, civil society, businesses and other stakeholders;

126. Calls for Parliament, the Commission and the Council to improve their abilities to deal with internal competence conflicts when it comes to overarching topics such as AI, as such conflicts risk delaying the legislative procedure, with knock-on effects in terms of the entry into force of the legislation;

ii. GOVERNANCE AND ENFORCEMENT

127. Calls for consistent EU-wide coordination, implementation and enforcement of AI-related legislation;

128. Explains that stakeholder-based consultation forums such as the Data Innovation Board, to be established by the Data Governance Act, or the European AI Alliance, which includes private-public partnerships, such as the European Alliance for Industrial Data, Edge and Cloud, are a promising governance approach; elaborates that this approach enables the EU’s AI ecosystem to operationalise its principles, values, objectives and reflect societal interests at the level of software code;

129. Highlights that the ‘pacing problem’ requires special focus on effective ex post enforcement by courts and regulatory agencies as well as ex ante approaches to deal with legal challenges posed by emerging technologies; supports, therefore, the use of regulatory sandboxes, which would give AI developers the unique chance to experiment in a fast, agile and controlled manner under the supervision of competent authorities; notes that these regulatory sandboxes would be experimental spaces in which to test AI systems and new business models under real world conditions in a controlled environment before they enter the market;

iii. LEGAL FRAMEWORK FOR AI

130. Highlights that an underlying objective of the EU’s digital strategy, as well as that of the AI strategy, is creating a ‘European Way’ in a digitalised world; clarifies that this approach should be human-centric, trustworthy, guided by ethical principles and based on the concept of the social market economy; underlines that the individual and the protection of their fundamental rights should always remain at the centre of all political and legislative considerations;

131. Agrees with the conclusion drawn by the Commission in its 2020 White Paper on artificial intelligence that there is a need to establish a risk-based legal framework for AI, notably covering high-level ethical standards based on transparency, auditability and accountability, combined with product safety provisions, appropriate liability rules and sector-specific provisions, while at the same time providing businesses and users with enough flexibility and legal certainty and a level playing field to foster AI uptake and innovation;

132. Points out the guiding added value of taking the concepts, terminology and standards developed by the OECD as inspiration for the definition of AI in legislation; stresses that doing so would give the EU an advantage in shaping a future international AI governance system;

133. Is convinced that it is not always AI as a technology that should be regulated, but that the level of regulatory intervention should be proportionate to the type of individual and/or societal risk incurred by the use of an AI system; underlines, in this regard, the importance of distinguishing between ‘high-risk’ and ‘low-risk’ AI use cases; concludes that the former category needs strict additional legislative safeguards while ‘low-risk’ use cases may, in many cases, require transparency requirements for end users and consumers;

134. Specifies that the classification of AI systems as ‘high-risk’ should be based on their concrete use and the context, nature, probability, severity and potential irreversibility of the harm that can be expected to occur in breach of fundamental rights and health and safety rules as laid down in Union law; stresses that this classification should be accompanied by guidance and the promotion of the exchange of best practices for AI developers; stresses that the right to privacy must always be respected and that AI developers should guarantee full compliance with the rules on data protection;

135. Underlines that AI systems that are likely to interact with or otherwise affect children must take their rights and vulnerabilities into account and meet the highest available standards of safety, security and privacy by design and default;

136. Notes that the environments in which AI systems operate may differ in a business-to-business (B2B) environment compared to a business-to-consumer (B2C) environment; points out that consumer rights need to be legally protected through consumer protection legislation; stresses that while companies can solve liability and other legal challenges quickly and cost-effectively by contractual means with business partners directly, legislation may be necessary to protect smaller businesses from market power abuse by dominant actors through commercial or technological lock-in, barriers to market entry or asymmetric information problems; highlights that there is also a necessity to take into account the needs of SMEs and start-ups with complex requirements, to avoid putting them at a disadvantage compared to larger companies, which have the resources to maintain sizeable legal and compliance departments;

137. Underlines the need to apply a principles-based approach to open ethical questions raised by new technological possibilities resulting from the sale and use of AI applications, including through the use of fundamental, mandatory principles such as the non-maleficence principle, the principle of respecting human dignity and fundamental rights, and the protection of the democratic process; notes that good practices in AI development such as human-centric AI, responsible governance and the principles of transparency and explainability, as well as principles of sustainable AI that are fully aligned with the UN 2030 Agenda for Sustainable Development, are other important components in shaping the AI economy;

138. Acknowledges that it is not always possible to completely ‘de-bias’ AI algorithms as the ideal objective of error-free data is very difficult or near impossible to achieve; notes that even an AI system that has been tested will inevitably encounter real world scenarios that might produce biased results when deployed in a setting that differs from the composition of its training and testing data; stresses that the EU should strive to improve the transparency of data sets and algorithms, cooperate very closely with AI developers to counterbalance and reduce structural societal biases and consider mandatory human rights due diligence rules at an early stage of development;

139. Elaborates that meaningful transparency or explainability obligations for AI systems, while helpful in many cases, may not be possible to implement in every instance; notes that intellectual property rights and trade secrets must be protected from illegal practices such as industrial espionage;

140. States that the legislative framework on intellectual property must continue to incentivise and protect AI innovators by granting them patents as a reward for developing and publishing their creations; finds that existing laws are mostly future-proof, but proposes certain adjustments, including the integration of open source elements, as well as the use of public procurement to mandate, where appropriate, open source software for AI solutions; proposes new forms of patent licensing to ensure that tools are available to regions and initiatives that could not otherwise afford them;

141. Considers that obligatory ex ante risk self-assessments based on clear rules and standards, as well as data protection impact assessments, complemented by third-party conformity assessments with relevant and appropriate CE marking, combined with ex post enforcement by market surveillance, could be useful to ensure that AI systems on the market are sale and trustworthy; believes that in order to prevent SMEs from being pushed out of the market, standards and guidance on complying with AI legislation should be developed with the close involvement of small businesses, internationally aligned to the greatest extent possible and available free of charge;
142. Notes that in order to increase product safety and improve the identification of faults, the developers of high-risk AI should ensure that accessible logs of algorithmic activity are maintained securely; considers that, where relevant, developers should design high-risk AI systems with embedded mechanisms — ‘stop buttons’ — for human intervention to safely and efficiently halt automated activities at any moment and ensure a human-in-the-loop approach; considers that the AI system’s output and reasoning should always be comprehensible by humans;

143. Recognises the legal challenges caused by AI systems, and that there is a need to consider a revision of specific parts of the existing liability rules; looks forward, in this regard, to the presentation of the Commission’s legislative proposal on AI liability; stresses that the Product Liability Directive (38) and the national fault-based liability regimes can, in principle, remain the centrepiece legislation for countering most harm caused by AI; underlines that in some cases there could be inappropriate outcomes, but warns that any revision should take the existing product safety legislation into account and should be based on clearly identified gaps, while being future-proof and capable of being effectively implemented and of ensuring the protection of individuals in the EU;

144. Underlines that the legal framework should not subject children to the same level of personal responsibility as adults for understanding risk;

145. Notes that certain changes to the legal definitions of ‘product’, including integrated software applications, digital services and inter-product dependency, and ‘producer’, including backend operator, service provider and data supplier, may be considered to ensure that compensation is available for harm caused by these technologies; stresses, however, that an overly broad or excessively narrow approach to the definition of ‘product’ should be avoided;

146. Points out that, due to the characteristics of AI systems, such as their complexity, connectivity, opacity, vulnerability, capacity of being modified through updates, capacity for self-learning and potential autonomy, as well as the multitude of actors involved in their development, deployment and use, there are significant challenges to the effectiveness of Union and national liability framework provisions; considers, therefore, that although there is no need for a complete revision of well-functioning liability regimes, specific and coordinated adjustments to European and national liability regimes are necessary to avoid a situation in which persons who suffer harm or whose property is damaged end up without compensation; specifies that while high-risk AI systems should fall under strict liability laws, combined with mandatory insurance cover, any other activities, devices or processes driven by AI systems that cause harm or damage should remain subject to fault-based liability; believes that the affected person should nevertheless benefit from a presumption of fault on the part of the operator, unless the latter is able to prove that it has abided by its duty of care;

iv. EU DATA CHALLENGE

147. Takes note of the conclusions drawn by the Commission in its 2020 communication entitled ‘A European strategy for data’ and by Parliament in its resolution of 25 March 2021 on the same topic, which state that the creation of a single European data space accompanied by the development of sectoral data spaces and a focus on common standards is key to ensuring fast scalability of AI solutions in the EU and beyond, as well as to ensure the EU’s open strategic autonomy and economic prosperity; recalls the essential link between the availability of high-quality data and the development of AI applications; stresses, in this regard, the need to deploy robust, reliable and interoperable cloud services within the EU, as well as solutions that leverage decentralised data analytics and edge architecture; calls on the Commission to clarify rights to access, use and share data by holders of co-created non-personal data; stresses that data access must be made technically possible, including through interoperable standardised interfaces and interoperable software; stresses that barriers to data sharing lead to less innovation, diminished competition and the furthering of oligopolistic market structures, which face a strong risk of perpetuating themselves into the adjacent market for AI applications;

148. Stresses the key importance of opening data silos and fostering access to data for AI researchers and companies as outlined in Parliament’s resolution on the European data strategy; stresses that market imbalances deriving from increased data restriction by private companies increase market entry barriers and diminish wider data access and use, making it

especially difficult for start-ups and researchers to acquire or licence the data they need to train their algorithms; underlines the need to establish the required legal certainty and interoperable technical infrastructure, while also motivating data holders in Europe to make their large amounts of unutilised data available; considers that voluntary data sharing between businesses based on fair contractual arrangements contributes to achieving this goal; acknowledges, however, that B2B contractual agreements do not necessarily guarantee adequate access to data for SMEs owing to disparities in negotiation power or expertise; highlights that open data marketplaces facilitate data sharing by helping AI companies and researchers to acquire or licence data from those who wish to make data available on such marketplaces, which include data catalogues, and allow data holders and users to negotiate data sharing transactions; welcomes in this context the rules on data intermediation services in the Data Governance Act;

149. Welcomes the initiatives of the European cloud federation, such as the European Alliance for Industrial Data, Edge and Cloud, as well as the GAIA-X project, which aim to develop a federated data infrastructure and create an ecosystem that allows scalability, interoperability and self-determination of data providers; notes that an EU cloud rulebook that compiles existing legislation and self-regulatory initiatives would also help to translate common EU principles and values into actionable processes and checks for technical practitioners;

150. Recommends that data interoperability be further strengthened and that common standards be established in order to facilitate the flow of data between different machines and entities, to enhance the sharing of data across countries and sectors and to enable the large-scale creation of high-quality datasets; notes that encouraging open standards, open source software, creative commons licences, and open application programming interfaces (APIs) could also play a key role in accelerating data sharing; highlights the role of common European data spaces in facilitating the free movement of data in the European data economy;

151. Calls on the Commission and the Member States to guarantee that fair contractual conditions are more strongly enforced within the scope of competition rules, with the aim of addressing imbalances in market power without unjustifiably interfering with contractual freedom, and that antitrust authorities are equipped and resourced to counter data concentration tendencies; underlines that European data spaces would allow companies to cooperate more closely with each other, and therefore considers that more guidance and legal clarity for businesses on competition law and cooperation on data sharing and pooling is needed; stresses that data cooperation, including for the training of AI applications or in the internet of things (IoT) industry, should under no circumstances facilitate the forming of cartels or create barriers to new entrants into a market; emphasises the importance of clarifying the contractual rights of AI developers and companies which contribute to the creation of data through the use of algorithms or IoT machines, and in particular the rights to access data, to data portability, to urge another party to stop using data, and to correct or delete data;

152. Calls on Member States, with regard to government-held data, to quickly implement the Open Data Directive (39) and to properly apply the Data Governance Act, making high-value datasets available ideally free of charge and supplying them in machine readable formats and APIs; stresses that this initiative would reduce the costs for public bodies to disseminate and re-use their data and would help EU researchers and companies enormously in improving their digital technologies in areas such as AI;

153. Calls for a uniform implementation of the GDPR across the EU by effectively and swiftly applying the consistency mechanism and by aligning the diverse national interpretations of the law; finds that there is also a need to better equip data protection authorities, including with technical expertise;

154. Takes note of the Commission’s 2019 practical guidance on how to process mixed data sets; points out that not sharing data sets continues to often be the best option for AI researchers and companies due to uncertainty as to whether data is sufficiently anonymised;

155. Considers that Opinion 05/2014 of the Article 29 Data Protection Working Party of 10 April 2014 on anonymisation techniques offers a useful overview, which could be further developed; calls on the European Data Protection Board (EDPB) to adopt guidelines based on specific use cases and relevant situations for different types of data controllers and processors and different processing situations, including a checklist with all the requirements that have to be fulfilled to make data sufficiently anonymous; notes, however, that anonymisation techniques are currently not able to guarantee full and complete protection of privacy, as experiments have shown that modern AI systems nevertheless manage to re-identify a person;

156. Asks the EDPB to issue more guidance for researchers and companies in areas such as AI on how to effectively process personal data outside the EU in a GDPR-compliant way;

157. Suggests the funding of more research on standardising ‘privacy by design’ approaches, as well as promoting cryptographic solutions and privacy-preserving machine learning, as it is crucial to ensure that high-quality data can be used to train algorithms and perform AI tasks without breaching privacy; notes that data trusts, certifications for high-risk AI applications, personal information management systems and the use of synthetic data also show promise;

158. Encourages the EU and its Member States to leverage the recently established OECD project on trusted government access to personal data held by the private sector as a reference point for policymakers globally to work towards an international solution and regulatory convergence of best practices in this area; stresses, in this regard, that the free flow of data and metadata across international borders, while fully respecting the EU data protection acquis, is a crucial enabler for digital innovation in Europe; calls on the Commission to therefore refrain from imposing data localisation requirements, except where required to protect fundamental rights, including data protection, or in limited, proportionate and justified cases where such a policy is in the interest of the EU or necessary to uphold European standards;

159. Calls on the Commission to respond to the ruling of the Court of Justice of the European Union (CJEU) that the EU-US Privacy Shield is invalid by taking all the measures necessary to ensure that any new adequacy decision with regard to the US fully complies with the GDPR, with the Charter of Fundamental Rights of the European Union, and every aspect of the CJEU judgment, while also simplifying transatlantic data flows; calls on the Commission to continue pursuing data adequacy talks with other non-EU countries, as this is the best way to promote the EU’s data protection policies and allow the international exchange of data;

b) Completing the digital single market

i. NATIONAL AI STRATEGIES

160. Calls on the Member States to review their national AI strategies, as the several of them still remain vague and lack clear goals, including regarding digital education for society as a whole as well as advanced qualifications for specialists; recommends that the Member States formulate concrete, quantifiable and specific actions, while trying to create synergies between them;

161. Calls on the Commission to help Member States to set priorities and align their national AI strategies and regulatory environments as much as possible in order to ensure coherence and consistency across the EU; points out that, while a diversity of national approaches is a good way to establish best practices, AI developers and researchers would face major obstacles if they were subject to different operating parameters and regulatory obligations in each of the 27 Member States;

ii. MARKET BARRIERS

162. Urges the Commission to continue its work on removing unjustified barriers to the full completion of the digital single market, including undue country-based discrimination, incomplete mutual recognition of professional qualifications, overly burdensome market access procedures, unnecessarily high regulatory compliance costs and diverging conformity assessment procedures, and to address the frequent use of derogations which results in diverging rules among different Member State jurisdictions; highlights that for companies operating in a cross-border environment, EU-wide rules on AI, in contrast to a fragmented country-by-country approach, are a welcome development that will help foster European leadership on AI development and deployment;
163. Calls on the Commission to accelerate the establishment of a real capital markets union; stresses the need to improve access to financial resources, especially for SMEs, start-ups and scale-ups;

164. Underlines the need to swiftly conclude the negotiations on pending legislative files aimed at the completion of the digital single market;

165. Calls on the Commission to ensure consistent enforcement of the rules of the single market;

166. Notes that the new legislative framework should be carefully updated and aligned with digital products and services; proposes that the focus be placed on modernising and simplifying compliance procedures by introducing digital alternatives to existing analogue and paper-based means allowing companies, for instance by using digital CE marking, electronic labelling or digitalised safety instructions;

167. Encourages the Commission to support offline businesses wishing to go online; encourages further information campaigns targeting SMEs and start-ups in anticipation of new and future EU legislation in this regard, as well as increased enforcement of market surveillance rules as a means to increase the trust of European consumers;

iii. LEVEL PLAYING FIELD

168. Is convinced that the current national and European competition and antitrust frameworks need to be reformed in order to better target abuses of market power and algorithmic collusion in the digital economy, and issues related to data accumulation, as well as to better address the risks of new emerging monopolies without compromising innovation; welcomes the upcoming approval of the Digital Markets Act; calls for specific consideration of potential competition issues in the field of AI;

169. Notes that such a reform should strengthen an evidence-based approach and take the value of data and the implications of network effects more into account, introducing clear rules for market-dominant platforms and increasing legal certainty for cooperation in the digital economy;

170. States, in this regard, that the Commission should adapt its market definition practices to define markets more accurately and in line with modern market realities in the digital sector, carrying out dynamic analysis and adopting a long-term view to assess the existence of competitive pressures;

171. Calls on the Commission and national competition authorities to increase their efforts to monitor digital markets on an ongoing basis, and thus identify competitive constraints and competition bottlenecks, and subsequently impose correctives more frequently on companies that abuse their dominant position or that engage in anti-competitive behaviour;

172. Calls on the Member States to substantially increase funding for and the technical capacity of competition authorities in order to ensure the effective and swift enforcement of competition rules in the fast-paced and complex digital economy; underlines that competition authorities should speed up abuse proceedings and, where necessary, apply interim measures to preserve and promote fair competition, while at the same time guaranteeing the procedural defence rights of companies;

c) Digital green infrastructure

i. CONNECTIVITY AND COMPUTING POWER

173. Calls on the Commission to follow up on its ambition of incentivising 75% of European enterprises to take up cloud computing services, big data and AI by 2030 in order to remain globally competitive and accelerate its climate neutrality targets to ensure they are achieved by 2050; finds that the allocation of EUR 2.07 billion in funding for digital infrastructure under the Connecting Europe Facility is insufficient;

174. Stresses that the shift in the volume and processing of data for AI also requires the development and deployment of new data processing technologies encompassing the edge, thereby moving away from centralised cloud-based infrastructure models towards an increased decentralisation of data processing capabilities; urges the strengthening of investment and
research in distributed computing clusters, edge nodes and digital microcontroller initiatives; notes that moving to a wide use of edge solutions may be more resource intensive, as benefits of pooling optimisation are lost and stresses that the environmental cost/benefit of edge infrastructures should be looked into at a systemic level in a European cloud strategy, including to optimise energy consumption of AI:

175. Stresses that AI requires powerful hardware to make sophisticated algorithms useable, including high-performance and quantum computing and the IoT; calls for continued increases in targeted public and private funding for innovative solutions that reduce energy consumption, including software eco-design; calls for the development of standards on measuring the use of resources by digital infrastructure at EU level, based on best practices; is concerned about the global microprocessor crisis and welcomes, in this regard, the Commission’s proposal for a Chips Act to reduce the EU’s current dependence on external suppliers; warns, however, of the future risks of overcapacity in the market and cautions careful consideration of the investment cycle;

176. Highlights that a functioning and fast infrastructure for AI must be based on fair and safe digital high-speed connectivity, which requires 5G roll-out in all urban areas by 2030, as well as wide access to ultra-fast broadband networks and spectrum policy with licence conditions that ensure predictability, foster long-term investment and do not distort competition; urges the Member States to continue to implement the 5G toolbox; calls for the Broadband Cost Reduction Directive (\(^40\)) to be put into practice to facilitate network deployment; calls on the Commission to conduct environmental impact assessments on 5G; stresses the importance of countering the spread of disinformation related to 5G networks with an EU communication strategy; points out, in this regard, that a broad and inclusive debate will ultimately contribute to creating trust among citizens regarding the actions towards continuous development of mobile networks;

177. Calls on the Commission to establish timetables for the Member States, cities, regions and industry and improve the administrative approval processes for 5G; requests that in regions where roll-out is carried out by the public sector, more funds be made available to bring high-speed connectivity to remote communities and contribute to bridging the digital gap; calls for support for broadband and connectivity projects under the multiannual financial framework, with easier access for local authorities to avoid the underutilisation of public funds;

178. Calls on the Commission to assess the interplay between AI and the next wave of digital infrastructure, enabling Europe to take the lead in next generation networks, including 6G;

179. Calls for a clear strategy on fibre-optic network deployment and broadband roll-out in rural areas, which is also key for data-intensive technologies such as AI; calls, in this regard, for increased support by the European Investment Bank for connectivity projects in rural areas;

180. Stresses that the significant investment required for network deployment and a swift roll-out in order to achieve the targets set by the Digital Compass requires infrastructure-sharing agreements, which are also key to promoting sustainability and reducing energy consumption; stresses that these efforts are still at their beginning and need to be further expanded;

ii. SUSTAINABILITY

181. Urges the EU to take the lead in making green digital infrastructure climate neutral and energy efficient by 2030 in line with the Paris Agreement targets and integrated with the European Green Deal policy programme: including by assessing the environmental impact of large-scale deployments of AI-based systems, taking into account the increased energy needs of AI development and use; calls for coordinated global multilateral action to utilise AI in the fight against climate change and environmental and ecological degradation, as well as biodiversity loss;

182. Urges the use of AI to monitor energy consumption in municipalities and develop energy efficiency measures;

183. Recognises the data- and resource-intensive character of some large-scale AI applications and their respective impacts on the environment; recalls that for European AI to be sustainable and environmentally responsible, AI systems should be designed, developed and deployed with achieving the green transition, climate neutrality and a circular economy in mind;

184. Calls on the Commission to incentivise the use of energy-efficient data centres that can support carbon neutrality;

185. Highlights that data centres’ current lack of information sharing hinders the possibility of taking adequate public action and having a comparative overview of the environmental performance of data centres; calls for a significant increase in the number of environmental impact assessments carried out on AI development; calls for requirements to be developed to ensure that appropriate evidence is available to measure the environmental footprint of large-scale AI applications; points to the need for clear rules and guidelines for environmental impact assessments on AI, including multi-criteria life cycle assessments; calls for open access to data centres’ environmental key performance indicators, the development of EU standards and the creation of EU green cloud computing labels;

186. Calls for a circular economy plan for digital technologies and AI and emphasises that the EU should secure a strong ICT recycling chain;

187. Recommends fostering the use of AI-based solutions, in line with the green and digital twin transitions in all sectors, to coordinate sustainable standards for businesses and enable the monitoring of energy efficiency and the collection of information on emissions and product lifecycles;

188. Calls on the Commission to launch competitions and missions for AI solutions tackling specific environmental problems and to strengthen this component in Horizon Europe and the digital Europe programme; recalls that projects relating to AI’s potential for addressing environmental concerns should be carried out on the basis of responsible and ethical research and innovation;

189. Calls on the Commission to develop environmental criteria and tie the allocation of the EU budget, funding and public procurement procedures for AI to their environmental performance;

190. Calls on the Commission to foster smart cities, covering smart buildings, smart grids, connected cars, mobility platforms, public services and logistics; supports the development of a common collection of best practices for projects and applications; stresses that smart cities require good cooperation between state and local governments, as well as among their agencies and private parties;

191. Stresses the need to define principles to ensure that relevant climate and sustainability data can be integrated when setting up new sustainability data spaces;

192. Calls on the Commission to cooperate with the Member States and the private sector in setting up and support testing facilities where AI applications can be tested on their sustainability performance and to offer guidance on how to improve the environmental footprint of these application; encourages adapting existing testing facilities to focus on use cases in circular production;

193. Calls on the Commission to promote sustainable transport infrastructure that uses AI to increase efficiency, decrease pollution and promote adaptability to user needs;

d) Ecosystem of excellence

i. TALENT

194. Calls on the Commission to create an AI skills framework for individuals, building on the digital competence framework, to provide citizens, workers and businesses with relevant AI training and learning opportunities and improve the sharing of knowledge, best practices, and media and data literacy between organisations and companies at both EU and national level; asks the Commission to move quickly in creating such a competence framework by building on existing AI education schemes; recommends the establishment of a European AI skills data space to support European skills training on
sectoral and regional levels in all Member States; stresses that the acquisition and teaching of digital and AI skills needs to be accessible to all, in particular to women and vulnerable groups; urges the Commission and the Member States to support free online courses that enhance basic training in AI;

195. Urges investment in research to better understand the structural AI-related trends in the labour market, including which skills are in higher demand or at risk of shortage in the future to inform employee transition schemes;

196. Notes with concern the lack of targeted and systematic measures in professional training for adults; calls on the Commission and the Member States, to develop policies including appropriate investment in the reskilling and upskilling of the workforce, including informing citizens on how algorithms operate and their impact on daily life; calls for special attention to be paid to those who have lost their jobs or are at risk of losing them due to the digital transition, with the aim of preparing them to work with AI- and ICT-related technologies; calls on the Commission to incentivise and invest in multi-stakeholder skills partnerships to test best practices; recommends monitoring the creation of quality jobs linked to AI in the EU;

197. Stresses that existing digital gaps can only be closed with targeted and inclusive measures towards both women and the elderly and therefore calls for substantial investments in targeted upskilling and educational measures to close such digital gaps; calls on the Commission and the Member States to foster a gender-equal culture and working conditions in this regard;

198. Calls for the Commission to promote gender equality in companies working on AI- and ICT-related activities, including through financing women-led projects in the digital sector and promoting a minimum number of women researchers participating in AI- and ICT-related research funding calls;

199. Stresses the need to address the talent shortage by ensuring the growth, attraction and retention of top talent; urges the Commission to follow up on its goal of having 20 million ICT specialists employed in the EU; stresses that in order to retain top AI talent and prevent brain drain, the EU needs to enable competitive salaries, better working conditions, cross-border cooperation and competitive infrastructure;

200. Emphasises the added value of having a simplified and streamlined Union framework for attracting international talent in the technology sector in order to enable talent flow and mobility within the EU and from abroad, improve international talent’s access to the Union’s labour market and attract workers and students on demand; highlights that new innovative tools and legislation are needed to help match employers with prospective ICT workers, address labour market shortages and facilitate the recognition of international qualifications and skills; recommends creating an EU talent pool and matching platform to serve as a one-stop shop for international talent who wish to apply for work in the EU, as well as for employers who search for potential employees abroad; calls on the Commission to expand the scope of the application of the EU Blue Card to ensure that Europe remains open to global talent;

201. Calls on the Commission to address the increased demand for remote work across Member State borders to allow EU and international employees to work remotely in a different Member State than the one they are residing in; recommends, in this context, a comprehensive review of legislative and other hurdles to remote work and addressing these in subsequent legislative proposals;

202. Emphasises the need to strengthen innovation cohesion among EU regions and across Member States, as talent can be unevenly distributed;

203. Calls on the Commission and Member States to ensure appropriate protection of workers’ rights and well-being, such as non-discrimination, privacy, autonomy and human dignity in the use of AI and algorithmic management, including as regards undue surveillance practices; stresses that when AI is used at work, employers must be transparent about the way it is used and its influence on working conditions and stresses that workers should always be informed and consulted prior
to the use of AI-based devices and practices; emphasises the fact that algorithms must always have human oversight and that their decisions must be accountable, contestable and, where relevant, reversible; believes that the training of algorithm developers in ethical, transparency and anti-discriminatory issues should be encouraged;

204. Calls for a European strategy for safe AI use as regards children that is designed to inform children about interacting with AI with the aim of protecting them from risks and potential harm;

205. Calls on the Member States to make digital skills and literacy a component of basic education and lifelong learning; calls for a high-performing AI education system that fosters digital literacy, skills and digital resilience from an early stage, starting with primary education; emphasises that the development of effective curricula for digital education requires political will, sufficient resources and scientific research; calls on the Commission to promote the introduction of AI and computational competence courses in all European schools, universities and educational institutions; highlights that such skills development is needed in adult education as much as in primary or secondary education; calls for a comprehensive and consistent policy initiative from the Commission and the Member States on AI skills and education at EU level, as well as for a legislative initiative on AI in the workplace;

206. Draws attention to the need for multidisciplinary university curricula that focus on digital and AI skills, including in health, and for cross-disciplinary research centres; believes that pathways towards further education to specialise in AI (e.g. Master's and PhD degrees and part-time study) should also be emphasised;

207. Calls upon the Member States to prioritise the development of innovative teaching methods and curricula in STEM fields and programming, in particular to strengthen the quality of mathematics and statistical analysis for the purpose of understanding AI algorithms; calls on the Commission and Member States to promote STEM academic disciplines to increase the number of students in these fields; stresses that other disciplines that interact with the STEM disciplines will also be crucial for promoting digital skills;

208. Encourages the Member States to promote women’s participation in STEM, ICT and AI-related studies and careers to achieve gender equality, including by defining a target for the participation of women researchers in STEM and AI projects;

209. Stresses that digital education should also raise awareness on aspects of daily life potentially affected by machine learning, including recommendation engines, targeted advertising, social media algorithms and deep fakes; stresses that digital resilience requires additional media education to help contextualise new digital and AI skills and hence calls for support towards and endorsement on new and already-existing accessible AI literacy courses for all citizens;

210. Calls for measures to ensure that every education facility has broadband access, as well as strong digital learning infrastructure; stresses the need to provide European universities and their networks with the adequate computational resources needed to train AI models, which are becoming increasingly expensive; stresses the need to ensure that teachers have necessary AI skills and tools; calls for an increased focus on technical training for teachers and the development of innovative teaching and learning tools;

211. Requests investment in youth coding skills initiatives to foster youth AI skills and high-level qualifications, including coding academies, summer school programmes and AI-specific scholarships; is of the opinion that the EU’s Digital Opportunity Traineeships should be further expanded to vocational training;

ii. RESEARCH

212. Calls for the EU to increase investment in research into AI and other key technologies, such as robotics, quantum computing, microelectronics, the IoT, nano-technology and 3D printing; calls on the Commission to develop and maintain a European strategic research roadmap for AI that addresses major interdisciplinary challenges in which AI can be a part of the solution; underlines that investments should be directed to use cases that are likely to increase sustainable solutions, well-being, and inclusion in society;
213. Encourages all Member States to spend a higher proportion of their GDP on research on digital technologies; urges the continued strengthening of the Horizon Europe programme, notably its AI, data and robotics partnership and the European Innovation Council; urges the expansion of the digital Europe programme and considers that its allocated funding of EUR 7.6 billion should be increased.

214. Stresses the need to prioritise research at EU level in the field of AI; calls on the Commission to simplify the structure of research funding, including grant application requirements and processes; stresses the need to improve the quality and consistency of proposal reviews and increase the predictability of funding instruments and their timing to support long-term planning, using the European AI research roadmap; calls on the Commission to fund more applications in the field of AI by combining different instruments, such as the European Research Council, the Marie Curie Actions, the European Innovation Council and the European Institute of Innovation & Technology.

215. Calls on the Commission and Member States to prioritise funding AI research that focuses on sustainable and socially responsible AI, contributing to finding solutions that safeguard and promote fundamental rights, and avoid funding programmes that pose an unacceptable risk to these rights, including funding systems of mass surveillance, social scoring and other systems that have the potential to lead to negative social impacts, as well as technologies that contribute to environmental harm.

216. Encourages the creation of more teaching posts on AI at European universities, adequate salaries for AI research and the provision of more public funding in order to properly train and retain the current and next generation of researchers and talent and prevent brain drain; stresses the need to reduce the bureaucratic hurdles for university researchers in accessing funds easily and calls on the Commission to provide tools to increase digital interconnectivity among universities within and across Member States; urges the development of cross-cutting networks for AI across European universities, research institutions and the private sector, as well as dedicated AI multidisciplinary research centres.

217. Recommends that universities strengthen funding for applied research projects in which AI dimensions are taken into account.

218. Calls on the Commission to improve knowledge transfers between AI research and the public by setting up business networks and contact points with legal professionals and business consultants in universities, as well as by setting up citizen panels, science and society platforms and engaging the public in the framing of AI research agendas; underlines the importance of a smooth transition from academia to industry and the added value of proximity between the two for successful and dynamic AI ecosystems and industrial centres.

219. Stresses the need to accelerate knowledge transfers in the EU from research and science to AI applications in industry and the public sector; welcomes the creation of a dedicated public-private partnership on AI; calls on the Commission to establish European AI data centres, jointly developed with industry and civil society; stresses the importance of testing sites for AI; makes specific reference to the High Performance Computing Joint Undertaking, the Key Digital Technology Joint Undertaking and the Smart Networks and Systems Joint Undertaking.

220. Calls for the establishment of AI lighthouses under the Horizon Europe framework, building on the existing and future networks of regional AI excellence centres, with the aim of building an alliance of strong European research organisations that will share a common roadmap to support excellence in basic and applied research, align national AI efforts, foster innovation and investments, attract and retain AI talent in Europe, and create synergies and economies of scale; believes that the lighthouse concept has the potential to attract the best and brightest minds from abroad, as well as bring substantial private investment into Europe.

221. Adds that the AI lighthouses, in cooperation with other research institutions and industry, should be sufficiently funded; highlights the benefits of well-contained regulatory sandboxes for the testing of AI products, services and approaches in a controlled real world environment before putting them on the market.
222. Points out that the designation of European Digital Innovation Hubs (EDIHs) under the digital Europe programme is another important step in building up an AI ecosystem of excellence based on university-industry clusters; criticises, however, that criteria for EDIH designation remain vague and thus EDIHs across Europe differ in their capabilities and development, and that the interplay with other digital hubs designated by the European Institute of Innovation & Technology and under the Horizon Europe framework remains unclear; suggests, consequently, that more coordination and effort expenditure are needed, as is the establishment of a cooperating overall cluster of decentralised AI hubs based on an EU-wide framework for legal expertise, data, funding, and incentives; welcomes the Commission’s initiatives to establish start-up networks across the EU and also beyond, such as Start-up Europe and Start-up Europe Mediterranean in order to foster exchanges of ideas, business, and networking opportunities;

223. Proposes scaling up and aligning existing initiatives, such as the European Laboratory for Learning and Intelligent Systems and the Confederation of Laboratories for Artificial Intelligence Research in Europe, and flagship projects, such as the HumanE AI Network and AI4EU, in order to promote ambitious, collaborative and EU-wide research and development goals and projects;

e) Ecosystem of trust
i. SOCIETY AND AI

224. Proposes that, on top of the suggested AI training, the EU and its Member States create awareness raising campaigns, including public discussions at local level, as an additional means to reach, inform and empower citizens to understand better the opportunities, risks and the societal, legal and ethical impact of AI to further contribute to AI trustworthiness and democratisation; is convinced that this, in parallel with the creation of a clear and sound legal framework on human-centric and trustworthy AI, would contribute to reducing citizens’ concerns that may be associated with widespread AI use in Europe;

225. Calls for the EU to ensure that AI development, deployment and use fully respect democratic principles, fundamental rights and uphold the law in a manner that is able to counter surveillance mechanisms and does not improperly interfere with elections or contribute to the dissemination of disinformation;

226. Stresses that governments and businesses should only deploy and procure trustworthy AI systems that are designed, where relevant, to uphold worker’s rights and promote quality education and digital literacy and that do not increase the gender gap or discrimination by preventing equal opportunities for all;

227. Supports adjustments to consumer protection laws as another way to build trust in AI, for instance by giving consumers the right to know whether they are interacting with an AI agent, which would allow them to insist upon human review of AI decisions, and by giving them means to counter commercial surveillance or personalised pricing;

228. Stresses that the introduction of certain AI technologies in the workplace, such as those that use workers’ data, should take place in consultation with workers’ representatives and social partners; points out that workers’ and their representatives should be able to request information from employers about what data is collected, where this data is stored, how this data is processed and the safeguards that are in place to protect it;

229. Calls for the EU to ensure that AI systems reflect its cultural diversity and multilingualism to prevent bias and discrimination; highlights that in order to address bias in AI, there is a need to promote diversity in the teams that develop, implement, and assess the risks of specific AI applications; stresses the need for gender-disaggregated data to be used to evaluate AI algorithms and for gender analysis to be part of all AI risk assessments;
230. Underlines the importance of continuous research and monitoring on the impacts of AI on various aspects of society, both at national and EU level; suggests that Eurostat and other EU agencies be involved in this;

231. Highlights that, based on the results of the monitoring system, a European transition fund could be considered to help manage, for example, job losses in vulnerable sectors or across regions;

ii. EGOVERNANCE

232. Calls on the Member States to deliver on the Tallinn Declaration on eGovernment, put citizens at the centre of services and put mechanisms in place to provide borderless, interoperable, personalised, user-friendly and end-to-end digital public services based on AI to all citizens at all levels of public administration; is of the opinion that the objective should be to establish the provision of digitalised and AI-based eGovernment services to citizens over the next five years, while still providing human interaction; recalls that Recovery and Resilience Facility funds and the national recovery and resilience plans will play a key role in this regard; calls on public bodies to support and develop AI in the public sector; welcomes the revision of the eIDAS Regulation (41) and its role in boosting the provision of digital public services; stresses that no one should be left behind and that offline alternatives should always be available;

233. Calls on the Commission to renew the eGovernment action plan and create synergies with the digital Europe programme to support public administrations in adopting AI in line with the European open-source software strategy;

234. Highlights that eGovernment plays a significant role in the development of the data economy and digital innovation in the digital single market; notes that collaboration and the sharing of good practices throughout public administrations and across borders are vital parts of the deployment of eGovernment across the EU; calls for standardised, streamlined public administration procedures for more efficient exchanges across EU Member States and all levels of administration;

235. Notes that skilled experts are needed for the development of high-quality online services; stresses the need to increase government recruitment and training policies for digitally skilled people with knowledge of AI;

236. Calls for the implementation of the single digital gateway to be sped up and for the development of interoperable platforms that offer cross-border services in the EU to be promoted, while meeting common security standards in all Member States; stresses that a possible expansion beyond the limited set of services currently included in Regulation (EU) 2018/1724 (42) establishing a single digital gateway should be considered;

237. Stresses that the public consultation platforms of EU and Member State institutions increase engagement and access to digital information; recommends investing in improvements to usability and accessibility, such as the provision of summaries and information in multiple languages, as well as in dedicated marketing and targeted outreach for digital public engagement platforms;

238. Recommends intensifying interactive and personal dialogues with EU citizens through online citizens’ consultations, stakeholder dialogue formats or digital functions for commenting on EU legislation and initiatives;

iii. EHEALTH

239. Calls for human-centred design and an evidence-based approach to AI in health that focuses on personalised, patient-centred, cost-efficient and high-quality healthcare, developed in close cooperation with health professionals and patients, while upholding human oversight and decision-making; urges the prioritisation of funding, the setting of strategic

goals, the fostering of cooperation and the adoption of AI applications in healthcare as a critical sector in which the opportunities offered by AI can bring enormous benefits to citizen health and well-being, as long as the inherent risks are appropriately managed;

240. Highlights that the uptake of AI in healthcare settings should be promoted as a tool to assist and reduce the burden on healthcare professionals, allowing them to focus on clinical tasks, and not as a replacement for healthcare professionals or as an independent actor within health systems; stresses the need to ensure a level of quality, safety and security on par with the regulatory approval process for medicines, vaccines and medical devices; asks for a clinical trial-like method to test the adequacy and monitor the deployment of AI in clinical settings; finds that it would be beneficial to evaluate which healthcare services can be ethically and responsibly automated;

241. Considers that equitable access to healthcare as a principle should be extended to health-related AI applications, including systems for the detection of diseases, the management of chronic conditions, the delivery of health services and drug discovery; emphasises the necessity of adopting appropriate measures to tackle health-related risks concerning the digital divide, algorithmic bias and discrimination, and the marginalisation of vulnerable persons or cultural minorities, who have limited access to healthcare;

242. Recalls the Parliament position that insurance companies or any other service provider entitled to access information stored in e-health applications should not be allowed to use that data for the purpose of discriminating in the setting of prices;

243. Is convinced that current EU projects and initiatives, such as EU4 Health, the European health data spaces and the European Platform on Rare Disease Registration, are steps in the right direction, as they allow Member States to pool resources, increase beneficial cooperation between health systems and enable the secure and privacy-preserving exchange of high-quality data for research and innovation;

244. Calls for the proper legal anchoring and positioning of an ‘AI in Health’ framework at Union level; underlines that many levels of risk evolve over time through the advancement of AI technologies;

245. Stresses the need for more guidance on the processing of health data under the GDPR in order to harness the full potential of AI for the benefit of individuals, while respecting fundamental rights; calls on the Commission for faster and better harmonisation of standards governing the processing, including the sharing, anonymising and interoperability, of health data across Member States;

246. Calls on the Commission to promote the integration of ethical rules at every step of the development, design and use of AI applications; stresses the need to promote further research on the methods and biases embedded in a trained AI system so as to avoid unethical and discriminatory conclusions when applied to human health data; recommends the creation of an EU Code of Conduct for processing health data in full compliance with the GDPR;

247. Calls on the Commission to consider an initiative on neurorights with the aim to guard the human brain against interference, manipulation and control by AI-powered neurotechnology; encourages the Commission to champion a neurorights agenda at the UN level in order to include neurorights in the Universal Declaration of Human Rights, concretely as regards the rights to identity, free will, mental privacy, equal access to brain augmentation advances and protection from algorithmic bias;

248. Calls on the Commission to consider a legal framework for online medical consultations;

249. Stresses the need for measures that promote equal access to healthcare and enhance healthcare providers’ uptake of AI solutions;

250. Calls on the Commission to support the establishment of a cooperation mechanism in the context and operation of a European health data space in order to foster the sharing of health data and support the development of electronic health records in line with applicable laws and regulations; urges an improvement in the quality of available data for each EU
citizen by enabling digital tools to work properly (e.g. based on self-learning algorithms or big data analysis); recommends that the data stored in line with the GDPR be available for further research, as well as for the development of new drugs and individualised treatments;

251. Underlines that digital and AI skills need to be included in the education of healthcare professionals, as well as knowledge on EU data protection legislation and dealing with sensitive data, including the promotion of data anonymisation;

252. Calls for guidance regarding the applicability of liability frameworks and harmonised approval regimes for AI-based medical applications and medicines developed or tested via AI and machine learning; stresses that harm resulting from an insufficient allocation of resources or lack of care provision by means of AI recommender systems in the healthcare sector should be addressed in any future regulatory reform; emphasises that appropriate best practices, standards and criteria are needed to certify and approve healthcare applications in line with liability risks;

253. Calls on the Commission to provide and make use of human-centric predictive models for pandemics, wherein diverse data sets come together in real time to inform decision-making;

f) Industrial strategy

i. STRATEGIC PLANNING AND INVESTMENTS

254. Is convinced that the EU should place AI and the data economy at the centre of an ambitious digital industrial strategy, with the aim of empowering innovative companies and entrepreneurs to compete for the best technological and business model innovations in Europe and the world and to reinforce the EU's open strategic autonomy while establishing sound legal, ethical, technological and security standards for all AI systems and components that are intended to be used in the EU single market;

255. Encourages the Commission to use big data AI analysis to assist in performing stress tests to assess the resilience of value chains and map dependencies;

256. Urges the Commission to conduct a comprehensive strength-weakness analysis to determine the EU's vulnerabilities, identify critical areas and high-risk dependencies, establish realistic technical and economic expectations with regard to AI and assess effects across all sectors of European industry; underlines that the Commission should cooperate with relevant stakeholders to this end;

257. Suggests that the EU should, on the basis of this analysis, formulate and adopt a long-term AI industry strategy with a clear vision for the next 10 years as an extension of the Digital Compass; explains that this strategy should be complemented by a monitoring system with key performance indicators and yearly updates; stresses, however, the need to consolidate and streamline the vast number of individual initiatives that have been launched by the Commission to support the EU AI industry before incorporating them into this new AI industry strategy;

258. Calls on the Commission to consider how the overall industrial strategy can be complemented through targeted public investment; points out, however, that excessive undirected investment programmes for complex technologies may, in some cases, risk distorting the efficient allocation of capital and may lead to stranded investment; stresses, in this context, that empowering businesses, entrepreneurs and researchers to develop and market AI technology solutions based on private enterprise is a core part of the EU industrial strategy, including by enforcing a level playing field and completing the digital single market and the capital markets union; suggests facilitating access to finance, especially risk finance instruments, in particular for early-stage financing; is of the opinion that the proportion of resources devoted to AI through InvestEU and the digital Europe programme should be reviewed and, where appropriate, significantly increased;
259. Stresses the need for the swift implementation of the recently adopted EU framework for screening of foreign direct investment (43) and the recently revised regulation on the EU regime for the export control of dual-use items (44); states that AI, as well as robotics and other digital infrastructure, should be considered a critical sector; notes that the protection of intellectual property rights and the outflow of critical technologies should be subject to stronger enforcement;

260. Stresses that it is crucial for Europe to equip itself with adequate digital infrastructure; welcomes initiatives such as the European Processor Initiative, the newly proposed Chips Act and the European High Performance Computing Joint Undertaking;

ii. SMES AND START-UPS

261. Proposes that EU and government level support be provided to AI start-ups through access to private capital and skilled employees, the ability to procure high-quality data sets to train algorithms and the ability to scale across Member State borders; stresses further that a very effective public policy tool to support a start-up economy is the effective enforcement of competition law to prevent abuses of dominant market power and to counter barriers to market entry; underlines, in this regard, that the EU should amplify its efforts to offer SMEs and start-ups development paths and services; finds that this could also include the introduction of a 'buddy' system that connects experienced AI-oriented businesses with smaller businesses looking to implement the technology; stresses that the inability to afford sizeable legal teams often poses an entry barrier to complex regulatory environments for start-ups and entrepreneurs; underlines the need for SMEs to access specific legal and technical support; highlights, as well, the need to foster partnerships where AI-driven companies and those entering the market could cooperate; urges the Commission and the Member States to provide better counselling and more concrete support through networks, digital hubs, AI trainers, business mentoring, site visits and legal clinics; underlines the importance of people-to-people exchange programmes, such as Erasmus for Young Entrepreneurs, and that they should be further developed and encouraged;

262. Suggests easing the administrative burden for SMEs and start-ups in AI, for instance by streamlining reporting, information or documentation obligations, and by providing guidance on common procedural civil law standards to be adopted at national level; calls for the swift implementation of the single digital gateway to establish a single EU online portal in different languages containing all necessary procedures and formalities to operate in another EU country; stresses that all points of single contact established at national level should be easily accessible through the single digital gateway and should provide information and offer administrative services in the Member States, including with regard to rules on VAT and information on requirements for the provision of services, using accessible terminology and with full availability, with trained help desk staff providing effective user-friendly support;

263. Notes that potential ways in which the EU Member States can support SMEs and start-ups include: tax breaks for deep research, better access to computer capacities and high-quality data sets and support for technology scouting and AI education, training and reskilling for employees;

264. Underlines that SMEs and start-ups in AI need better access to public procurement; urges the Commission to redesign application procedures for public tenders and EU programme funding to allow start-ups and SMEs to have a fair chance of being awarded public procurement projects and research and development grants; recalls, in this regard, the successful GovTech programmes that have supported small business engagement in digital public procurement; stresses that stock option schemes for AI start-ups across Europe should also be promoted;

iii. INTERNATIONAL STAGE

265. Points out that the EU should forge and lead by example on a strong international core value-based technology alliance, working together with like-minded partners in order to establish common regulatory standards, benefit from best practices in the fields of AI, privacy rights, data flows and competition rules, and remedy strategic vulnerabilities by building on each other’s assets and pooling resources in areas where it is mutually beneficial to do so; underlines that the EU

should also actively support strengthened international cooperation on ethical, trustworthy and human-centric AI in relevant multilateral and bilateral forums, for example within the UN system, the OECD, the Council of Europe, the World Trade Organization, the World Economic Forum and the G20; welcomes, in particular, the establishment of the EU-US TTC, which lists cooperation on AI standards as a key priority and argues that, given its strategic potential, the TTC needs to be reinforced by an interparliamentary dimension, involving the European Parliament and the US Congress;

266. Suggests that a specific transatlantic working group on AI also be established, including representatives from governments, standardisation organisations, the private sector and civil society, to work on common standards and ethical guidelines for AI; proposes setting up a long-term platform for exchange on AI and other important digital and trade issues based on the current TTC, together with other like-minded partners;

267. Underlines that the EU should promote a socially responsible and ethical use of AI and cooperate with international standardisation bodies to further improve standards on ethics, safety, reliability, interoperability and security; welcomes recent standardisation initiatives launched by actors such as the Joint Technical Committee of the International Organization for Standardization and the International Electrotechnical Commission aiming to globally harmonise divergent AI codes; stresses, moreover, that Europe should promote and develop standards, including in the fields of smart manufacturing, the IoT, robotics and data analytics; proposes providing better support for academics, civil society and SMEs for participating in standardisation forums;

268. Supports the World Trade Organization’s eCommerce initiative to develop an inclusive, high-standard, commercially meaningful, evidence-based and targeted policy to better tackle barriers to digital trade; underlines that the agreement should also reflect the principles of good governance and provide governments with the ability to counter digital protectionism, while protecting and promoting consumer trust and creating real value for the global economy;

269. Suggests that the Commission continue to address unjustified trade barriers, in particular non-tariff barriers or market access restrictions for European AI companies in third countries; stresses that trade, neighbourhood and development policy should also be actively used to shape the international debate on AI and promote European ethical AI principles;

g) Security

i. AI AND LAW ENFORCEMENT

270. Stresses the importance of law enforcement agencies’ ability to identify and counter criminal activity, aided by AI technology;

271. Stresses the potential for misuse of AI in law enforcement to cause harm, including automated discrimination and unlawful treatment of citizens, while providing few means of recourse; urges the Member States to implement meaningful human oversight requirements and guarantee means of recourse for those subject to decisions carried out by AI;

272. Suggests that the EU should participate in the soft law approaches established by the UN Interregional Crime and Justice Research Institute, which has developed operational AI toolkits and started a partnership with Interpol, serving as a unique forum for dialogue and cooperation on AI between law enforcement agencies, industry, academia and civil society, fully in line with the EU data protection and privacy acquis;

273. Notes Europol’s role in developing, training and validating AI tools to fight organised crime, terrorism and cybercrime in partnership with the European Data Protection Supervisor and in full respect for EU fundamental values, in particular non-discrimination and the presumption of innocence;

274. Calls on the Commission to strengthen the financial and human resources of the EU Innovation Hub for Internal Security; welcomes the efforts of Eurojust, the EU Agency for Fundamental Rights and Europol to develop a toolkit of universal accountability principles for the use of AI by justice and internal security practitioners (the AP4AI framework); calls on the Commission to provide dedicated financial support for this initiative to promote EU accountability standards and values in the field of AI;
ii. CYBERSECURITY

275. Asks the Member States to enhance cooperation in the field of cybersecurity at the European level in order to enable the EU and the Member States to better pool resources, more efficiently coordinate and streamline national cybersecurity policies, further increase cybersecurity capacity building and awareness raising, and swiftly provide cybersecurity knowledge and technical assistance to SMEs, as well as to other more traditional sectors;

276. Encourages the EU to take the lead in developing strong cryptography and other security standards that enable trust in and interoperability of AI systems; highlights that, to create international convergence in the area of ICT risk oversight, existing international standards should be built upon and taken into account as much as possible;

277. Proposes the introduction of horizontal cybersecurity requirements based on existing legislation and, where appropriate, on new horizontal legislative acts in order to prevent fragmentation and ensure a consistent cybersecurity approach across all product groups; notes that AI products on the digital single market that carry the CE marking could, in the future, stand for both a high level of physical safety and a risk-adequate level of cyber resilience and signal compliance with relevant EU legislation;

278. Proposes that Member States incentivise cybersecurity requirements for AI systems through public procurement policies, including by making certain ethical, security and safety principles mandatory for the procurement of AI applications, in particular in critical sectors;

279. Requests that the EU Agency for Cybersecurity (ENISA) carry out sectoral security risk assessments, starting with sectors, both public and private, engaged in the most high-risk and sensitive uses of AI, and with the highest potential for negative impacts on human health, safety, security and fundamental rights; stresses that ENISA, together with the European Cybersecurity Competence Centre and the Network of National Coordination Centres, should assess cybersecurity incidents with the objective of identifying gaps and new vulnerabilities and advising the EU institutions in a timely manner on adequate corrective actions;

280. Encourages companies that use, develop or deploy AI-enabled systems active in the digital single market to develop a clear and independently evaluated cybersecurity strategy, based on its individual risk situation; encourages the inclusion of AI systems in threat modelling and security risk management; suggests that the Commission, ENISA and national authorities support this process;

281. States that cybersecurity requirements for AI products should cover their entire lifecycle; highlights that it has to be also clear that each company in the supply chain has to play its role in contributing to the creation of resilient AI products; points out that the new requirements should be based on the associated risk in the specific product group and the degree of influence on the risk level in order to avoid disproportionate burdens for SMEs and start-ups;

282. Proposes that existing initiatives in certain Member States, such as the German AI Cloud Service Compliance Criteria Catalogue or the Maltese AI certification programme, be taken into account for the development of an EU-wide certification scheme for trustworthy AI;

iii. CYBER DEFENCE

283. Urges the Member States to pursue an active policy of European cyber diplomacy by denouncing and attributing foreign-supported cyberattacks, including AI-powered ones, while leveraging the full toolbox of EU diplomacy; welcomes that the EU cyber toolbox includes the termination of financial aid and sanctions against those countries or proxies that engage in malicious cyber activities or hybrid, attacks including disinformation campaigns, or that sponsor cybercrimes; recognises that, to a certain degree, AI-powered cyber defence is more effective if it also contains some offensive means and measures, provided that their use is compliant with international law;

284. Suggests, furthermore, strengthening cybersecurity capabilities within the European Defence Agency, including by using AI-based systems to support a coordinated and quick reaction to cyberattacks; recommends monitoring the implementation of cyber defence policies in each Member State and assessing the allocation of relevant resources within the EU;
285. Stresses the need to analyse the impact of AI on European security and develop recommendations on how to address the new security challenges at EU level, in cooperation with the Member States, the private sector, researchers, scientists and civil society;

286. Encourages the Member States to take measures to reward vulnerability and discovery and support audits of AI-based products, systems and processes;

iv. MILITARY USE OF AI

287. Notes that any use of military AI must be subject to strict human control and oversight mechanisms, ethical principles and full respect for international human rights and humanitarian law; notes, moreover, that the EU should work with its like-minded partners on an international framework for secure research, development and use of AI-assisted weaponry that reinforces international humanitarian law, including in the context of the law of armed conflict; recalls the international norms and principles, such as proportionality in force, that have to be respected when developing and using new military technologies;

288. Notes that AI-based technologies are an increasingly important component of military equipment and strategy; stresses that exclusive military and national security uses of AI should be treated as strictly distinct from civilian use cases; recalls that issues related to emerging technologies in the military field are dealt with in the Group of Governmental Experts on emerging technologies in the in the area of lethal autonomous weapons systems, including issues related to AI, and in which EU Member States are represented;

289. Welcomes the future EU Strategic Compass that is due to provide a framework and a certain level of ambition in addressing security and defence aspects of AI; recalls that the Permanent Structured Cooperation under the common security and defence policy and the European Defence Fund will allow Member States and the Union to enhance investments, capabilities and interoperability in the field of new technologies, including AI;

290. States that the EU should consider AI a crucial component of European technological sovereignty;

291. Concludes that the Member States should continue to train their military staff to ensure that they have the necessary digital skills to use AI in control, operational and communication systems; welcomes the European Defence Fund's approach to lethal autonomous weapons systems and its Article 10(6); highlights the importance of the European Defence Fund in supporting cross-border cooperation between EU countries in military AI research, developing state-of-the-art defence technologies and constructing the necessary infrastructure, namely data centres with strong cyber capabilities;

292. Calls on the Council to adopt a joint position on autonomous weapons systems that ensures meaningful human control over their critical function; insist on the launch of international negotiations on a legally binding instrument that would prohibit fully autonomous weapons systems; states that such an international agreement should determine that all lethal AI weapons must be subject to meaningful human oversight and control, meaning that human beings remain in the loop, and are therefore ultimately responsible for the decision to select a target and take lethal action;

293. Calls for closer cooperation with NATO in the cyber defence field and calls on NATO allies to support the multilateral efforts to regulate the military use of AI;

5. Conclusion: an urgent call for action!

294. Believes that the ongoing digital transformation, in which AI plays the key role, has triggered a global competition for tech leadership; stresses that the EU has so far fallen behind with the result that future technological standards risk being developed without sufficient EU contributions, oftentimes by non-democratic actors, which presents a challenge to political stability and economic competitiveness; concludes that the EU needs to act as a global standard-setter on AI;

295. Highlights that AI, while often portrayed as an unpredictable threat, can be a powerful digital tool and a game changer on many important aspects, including by offering innovative products and services, increasing consumer choice and rendering production processes more efficient; notes that there are clear benefits and opportunities from the adoption of AI technologies for the entirety of society, including in the fields of healthcare, sustainability, security and
competitiveness; points out that, at the same time, AI technologies carry the risk of reducing human agency and substituting for human autonomy; stresses that both these benefits and risks should guide and inform regulation and public communication on AI;

296. Highlights that the EU has the potential to shape the international debate on AI and develop globally leading common rules and standards, promoting a human-centric, trustworthy and sustainable approach to AI, fully in line with fundamental rights; highlights, however, that the opportunity for consolidating such a distinctive European approach to AI on the international stage requires swift action, which is why the EU needs to agree on a joint AI strategy and regulatory framework soon; stresses that shaping international technology norms and standards requires closer coordination and cooperation with like-minded democratic partners;

297. Stresses that currently, the EU is still far from fulfilling its aspiration to become competitive in AI on a global scale; emphasises, in this context, the importance of providing harmonised rules and standards, legal certainty and a level playing field to foster AI uptake and innovation, including by removing unnecessary administrative barriers for start-ups, SMEs and civil society; recognises that radical change of this scale impacts various parts of society differently and emphasises that the digital transition must be in full respect for fundamental rights; calls on the Commission, the Member States and Parliament, including its relevant committees, to follow up on the recommendations issued in the EU Roadmap for AI;

298. Calls for a regulatory environment for AI that provides effective governance and protection of fundamental rights, while facilitating competitive access to digital markets for actors of all size to promote innovation and economic growth for the benefit of all; underlines that a competitive, accessible and fair data economy, based on common standards, is a prerequisite for the adequate development and training of AI; points, in this context, to the risk of market concentration in the data economy extending into the economy for AI applications;

299. Concludes that advances in the EU’s digital ambitions in fields such as AI require a much stronger degree of integration and harmonisation in the digital single market to promote cross-border exchange and guarantee that the same rules and standards apply across the EU; stresses, in this regard, that EU institutions need to combat abuses of market power in order to level the playing field;

300. Concludes that necessary steps must be taken to ensure that the digital transition promotes and does not hamper the green transition; concludes that AI systems require robust infrastructure and connectivity capabilities; stresses that digital infrastructure in line with the Green Deal will target all sectors and value chains and should follow the principles of a circular economy; stresses that AI will not, however, be functional without the adequate deployment of digital infrastructure, including broadband, fibre, edge nodes and 5G; stresses the importance of mitigating increasing energy consumption and resource use to achieve climate neutral digital infrastructure by 2030;

301. Highlights that rapid technological progress introduced by AI will also affect the livelihoods of all those who do not possess the skills to adapt fast enough to these new technologies; remarks that upskilling and reskilling can help address many of the resulting socioeconomic concerns, but stresses that these impacts should also be addressed in the context of social welfare systems, urban and rural infrastructure and democratic processes; concludes that in order to promote the adoption of innovations in AI, increase the acceptance of AI-based applications and avoid leaving anyone behind, it is necessary to provide people with the means to acquire digital skills; stresses that in order to increase digital literacy and resilience, ICT- and STEM-based education needs to start at an early stage and remain accessible throughout all stages of life; finds that initiatives to establish AI ecosystems of excellence, attract AI talent to the EU and counter brain drain are of vital importance;

302. Stresses the importance of addressing AI-driven challenges to fundamental rights, thus allowing AI to effectively become an instrument that serves people and society and pursues the common good and general interest; concludes that in order to build trust in AI among citizens, their fundamental rights need to be protected in all aspects of life, including in the context of the use of AI in the public sphere and the workplace; emphasises, in particular, the need to reflect the rights, objectives and interests of women and minority communities in the digital transition; stresses that public services and their
administrative structures need to lead by example; stresses that the EU needs to accelerate the uptake of AI-based systems and eGovernance in order to facilitate the secure use of AI in public administrations; stresses furthermore that AI can unlock new solutions in the healthcare sector, if the risks are appropriately managed and equitable access to healthcare as a principle fully extends to health-related AI applications;

303. Concludes that the EU’s AI strategy should not overlook military and security considerations and concerns that arise with the global deployment of AI technologies; stresses that international cooperation with like-minded partners needs to be increased in order to safeguard fundamental rights and at the same time cooperate to minimise new technological threats;

304. Instructs its President to forward this resolution to the Council and the Commission.
The follow up of the Conference on the Future of Europe

European Parliament resolution of 4 May 2022 on the follow-up to the conclusions of the Conference on the Future of Europe (2022/2648(RSP))

(2022/C 465/07)

The European Parliament,

— having regard of the Rules of Procedure of the Conference on the Future of Europe (‘the Conference’), as approved by the Executive Board and published on the Multilingual Digital Platform of the Conference,

— having regard to the conclusions of the nine thematic working groups of the Conference, as endorsed on 30 April 2022 by the Conference Plenary,

— having regard to the activity report of the Multilingual Digital Platform of the Conference on the Future of Europe, published in February 2022,

— having regard to the Contributions per Member State on the Multilingual Digital Platform of the Conference on the Future of Europe, published in February 2022,

— having regard to the reports of the National Citizens' Panels and the national events, as published on the Multilingual Digital Platform of the Conference,

— having regard to the Youth Ideas report for the Conference on the Future of Europe, published as a result of the European Youth Event of 8 and 9 October 2021,

— having regard to the recommendations of European Citizens' Panel 1 ‘A stronger economy, social justice and jobs/Education, culture, youth and sport/Digital transformation’,

— having regard to the recommendations of European Citizens' Panel 2 ‘European democracy/Values and rights, rule of law, security’,

— having regard to the recommendations of European Citizens' Panel 3 ‘Climate change, environment / Health’,

— having regard to the recommendations of European Citizens' Panel 4 ‘EU in the world / Migration’,

— having regard to its resolution of 15 January 2020 on the European Parliament’s position on the Conference on the Future of Europe (\(^1\))

— having regard to its resolutions of 16 February 2017 on improving the functioning of the European Union building on the potential of the Lisbon Treaty (\(^2\)), of 16 February 2017 on possible evolutions of and adjustments to the current institutional set-up of the European Union (\(^3\)), of 13 February 2019 on the state of the debate on the future of Europe (\(^4\)) and of 26 November 2020 on stocktaking of European elections (\(^5\))

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

A. whereas the European Union is living through an unprecedented situation compared to when the Conference process was launched, which requires a new impetus for European integration, with the need for even stronger common action and solidarity, as war is returning to the European continent;

\(^1\) OJ C 270, 7.7.2021, p. 71.
\(^3\) OJ C 252, 18.7.2018, p. 201.
B. whereas the EU will be judged on its capacity to emerge from the current crises and should therefore aim to become stronger;

C. whereas the European Parliament has fully committed to the Conference, firmly believing that the EU needs to be reformed in order to be able to tackle not only the current, but also future, challenges;

D. whereas the conclusions of the Conference will also need to address all of the consequences of the invasion of Ukraine by Russia, in an already very demanding post-pandemic context;

E. whereas the proposals emerging from citizens' participation, as translated into the final Conference conclusions, request that the European Union become more democratic, secure, effective, prosperous, fairer, sustainable, more capable of acting and a more influential actor in the world;

F. whereas the EU should be equipped with sufficient and appropriate means to achieve the above-mentioned goals, which highlights once more the need to improve the way the institutions function;

G. whereas the EU should therefore be empowered with tools allowing it to act on important transnational challenges in the fields of security, health, climate change and the environment, migration, digitalisation, defence, taxation, combating inequalities, economic and social policies, and geopolitics;

H. whereas in addition to legislative proposals, the opening of a process of institutional reforms is needed in order to implement the recommendations and expectations of the citizens' participation process;

I. whereas new policies and, in some cases, Treaty changes, are necessary not as means in themselves, but in the interests of all Europeans, by aiming to reshape the EU in a way that will guarantee its open strategic autonomy, security, sustainability and competitiveness, the improvement of living and working conditions, and respect for the rule of law and fundamental rights;

J. whereas the Conference shows, once again, that any reform of the Union demands the full engagement of Parliament, the Commission, the Council and relevant stakeholders, as well as direct engagement with citizens;

K. whereas the experience of the Conference confirms the importance of enhancing all possible avenues of dialogue and cooperation between the European Parliament and national parliaments;

1. Welcomes the conclusions of the Conference as endorsed by the Conference Plenary on 30 April 2022;

2. Expresses its satisfaction with the ambitious and constructive proposals formulated by the Conference, based on the recommendations and ideas emerging from the European and national Citizens' Panels, the European Youth Event and from the online platform; welcomes the fact that the conclusions of the Conference were drafted in a citizen-driven process and stresses the importance of citizens' participation in European democracy;

3. Considers that the Conference has led to innovative and successful participation by European citizens and has provided an additional opportunity for the European institutions, leading to a comprehensive dialogue between citizens, national parliaments, regional and local authorities, social partners and civil society organisations on the future of the Union;

4. Highlights the importance of the parliamentary dimension of the Conference process and expresses its wish to foster and strengthen the dialogue and cooperation between national parliaments and the European Parliament;

5. Believes that an increased role in the EU's decision-making process goes hand in hand with more democratic, transparent and accountable EU institutions; supports, moreover, the continuous involvement of citizens' participation and consultation in this process;
6. Points out that the most recent crises call for common European solutions; believes that the Conference represented a unique opportunity to provide the EU with forward-looking proposals in this regard;

7. Considers that the Russian aggression against Ukraine proves the need for a stronger geopolitical EU, speaking with one voice in the world and pursuing common policies in the areas of security, defence, energy and migration, based on common action and full solidarity;

8. Recalls that in response to the COVID-19 pandemic, the EU has shown its capacity to act and promote innovative and common solutions in relation to health, economic growth and social cohesion; is of the opinion that these positive actions need to be transformed into a new permanent institutional and policy framework;

9. Stresses that the conclusions of the Conference show the urgent need for the EU to play a leading role in addressing climate change, protecting biodiversity and promoting sustainability;

10. Highlights the need to deliver on the Conference's conclusions and on citizens' expectations by working on ambitious changes in some of our most crucial policies;

11. Believes that deeper political integration and genuine democracy, as highlighted in the conclusions of the Conference, can be achieved through a right of legislative initiative for the European Parliament and the abolition of unanimity in the Council;

12. Acknowledges that the conclusions of the Conference require Treaty changes, inter alia, concerning the simplification of the EU institutional architecture, more transparency and accountability in the decision-making process and a new reflection on EU competences;

13. Supports, as highlighted in the conclusions of the working groups of the Conference, a shift towards a sustainable, inclusive and resilient growth model; strengthening the competitiveness and resilience of the EU's economy, with special attention for SMEs as the backbone of our economy; and a competitiveness check; the full implementation of the European Pillar of Social Rights, including its relevant headline targets for 2030; a Social Progress Protocol; and promoting future-oriented investments focused on the just, green and digital transitions, with a strong social dimension, including gender equality, also taking into account the examples of NextGenerationEU and the European instrument for temporary Support to mitigate Unemployment Risks in an Emergency (SURE);

14. Believes it is essential to focus on the follow-up to the Conference proposals, in order to deliver on citizens' requests; expects all European institutions to commit to a constructive and ambitious approach, in accordance with their respective roles and competences, at every stage of the follow-up, including through making legislative proposals;

15. Stands ready to play its role and ensure proper follow-up to the Conference outcome; calls, therefore, for the convening of a Convention by activating the procedure for the revision of the Treaties provided for in Article 48 of the Treaty on European Union, and calls on its Committee on Constitutional Affairs to launch the necessary procedure accordingly;

16. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.
The case of Osman Kavala in Turkey

European Parliament resolution of 5 May 2022 on the case of Osman Kavala in Turkey (2022/2656(RSP))

(2022/C 465/08)

The European Parliament,

— having regard to its previous resolutions on Turkey, in particular those of 19 May 2021 on the 2019-2020 Commission Reports on Turkey (1) and of 21 January 2021 on the human rights situation in Turkey, in particular the case of Selahattin Demirtaş and other prisoners of conscience (2),

— having regard to the statements of Parliament's Standing Rapporteur for Turkey and the Chair of the Delegation to the EU-Turkey Joint Parliamentary Committee of 21 April 2022 on the final hearing of the Gezi trial and of 18 December 2020 on the court decision on Osman Kavala, and to the statement of the Chair of the Delegation to the EU-Turkey Joint Parliamentary Committee of 20 February 2020 on Osman Kavala's detainment,

— having regard to the Commission communication of 19 October 2021 on EU Enlargement Policy (COM(2021)0644) and to the accompanying Turkey 2021 Report (SWD(2021)0290),

— having regard to the European Council conclusions of 24 June 2021, and to all previous relevant Council and European Council conclusions,

— having regard to the Council conclusions of 14 December 2021 on the enlargement and stabilisation and association process,

— having regard to the statement by the High Representative of the Union for Foreign Affairs and Security Policy of 26 April 2022 on the conviction of Mr Osman Kavala, and to previous European External Action Service statements on his case,

— having regard to the European Court of Human Rights (ECtHR) judgment of 10 December 2019 in the case of Kavala v Turkey (28749/18), which became final on 11 May 2020,

— having regard to the relevant resolutions by the Committee of Ministers of the Council of Europe, including the interim resolution of 2 December 2021 on the execution of the judgment of the European Court of Human Rights in Kavala against Turkey, and the interim resolution of 2 February 2022 on the same topic, which led to the launch infringement proceedings against Turkey owing to its refusal to implement the 2019 judgment of the ECtHR and release Osman Kavala,

— having regard to the reaction of the Council of Europe Secretary-General of 18 February 2020 to the Osman Kavala ruling in Turkey and to the reaction of the Council of Europe Commissioner for Human Rights of 19 February 2020 to the re-arrest of Osman Kavala,

— having regard to the European Convention on Human Rights (ECHR) of 4 November 1950, to which Turkey is a State Party,

— having regard to Article 46 ECHR, which states that 'the High Contracting Parties undertake to abide by the final judgments of the Court [ECtHR] in any case to which they are parties', and therefore having regard to the obligation of Turkey to implement all judgments of the ECtHR,

— having regard to the International Covenant on Civil and Political Rights, which was adopted by the UN General Assembly on 19 December 1966 and to which Turkey is a State Party, and in particular to Article 9 thereof on arbitrary arrest and detention,

— having regard to the decision of the Istanbul 13th High Criminal Court regarding the Gezi trial of 25 April 2022,

(1) OJ C 15, 12.1.2022, p. 81.
(2) OJ C 456, 10.11.2021, p. 247.
— having regard to the decision of the Istanbul 30th High Criminal Court regarding the Gezi trial of 18 February 2020,

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

— having regard to the Universal Declaration of Human Rights of 10 December 1948,

— having regard to Rule 144(5) and 132(4) of its Rules of Procedure,

A. whereas on 25 April 2022, Istanbul’s 13th High Criminal Court, presided by Judge Mesut Özdemir, sentenced Osman Kavala, a philanthropist and prominent human rights defender, to life in prison without parole, finding him guilty of attempting to overthrow the government, but acquitting him of espionage; whereas seven other defendants including architect Mücella Yapıcı, lawyer Can Atalay, city planner Tayfun Kahraman, director of Boğaziçi European School of Politics Ali Hakan Altınay, founder of Istanbul Bilgi University Yiğit Ali Ekmeği, film producer Çiğdem Mater Utku and documentary filmmaker Mine Özerden were sentenced to 18 years in prison on the same charges; whereas the court ordered their immediate arrest in the courtroom; whereas these allegations are politically motivated and have never been substantiated, not even in the ruling of 25 April 2022;

B. whereas Osman Kavala was first arrested and imprisoned on 1 November 2017 on charges related to the Gezi Park protests in 2013 and the attempted coup in 2016; whereas the Gezi Park trial began in June 2019; whereas Mr Kavala was accused of financing the Gezi Park protests and organising them; whereas on 18 February 2020, Istanbul’s 30th High Criminal Court acquitted Mr Kavala in the Gezi trial and ordered his immediate release, citing the complete absence of concrete and material evidence confirming that the alleged crimes had been committed; whereas the court also acquitted Mücella Yapıcı, Can Atalay, Tayfun Kahraman, Ali Hakan Altınay, Yiğit Aksakoğlu, Yiğit Ali Ekmeği, Çiğdem Mater Utku and Mine Özerden; whereas Mr Kavala was the only defendant still in custody by the time of his acquittal, having been held in unlawful pre-trial detention since 18 October 2017 on unsubstantiated charges;

C. whereas on 22 January 2021, the Third Criminal Chamber of the Istanbul Regional Court of Justice, the court of appeals, reversed the rulings acquitting Mr Kavala and eight other defendants;

D. whereas referring to the charges brought against the defendants in the case, the court justified its reversal by indicating that the pieces of evidence such as the defendants’ social media posts, press statements and the slogans they chanted were not considered when the previous ruling was handed down;

E. whereas seven defendants, including journalist Can Dündar and actor Mehmet Ali Alabora, remained abroad for the duration of the trial; whereas the court had separated their cases from those of the nine defendants still in the country and issued arrest warrants for them; whereas in its decision of 18 February 2020, the court rescinded the arrest warrants;

F. whereas just a few hours after his acquittal and before his release order could be implemented, Mr Kavala was rearrested and transferred to police custody at the behest of the Istanbul Chief Public Prosecutor İrfan Fidan under Article 309 of the Turkish Criminal Code on charges of attempting to undermine the constitutional order in the context of an ongoing parallel investigation regarding his supposed involvement in the attempted coup of 15 July 2016;

G. whereas on 19 February 2020, President Recep Tayyip Erdoğan of Turkey condemned the judgment of Istanbul’s 30th High Criminal Court, claiming Mr Kavala’s acquittal to be part of a scheme hatched by individuals ‘who wish to spark uprisings in certain countries and stir up trouble’ and referring to these individuals as ‘wilful enemies of the state and its people’; whereas President Erdoğan’s statements, together with those of other high-level officials, actively undermine the independence of the Turkish judiciary;

H. whereas the Public Prosecutor’s Office also appealed against the acquittal verdicts and Public Prosecutor Edip Şahiner demanded that the acquittals be reversed to artificially prolong the procedure;

I. whereas following President Erdoğan’s statements, the Council of Judges and Prosecutors (HSK), which is responsible for judicial appointments and administration, opened an investigation into the three judges who acquitted Mr Kavala and his eight co-defendants, citing flaws in their judgment; whereas the disciplinary proceedings against these judges appear to have constituted direct interference in their decision-making power and may have had a chilling effect on the independence of all members of the judiciary;
J. whereas in accordance with Turkey's Law No 7188 on amending the Code of Criminal Procedure and certain laws, a suspect facing charges of terrorism or crimes against the state can be held in pre-trial detention for no more than two years before their case goes to trial; whereas the investigation file against Mr Kavala under Article 309 of the Turkish Criminal Code was opened on 25 February 2018; whereas the failure of the Turkish authorities to release Mr Kavala on 25 February 2020 therefore constituted a violation of Turkey's Criminal Code;

K. whereas the failure of the Istanbul Chief Public Prosecutor's Office to conduct a new interrogation following Mr Kavala's rearrest demonstrates that no new evidence had been found to substantiate the charges brought under Article 309 of the Turkish Criminal Code since the ex officio release order of 11 October 2019; whereas this lack of new evidence constituted an absence of credible grounds for Mr Kavala's rearrest on the same charges;

L. whereas Mr Kavala's rearrest is an example of maltreatment, as stated by the Council of Europe Commissioner for Human Rights Dunja Mijatović; whereas the punitive decision to rearrest Mr Kavala constitutes an open violation of both national and international law; whereas the whole process against Mr Kavala has been a succession of judicial manoeuvres and irregularities, marred by political interference, and with the main aim of extending Mr Kavala's detention;

M. whereas, among other irrational decisions, between August 2021 and February 2022 the Gezi case was merged with the so-called Çarşı trial, whose defendants had also seen their acquittals overturned; whereas the judge presiding over the Istanbul 30th High Criminal Court, Mahmut Başbuğ, who asked for the cases to be merged, was the same judge who signed off the merger at the 13th High Criminal Court after being temporarily appointed to it; whereas later on, in February 2022, the 13th High Criminal Court decided to split the cases once again for no apparent reason; whereas one of the judges on the panel of the 13th High Criminal Court for the trial on 25 April 2022, Murat Bircan, applied to be a candidate for the Grand National Assembly for the ruling party in 2018;

N. whereas, on 10 December 2019, the ECtHR ruled that Mr Kavala's detention was in violation of Article 5(1) ECHR owing to a lack of reasonable suspicion, of Article 5(4) of the convention owing to a lack of a speedy judicial review by the Constitutional Court, and of Article 18 of the convention, in conjunction with Article 5(1) thereof, owing to the politically motivated nature of his detention, the purpose of which was to exert a dissuasive effect on human rights defenders;

O. whereas the judgment of the ECtHR pertains to both the charges brought against Mr Kavala under Article 312 of the Turkish Criminal Code for his alleged involvement in the Gezi Park protests, and to the charges brought against him under Article 309 thereof for his alleged involvement in the failed coup of 15 July 2016;

P. whereas the judgement of the ECtHR demanded that the Turkish authorities secure Mr Kavala's immediate release; whereas there has not been any progress towards his release, despite the binding judgment of the ECtHR in 2019 and two interim resolutions by the Committee of Ministers of the Council of Europe of 2 December 2021 and of 2 February 2022, which launched infringement proceedings against Turkey for refusing to implement the legally binding judgment of the ECtHR and immediately release Mr Kavala, increasing the EU's concerns about the Turkish judiciary's adherence to international and EU standards;

Q. whereas the Turkish ruling party has been repeatedly eroding rule of law and democratic, and human rights standards, with frequent crackdowns on political opponents and human rights defenders, who are often accused of broadly defined terrorism charges;

R. whereas after several EU Member States issued statements condemning Kavala's continued detention, Turkey threatened to declare ten of their ambassadors to Turkey persona non grata;

S. whereas Turkey, as an EU candidate country, is required to uphold the highest standards of democracy, including respect for human rights, the rule of law, fundamental freedoms and the universal right to a fair trial, and strict respect for the principle of presumption of innocence and the right to due process;
whereas Turkey has been a member of the Council of Europe since 9 August 1949, which binds it to the ECHR and the rulings of the ECtHR;

1. Condemns, in the strongest possible terms, the recent ruling by Istanbul’s 13th High Criminal Court imposing an aggravated life sentence on Osman Kavala after more than four and a half years of unjust, unlawful and illegitimate detention and less than three months after the Committee of Ministers of the Council of Europe launched infringement proceedings against Turkey for refusing to implement the legally binding judgment of the ECtHR; believes that he has been convicted on unjustified charges, for the ulterior purpose of silencing him as a human rights defender and deterring critical voices in Turkey; equally condemns the sentencing of co-defendants Mücella Yapıcı, Can Atalay, Tayfun Kahraman, Ali Hakan Altınay, Yiğit Ali Ekmekeç, Çığdem Mater Utku and Mine Özerden;

2. Calls for Osman Kavala’s immediate and unconditional release in compliance with the 2019 judgement of the ECtHR, for all charges against him to be dropped immediately and for his rights and freedoms to be guaranteed in full, as well as for the immediate release of the other seven defendants in the case; condemns the fact that Osman Kavala has been continuously deprived of his liberty since October 2017 and calls on Turkey to act in conformity with its international and domestic obligations;

3. Expresses full solidarity with Osman Kavala, the rest of the defendants in the Gezi trial and their families;

4. Is deeply concerned about the ongoing deterioration of fundamental rights and freedoms and the rule of law in Turkey, especially after the failed coup; calls on the Turkish authorities to end the judicial harassment of human rights defenders, academics, journalists, spiritual leaders and lawyers;

5. Calls on Turkey as a Member of the Council of Europe to fully implement all judgments of the ECtHR in line with Article 46 ECHR, an absolute obligation deriving from Turkey’s membership of the Council of Europe and which is enshrined in Turkey’s constitution; stresses that Turkey’s refusal to implement the ECtHR ruling on Osman Kavala’s case further amplifies the EU’s concerns regarding the Turkish judiciary’s adherence to international and European standards;

6. Condemns and deplores the continued efforts and attempts to extend Mr Kavala’s imprisonment, despite the absence of any credible or tangible evidence, through a series of complex evasive judicial tactics including the merging and disjoining of case files and constant irregularities in utter disregard for fair trial standards and at the service of a political purpose;

7. Is appalled by the fact that Istanbul’s 13th High Criminal Court gave Osman Kavala an aggravated life sentence for allegedly attempting to overthrow the government by force and using violence, in flagrant disregard of the fact that the ECtHR had already specifically dismissed this accusation in its rulings;

8. Welcomes the recurrent decisions by the Committee of Ministers of the Council of Europe demanding Mr Kavala’s release, which culminated in its historic launching of infringement proceedings against Turkey through interim resolutions in December 2021 and February 2022 over the country’s refusal to abide by the ECtHR’s final judgment; notes that the infringement proceedings highlight the seriousness of Turkey’s violations of its obligations as a member of the Council of Europe and an EU candidate country; calls on the Committee of Ministers of the Council of Europe to take the necessary steps to ensure that the Government of Turkey implements the ECtHR judgment without further delay;

9. Condemns the Turkish authorities’ degrading and inhumane treatment of Mr Kavala, which violates his rights under the ECHR, the International Covenant on Civil and Political Rights and Turkish domestic law, as well as his human dignity under Article 17 of the Constitution of the Republic of Turkey; calls on Turkey to refrain from further intimidation measures against him and to guarantee his human rights as enshrined in the Turkish Constitution and EU and international law;

10. Denounces the decision of Turkey’s Council of Judges and Prosecutors to launch an investigation into the three judges who categorically and unequivocally acquitted Mr Kavala; is appalled to see how, on the other hand, the former Istanbul Deputy Public Prosecutor Hasan Yılmaz, responsible for the second indictment against Kavala, was subsequently appointed Deputy Minister of Justice and an ex officio member of the Council of Judges and Prosecutors;
11. Expresses deep concern over incidents suggesting clear government interference in the judicial affairs related to the prosecution of Mr. Kavala; is deeply concerned about the disregard by the Turkish judiciary and authorities of ECtHR rulings and the increasing non-compliance of parts of the judiciary with the judgments of the Turkish Constitutional Court; insists that the Turkish authorities take all possible measures to address the current dire state of the judiciary and restore its independence in line with Article 6 ECHR, ensuring the impartiality of all Turkish judiciary bodies and protecting them from political interference;

12. Urges the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission and the Member States to continue to bring up the case of Mr. Kavala, and all other cases of human rights defenders, lawyers, journalists, politicians and academics, among others, subjected to arbitrary detention with their Turkish interlocutors, and to provide diplomatic and political support for them, including trial observation and case monitoring; calls for a delegation of the European Parliament to attend the trial of Mr. Kavala and his co-defendants, if it goes ahead; notes the possibility to lodge an appeal against the last court ruling at the Turkish Court of Cassation and the Constitutional Court;

13. Calls on the Commission and the Member States to increase the use of emergency grants for human rights defenders and to ensure the full implementation of the EU Guidelines on Human Rights Defenders;

14. Underlines that Mr. Kavala and other Turkish citizens in similar situations can be granted political asylum inside the EU if necessary;

15. Notes that with the decision to openly defy the binding rulings of the ECtHR on the case of Osman Kavala and others, the current Turkish Government has deliberately destroyed any hopes of reopening its EU accession process or opening new chapters and closing open ones under the current circumstances; reminds the European Council that any improvement in official EU-Turkey relations and any progress on the positive agenda offered in the European Council conclusions of June 2021, March 2021 and December 2020 should be dependent on a real improvement in the civil and human rights and rule of law situation in Turkey;

16. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy and the Turkish President, Government and Parliament, and requests that this resolution be translated into Turkish.
P9_TA(2022)0200

Reports of continued organ harvesting in China

European Parliament resolution of 5 May 2022 on the reports of continued organ harvesting in China
(2022/2657(RSP))
(2022/C 465/09)

The European Parliament,

— having regard to its previous resolutions on EU-China relations,
— having regard to its resolution of 12 December 2013 on organ harvesting in China (1),
— having regard to the study entitled ‘Proceedings of the Workshop on “Organ Harvesting in China”’, published by its Directorate-General for Internal Policies on 12 April 2016 (2),
— having regard to the Universal Declaration of Human Rights of 1948 and to the Charter of Fundamental Rights of the European Union of 2009, in particular Article 3 thereof on the right to the integrity of the person,
— having regard to the International Covenant on Civil and Political Rights, to the International Covenant on Economic, Social and Cultural Rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by China on 4 October 1988,
— having regard to the Council of Europe Convention against Trafficking in Human Organs,
— having regard to the Declaration of Istanbul on Organ Trafficking and Transplant Tourism,
— having regard to the Convention on the Prevention and Punishment of the Crime of Genocide signed by China in 1949,
— having regard to the statement by UN human rights experts of 14 June 2021 on reports of alleged organ harvesting targeting minorities in China,
— having regard to the hearing of 29 November 2021 organised by its Subcommittee on Human Rights on organ harvesting in China,
— having regard to the final judgment of the Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China (China Tribunal), issued on 1 March 2020,
— having regard to Rules 144(5) and 132(4) of its Rules of Procedure,

A. whereas the promotion of and respect for human rights, democracy and the rule of law are at the centre of the EU’s relations with China, in line with the EU’s commitment to uphold these values in its external action and China’s commitment to adhere to them in its own development and international cooperation;

B. whereas since President Xi Jinping assumed power in March 2013, the human rights situation in China has continued to deteriorate; whereas the Chinese Government has become increasingly hostile towards human rights and the rule of law;

C. whereas 10 000 illicit human organ transplants are performed each year worldwide; whereas the trade in human organ trafficking generates, according to the World Health Organization (WHO), more than EUR 1 billion in profits per year;

D. whereas the People’s Republic of China has extremely low rates of voluntary organ donation owing to traditional beliefs; whereas in 1984, China implemented regulations that permitted the harvesting of organs from executed prisoners; whereas China declared that it had stopped using organs from executed prisoners in 2015 and had launched a national donation system, without, however, ever completely banning the practice, which still remains legal;

E. whereas the organ transplant system in China does not comply with the WHO’s requirements for transparency and traceability in organ procurement pathways, and whereas the Chinese Government has resisted independent scrutiny of the system; whereas voluntary and informed consent is a precondition for ethical organ donation;

F. whereas forced organ harvesting must be understood as the killing of a person without their consent so that their organs may be removed and transplanted into another person; whereas this practice must be considered an egregious and intolerable violation of the fundamental right to life;

G. whereas the UN Committee Against Torture and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment have expressed concern over the allegations of organ harvesting from prisoners, and have called on the Government of the People’s Republic of China to increase the accountability and transparency of the organ transplant system and punish those responsible for abuses;

H. whereas the China Tribunal (4) issued its final judgment in March 2020, concluding that forced organ harvesting had been committed for years throughout China on a significant scale and that Falun Gong practitioners had been one — and probably the main — source of organ supply; whereas the Chinese Government refused to testify before the Tribunal;

I. whereas the heavy reliance on executed and living prisoners as a source of transplant organs entails a wide range of unacceptable human rights and medical ethics violations;

J. whereas according to UN human rights experts in their statement of 10 June 2021, there is credible information that detainees from ethnic, linguistic or religious minorities in China have undergone medical examinations, including blood tests and organ examinations such as ultrasound and x-rays, essential to check matches for organs for transplant, without their free, voluntary and informed consent;

K. whereas UN human rights experts have previously raised the issue with the Chinese Government in 2006 and 2007: whereas the Chinese Government’s responses lacked data such as information on the sources of organs used for transplant surgeries or information-sharing systems which could have helped with the identification and protection of victims of trafficking, and the effective investigation and prosecution of traffickers;

L. whereas the Chinese Government has denied accusations of organ harvesting, notably through its response to the Office of the UN High Commissioner for Human Rights, and has repeatedly and categorically denied that Falun Gong practitioners have been killed for their organs;

1. Expresses its serious concerns about the reports of persistent, systematic, inhumane and state-sanctioned organ harvesting from prisoners in the People’s Republic of China, and, more specifically, from Falun Gong practitioners and other minorities such as Uyghurs, Tibetans and Christians;

2. Recalls that China has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which provides for the absolute and non-derogable prohibition of torture and other cruel, inhuman and degrading treatment or punishment;

(4) https://chinatribunal.com/
3. Considers that the practice of organ harvesting from living prisoners on death row and prisoners of conscience in the People’s Republic of China may amount to crimes against humanity, as defined in Article 7 of the Rome Statute of the International Criminal Court; urges the People’s Republic of China to sign and accede to the Rome Statute;

4. Calls on the Chinese authorities to promptly respond to the allegations of organ harvesting and to allow independent monitoring by international human rights mechanisms, including the Office of the UN High Commissioner for Human Rights;

5. Expresses its concerns over the lack of independent oversight as to whether prisoners or detainees provide valid consent to organ donation; denounces the lack of information from the Chinese authorities on reports that the families of deceased detainees and prisoners are being prevented from claiming their bodies;

6. Urges the Chinese authorities to request and ensure the free and informed consent of prisoners or detainees in connection with medical examinations and to adopt a regulatory framework, in line with international conventions, for a voluntary and transparent organ donation system;

7. Calls for the EU and its Member States to raise the issue of organ harvesting in China at every Human Rights Dialogue; insists that the EU and its Member States publicly condemn organ transplant abuses in China; calls on the Member States to take the necessary actions in order to prevent transplant tourism to China by their citizens and to raise awareness of this issue among their citizens travelling to China;

8. Welcomes the visit of the UN High Commissioner for Human Rights Michelle Bachelet to China; urges the UN to continue its investigation into organ trafficking during this visit;

9. Calls for the EU and its Member States to raise the issue of forced organ harvesting in its engagement with third countries, especially with its partners in the Gulf region, where Chinese transplant centres have advertised ‘halal organs’ from Uyghurs and Muslim minorities in China;

10. Calls on China to fully comply with the WHO’s requirements for transparency and traceability in organ procurement pathways;

11. Calls on the Member States to ensure that their conventions and cooperation agreements with non-EU countries, including China, in the area of health and research respect the EU’s ethical principles in relation to organ donation and the use for scientific purposes of elements and products of the human body; calls on the relevant institutions in the Member States to evaluate and revisit the terms of their collaborations with Chinese institutions on transplant medicine, research and training;

12. Requires that the Chinese authorities grant open, unfettered and meaningful access to the UN High Commissioner for Human Rights and the mandate holders of the special procedures of the UN Human Rights Council to visit Xinjiang; asks the Chinese Government to cooperate with the UN organisations on this matter; urges the UN Human Rights Council to deal with the issue of forced organ harvesting as a matter of priority;

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 governments and parliaments of the Member States, the Government and Parliament of the People’s Republic of China and the UN High Commissioner for Human Rights.
The continuous crackdown of political opposition in Cambodia

European Parliament resolution of 5 May 2022 on the continuous crackdown of political opposition in Cambodia (2022/2658(RSP)) (2022/C 465/10)

The European Parliament,

— having regard to its previous resolutions on Cambodia,

— having regard to the previous reports and statements of the UN Special Rapporteur on the situation of human rights in Cambodia,

— having regard to the Commission's decision of 12 February 2020 to withdraw part of the tariff preferences granted to Cambodia under the EU's ‘Everything But Arms’ (EBA) trade scheme as of 12 August 2020,

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

— having regard to the statement of the EU Delegation to the UN of 29 March 2022 on interactive dialogues with the Special Rapporteur on Cambodia at the 49th session of the UN Human Rights Council,

— having regard to UN Human Rights Council resolution 48/23 of 11 October 2021 on advisory services and technical assistance for Cambodia,

— having regard to the UN Human Rights Committee concluding observations of 30 March 2022 on the third periodic report on Cambodia,

— having regard to the Cooperation Agreement between the European Community and the Kingdom of Cambodia, signed in Luxembourg on 29 April 1997 (1),

— having regard to the Comprehensive Cambodian Peace Agreement of 23 October 1991, in particular Article 15 thereof, which enshrines a commitment to uphold human rights and fundamental freedoms in Cambodia, including on the part of international signatories,

— having regard to the Universal Declaration of Human Rights of 10 December 1948 and the International Covenant on Civil and Political Rights of 16 December 1966,

— having regard to Rule 144(5) and 132(4) of its Rules of Procedure,

A. whereas on 16 November 2017, the Supreme Court of Cambodia announced the dissolution of the largest opposition party, the Cambodia National Rescue Party (CNRP);

B. whereas since the Supreme Court dissolved the CNRP in anticipation of the 2018 elections, the Cambodian Government has been waging a crackdown against members of the political opposition, which has pushed these members into exile due to fear of arbitrary arrest or retaliation; whereas the government crackdown on independent media, civil society organisations and political opposition that began in 2017 has continued throughout 2021 and 2022;

C. whereas Prime Minister Hun Sen has been almost uninterruptedly in power for 37 years and the ruling Cambodian People’s Party holds absolute power over the state and legislative bodies;

D. whereas Cambodia is holding communal elections in June 2022 and the next general elections are expected to take place in July 2023; whereas ahead of the communal elections in June 2022 and next year’s national elections, Cambodia’s human rights situation has reached a crisis point, as the government has been carrying out an intensified crackdown on the political opposition, journalists, independent media and civil society under the guise of COVID-19 measures; whereas Cambodia’s National Election Committee has removed more than 100 candidates from the opposition Candlelight Party(2) from the list of those running in the country’s communal elections on 5 June 2022;

E. whereas after issuing court summons in November 2020, the authorities started mass trials in 2021 against more than 100 members of the opposition and human rights defenders for exercising their right to freedom of expression and peaceful assembly; whereas irregularities present in these trials included a lack of credible evidence, a violation of fair trial rights and due process guarantees and in absentia trials for several of the defendants, in breach of human rights guarantees; whereas there are currently more than 60 human rights defenders in prison, including trade union leaders and environmental activists;

F. whereas in March 2021, nine senior party leaders, including Sam Rainsy, were found guilty in absentia of ‘attempting to commit a felony’ and ‘attack’ under Articles 27 and 451 of the Criminal Code, and were sentenced to 25 years in prison; whereas Sam Rainsy, Mu Sochua and other opposition politicians were tried in absentia, as they were not allowed to return to Cambodia to defend themselves in court;

G. whereas while other trials were being held, the trial against Kem Sokha, who was released on restrictive bail, was postponed for almost two years despite repeated requests for its resumption; whereas his trial recommenced in January 2022, but with no end in sight, which leaves the politician stripped of his fundamental right of political participation;

H. whereas the head of the CNRP, Kem Sokha, was arrested in September 2017 and continues to face trumped-up treason charges;

I. whereas on 17 March 2022, the Phnom Penh Municipal Court sentenced political opponents of the ruling party to prison sentences ranging from 5 to 10 years, without bail; whereas on 17 March 2022, the Phnom Penh Municipal Court convicted 20 opposition politicians and activists of vague charges of ‘incitement’ and ‘conspiracy’, consigning them to lengthy prison terms;

J. whereas in November 2021, Veourn Veasna, Voeung Samnang and Lanh Thavry, all CNRP supporters and UN High Commissioner for Refugees-recognised refugees, were forcibly returned to Cambodia from Thailand and then detained on charges of incitement and violations of the COVID-19 law;

K. whereas in August 2021, trade union leader Rong Chhun was convicted of ‘incitement to commit a felony or cause social unrest’, alongside former political opposition members Sar Kanika and Ton Nimol, with sentences ranging from 20 months to 2 years and a large fine of 400 million riel (nearly EUR 95 000); whereas in November 2021, Rong Chhun, Sar Kanika, Ton Nimol and other activists arrested at the same time were released with suspended sentences and have remained free since then; whereas women engaged in peaceful strikes have been repeatedly and disproportionately targeted by government efforts to disperse them;

L. whereas more than 60 documented political prisoners are being held in pre-trial detention, while representatives of the political opposition, community activists and trade unionists face arrest, detention and unlawful confinement; whereas since 2015, the number of inmates in Cambodian prisons has more than doubled and according to government figures, 38 977 people are currently being held in Cambodian prisons that have an official capacity of 8 804; whereas this dramatic overcrowding amounts to a serious violation of the rights of prisoners, who often have no access to clean water or medical care; whereas the government has also failed to take sufficient steps to prevent major COVID-19 outbreaks among the prison population;

(2) The CNRP was founded in 2012 as a merger between the Candlelight Party and the Human Rights Party. Following the forced dissolution of the CNRP in 2017, the revived Candlelight Party became the main opposition party in Cambodia.
M. whereas according to reports, five candidates from the Candlelight Party have been imprisoned during the last two months; whereas other candidates have been coerced into withdrawing their candidacies to avoid spurious prosecution on charges such as plotting; whereas the government has previously used similar allegations to dismiss opposition parties and candidates; whereas in 2021, authorities refused to register the Cambodia National Heart Party, whose organiser is now the subject of an investigation by the Ministry of Interior; whereas over the past few weeks, the National Election Committee, controlled by the Cambodian People's Party, has barred a significant number of Candlelight Party candidates from running in the upcoming elections; whereas a number of rulings have led to the nullification of entire candidate lists in 11 communes;

N. whereas in March 2021, the government adopted a new broad law on measures to prevent the spread of COVID-19 and other serious, dangerous and contagious Diseases, which allows for up to 20-year prison sentences and other disproportionate penalties for violations of COVID-19 measures;

O. whereas in February 2021, the government adopted a sub-decree that tightens control of the internet and expands online surveillance of internet users who are critical of the government; whereas in March 2022, the government announced the indefinite postponement of the implementation of the sub-decree;

1. Condemns the prosecution of opposition politicians, trade unionists, human rights defenders, journalists, environmentalists, students and others for expressing their opinions, orchestrated by Prime Minister Hun Sen and his Cambodian Peoples' Party; calls on the Cambodian Prime Minister and his government to immediately put an end to all forms of intimidation and harassment, including judicial harassment, of members of the opposition, trade unionists, human rights defenders, the media and civil society actors; calls on the security forces to refrain from using unnecessary and excessive force against those engaged in peaceful protests;

2. Condemns the dissolution of the CNRP and reiterates its call for the charges against Kem Sokha, Sam Rainsy, Mu Sochua and other opposition officials to be dropped immediately; urges the Cambodian authorities to immediately release all prisoners of conscience, as well as prisoners detained for conducting their legitimate work or exercising their rights, including journalists, human rights defenders environmental activists and trade unionists; calls on the Cambodian authorities to conduct independent investigations into all allegations of harassment, intimidation, arbitrary arrest and acts of violence and torture against members of opposition parties and civil society actors, and to bring the perpetrators to justice;

3. Underlines that the trials of members of the political opposition, civil society activists, human rights defenders, journalists and ordinary citizens are being conducted in absolute contravention of international fair trials standards; calls on the government to reform the politicised judiciary, secure the right to due process for all and immediately and unconditionally release all political prisoners; calls on the Cambodian authorities to safeguard the full independence and impartiality of the judicial system and take effective legal and other measures to address the dramatic overcrowding of prisons, including by ending pre-trial detentions;

4. Urges the Cambodian authorities to ensure that all allegations of extrajudicial killings are promptly and impartially investigated, including the cases of Sin Khon and Kem Ley, and that the perpetrators are prosecuted; calls on the Cambodian authorities to take all necessary measures to prevent and stop such killings;

5. Expresses its deep concern over the backsliding on human rights in Cambodia in light of the upcoming local elections in June 2022 and national elections in 2023, including the restrictions on independent reporting, the criminalisation of free speech and the de facto ban on peaceful assembly; urges the Cambodian authorities to end all unlawful restrictions on people's participation in public affairs and to ensure that all political parties can carry out an equal, free and transparent electoral campaign, starting with the upcoming communal elections on 5 June 2022 and national elections in July 2023;

6. Is deeply concerned about the government's online surveillance and threats to free speech and the right to privacy; calls on the Cambodian authorities to abolish the February 2022 law on a national internet gateway, which allows the government to monitor all internet activity and advance legal proceedings against persons reporting on governmental or
police actions; calls on the Cambodian Government to repeal all repressive laws, particularly the law on political parties, the trade union law and all other pieces of legislation limiting freedom of speech and political freedoms, and those that are not fully in line with international standards and Cambodia's international obligations;

7. Expresses its concern about the intensifying crackdown on environmental activists, including land right activists, who have been notably targeted in recently held mass trials; strongly regrets, in this context, the reported acceleration of illegal logging in Cambodia's protected forests during the pandemic and calls for the EU and the Member States to foster international coordination in order to prevent any unauthorised goods from being illegally exported from Cambodia;

8. Reminds EU-based businesses of the need to conduct thorough human rights and environmental due diligence, and to ensure that they have no ties with political leaders or leaders of the security forces responsible for serious human rights violations and the dissolution and subsequent repression of the opposition in Cambodia, as well as with entities owned or controlled by these leaders and entities benefiting from illegal logging and land grabbing;

9. Calls for the EU, the Member States and the international community, in light of Cambodia's role as chair of the Association of Southeast Asian Nations (ASEAN), to seize the opportunity to apply pressure and take public actions to provide protection for activists and human rights defenders and to support political parties in their struggle to reopen some amount of political and civic space in anticipation of the upcoming communal elections on 5 June 2022 and national elections in 2023; stresses that the latest developments further undermine the Cambodian Government's credibility in implementing a positive human rights agenda in the region and as ASEAN chair;

10. Reiterates its call for the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy to closely monitor the situation in Cambodia, in particular to ensure that the Candlelight Party is not dissolved under ludicrous terms as the CNRP was;

11. Reiterates its call for targeted sanctions and urges the Council to adopt restrictive measures, including travel bans and asset freezes, against political leaders and leaders of the security forces, as well as their economic interests, under the EU Global Human Rights Sanctions Regime with a view to holding to account all persons responsible for serious human rights violations and the dissolution and subsequent repression of the opposition in Cambodia;

12. Calls on the Commission to monitor the upcoming local elections very closely and to be prepared to use all tools available, including a complete suspension of Cambodia's EBA status and other sanctions, should the electoral observers find evidence of unfair elections;

13. Urges the Commission to insist on clearly defined human rights benchmarks in all its interactions with the Cambodian Government and to include the issues of concern highlighted in this resolution, including Cambodia's EBA status, as part of its ongoing enhanced engagement with the Cambodian authorities; calls on the Commission to closely monitor the situation and assess the effect of the partial EBA suspension on the most vulnerable segments of civil society;

14. Calls on the Commission to monitor all bilateral financial support to the Cambodian Government and ensure that bilateral financial support goes to Cambodian civil society organisations and opposition parties;

15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Secretary-General of ASEAN and the Government, Prime Minister and National Assembly of Cambodia.
The European Parliament,

— having regard to the Treaty on the Functioning of the European Union, in particular Articles 101 to 109 thereof,

— having regard to the relevant Commission rules, guidelines, resolutions, public consultations, communications and papers on the subject of competition,

— having regard to the Commission report of 7 July 2021 on Competition Policy 2020 (COM(2021)0373) and to the Commission staff working document published as a supporting document on the same date (SWD(2021)0177),

— having regard to its resolution of 9 June 2021 on competition policy — annual report 2020 (1),

— having regard to European Committee of the Regions Opinion ECON-VII/015 on the Commission report of 7 July 2021 on competition policy 2020 (COM(2021)0373),

— having regard to the Commission's follow-up to Parliament's resolution of 18 June 2020 on competition policy — annual report 2019 (2),


— having regard to the Commission proposal of 5 May 2021 for a regulation of the European Parliament and of the Council on foreign subsidies distorting the internal market (COM(2021)0223),

— having regard to the Commission first annual report on the screening of foreign direct investments into the Union of 23 November 2021 (3),


— having regard to Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (4),

— having regard to the Commission staff working document of 12 July 2021 on the evaluation of the Commission notice on the definition of relevant market for the purposes of Community competition law of 9 December 1997 (SWD(2021)0199),

(1) OJ C 67, 8.2.2022, p. 2.
(2) OJ C 362, 8.9.2021, p. 22.
— having regard to the support study accompanying the evaluation of the Commission notice on the definition of relevant market for the purposes of Community competition law, commissioned by the Commission’s Directorate-General for Competition (DG COMP) and published in June 2021 (5).

— having regard to the special advisors’ report entitled ‘Competition policy for the digital era’, commissioned by DG COMP and published in 2019 (6).

— having regard to the report entitled ‘Consumer vulnerability across key markets in the European Union’, produced for the Commission’s Directorate-General for Justice and Consumers (7) and published in 2016,

— having regard to the Commission communication of 18 November 2021 on a competition policy fit for new challenges (COM(2021)0713) and the annex thereto,

— having regard to the Commission communication and roadmap of 11 December 2019 on the European Green Deal (COM(2019)0640),


— having regard to the Commission communication of 21 December 2021 on the guidelines on State aid for climate, environmental protection and energy 2022 (9),

— having regard to the Commission communication of 6 December 2021 on the guidelines on State aid to promote risk finance investments (10),

— having regard to the Commission communication of 9 December 2021 on the guidelines on the application of EU competition law to collective agreements regarding the working conditions of solo self-employed persons (C(2021)8838),

— having regard to the Commission communication of 10 March 2020 entitled ‘A New Industrial Strategy for Europe’ (COM(2020)0102), and its communication of 5 May 2021 updating that strategy (COM(2021)0350),

— having regard to Commission Regulation (EU) 2021/1237 of 23 July 2021 amending Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Article 107 and 108 of the Treaty (11),

— having regard to the communication to the Commission of 21 December 2021 on approval of the content of a draft for a Commission communication on the guidelines on State aid for climate, environmental protection and energy 2022 (C(2021)9817),

— having regard to its resolution of 21 October 2021 on the climate, energy and environmental State aid guidelines (CEEAG) (12),

— having regard to the European Court of Auditors (ECA) Special Report No 24/2020 entitled ‘The Commission’s EU merger control and antitrust proceedings: a need to scale up market oversight’,

— having regard to the Commission communication of 26 March 2021 entitled ‘Guidance on the application of the referral mechanism set out in Article 22 of the Merger Regulation to certain categories of cases’ (C(2021)1959).

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(9) OJ C 80, 18.2.2022, p. 1.
— having regard to the Commission communication of 9 July 2021 on the approval of the content of a draft for a Commission regulation on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (C(2021)5026) and the annex thereto, and the annex to the Commission communication of 9 July 2021 on the Commission notice concerning guidelines on vertical restraints (C(2021)5038),

— having regard to the Commission proposal of 14 July 2021 for a regulation of the European Parliament and of the Council establishing a carbon border adjustment mechanism (COM(2021)0564),

— having regard to Rule 54 of its Rules of Procedure,

— having regard to the opinion of the Committee on the Internal Market and Consumer Protection,

— having regard to the report of the Committee on Economic and Monetary Affairs (A9-0064/2022),

A. whereas EU competition policy has a crucial role — especially at times of uncertainty and twin transformation — in ensuring effective competition to encourage innovation, job creation, growth, competitiveness and entrepreneurship, set fair economic conditions, in particular by driving innovation that helps to develop new technologies which can in turn help us to do more, while causing less harm to the environment, and promoting an efficient allocation of resources, provide greater choice and fair prices for consumers, and foster the resilience of the single market;

B. whereas the purpose of the Union’s competition policy is to ensure that competition is safeguarded in the internal market; whereas competition policy has an undeniable impact on the specific economic interests of end users who purchase goods or services;

C. whereas the Commission responded promptly to the outbreak of the COVID-19 crisis by adopting special competition rules which should remain temporary;

D. whereas competition policy must stimulate businesses to invest and deploy more advanced digital infrastructure and tools (e.g. cloud technology, microprocessors and artificial intelligence) and less polluting and more efficient manufacturing technologies;

E. whereas the Commission needs an appropriate and effective set of instruments, methods and tools to ensure the strict enforcement of competition policy and to enforce competition rules and properly ensure their uniform implementation, and thus contribute to key policy priorities; whereas the Commission needs to act in an impartial and objective way in order to preserve the credibility of the EU’s competition policy;

F. whereas an appropriate regulatory framework for competition policy is essential to make the whole of the EU market more attractive for international companies and investors wishing to operate in the EU, as well as to foster a stronger EU manufacturing base and create jobs in the Union;

G. whereas the political independence of national competition authorities is of the utmost importance in ensuring the impartiality and credibility of competition policy;

H. whereas a balanced reconciliation of the Union’s competition rules with its industrial and international trade policies is essential for re-shoring value chain activities and bolstering global competitiveness;

I. whereas digital markets are becoming more concentrated and risk demonstrating lower levels of investment in innovation and overall disruption as a consequence of deteriorating market dynamics and increased market power;

J. whereas energy commodity prices have reached unprecedentedly high levels in Europe, with gas prices during the autumn of 2021 becoming 400 % more expensive than in spring of the same year, owing inter alia to the lack of global competition in the gas supply market;
K. whereas EU competition policy should be fit for the sustainable twin transition;

L. whereas international exchange and cooperation is essential to achieve a global and competitive level playing field; whereas EU competition policy must be the pillar underpinning the integrity and resilience of the single market, while contributing to achieving the Union's priorities, in particular by facilitating the twin digital and green transition in a coordinated manner;

M. whereas international cooperation and new instruments such as the Foreign Subsidies Regulation are essential to ensure that non-EU countries are disincentivised from distortedly subsidising undertakings that are active in the Union, in line with the rules of the single market which prohibit such practices on the part of Member States and EU businesses; whereas the EU should observe and closely monitor the policies and practices of non-EU countries and entities in this regard;

N. whereas there is a need for enhanced coordination between the Union's policy goals in the framework of the Green Deal and the Paris Agreement on the one hand and competition rules on the other;

General considerations

1. Emphasises that the challenges arising from the COVID-19 pandemic need to be adequately taken into account and that the guiding principle should be the reasonable phasing out of specific support measures in a progressive and proportionate manner, while ensuring full compliance with the EU competition rules safeguarding the level playing field and the competitiveness of our companies, in particular as regards the EU's industrial needs; points out that as the economic recovery progresses, support measures should gradually become more specific, before eventually being phased out altogether; stresses the need to avoid cliff-edge effects and to prevent an asymmetric recovery and the risk of greater divergence within the single market;

2. Highlights that a competition policy aimed at ensuring a level playing field in all sectors, thereby driving innovation and quality, and giving consumers more choice is crucial for guaranteeing the proper functioning of the single market; draws attention to the damaging practices stemming from recommended retail price policies, which undermine the internal market and competition between companies;

3. Emphasises that the EU should not be overly dependent on global supply chains, especially in the sectors identified as important for strategic autonomy and for a resilient and sustainable economy, which have proven fragile during the pandemic;

4. Notes the Commission's consultation on the issue of guidelines on the application of EU competition law to collective agreements regarding the working conditions of solo self-employed persons; calls on the Commission to include all solo self-employed workers in the guidelines, both online as well as offline;

5. Considers that increased product market competition reduces profit margins and price levels, and thus contributes to moderating inflation;

6. Calls for the development of an effective system of well-adjusted and complementing regulatory and enforcement instruments to facilitate the digital and green transition, as well as industrial development and convergence promoting sustainable economic growth and job creation in the EU; states that the twin transition has to be a job-creating process and an opportunity for EU businesses to gain a competitive advantage in the implementation of the transition, thereby boosting the EU's competitiveness; draws attention to the European Climate Law, whose objectives can only truly be achieved through private and public investments;

7. Welcomes the fact that the EU's competition policy has a proven track record of remaining effective by reacting to new market developments; calls for a strong and effective competition policy and enforcement thereof, in order to give the EU's economy the ability to follow the path to recovery and achieve its twin green and digital transitions in a sustainable, socially and territorially inclusive manner; highlights that any adaptations must ensure that the EU's competition policy continues to spur innovation in the twin transition, foster the resilience of the single market and preserve a highly competitive social market economy, while ensuring that customers profit from fair prices;
8. Highlights that small and medium-sized enterprises (SMEs) are the backbone of the European economy, representing 99.8% of all businesses in the EU; notes that the strong contribution to job creation and value added make SMEs crucial to ensuring economic growth and social integration in the EU; regrets the fact that despite their growth opportunities, SMEs may face difficulties in obtaining access to finance;

9. Welcomes the 2021 Organisation for Economic Co-operation and Development (OECD) recommendations on competitive neutrality and calls on the Commission to maintain competitive neutrality in the regulatory environment of the internal market;

10. Recalls that services represent the largest economic sector of activity in the EU in terms of gross added value and that the single market for services lags well behind the single market for goods; highlights the need to address the remaining unjustified barriers to the development of the single market for services, including through the enforcement of competition rules; welcomes, in this context, the Joint Initiative on Services Domestic Regulation, adopted by the World Trade Organization in order to cut red tape in services trade;

11. Recalls the 2021 report of the International Monetary Fund on competition, innovation and inclusive growth, which states that competition and innovation-led growth are critical to drive productivity gains and support broad-based growth; notes that the report also states that policies to support innovation could also improve business dynamism and reduce market power;

12. Reaffirms the need for an in-depth review and effective implementation of existing competition instruments, and, if appropriate, the development of new instruments suitable for investigations in digital markets;

13. Highlights the need to adequately meet the new challenges by increasing the effectiveness of the investigations through the use of new instruments stemming from computational means (e.g. big data, artificial intelligence and machine/deep learning) in competition policy enforcement;

14. Considers that the in-depth review should focus on safeguarding the integrity of the single market, promoting sustainable and inclusive economic growth to the benefit of consumers and strengthening consumer rights both online and offline; believes, however, that under no circumstances should exceptional arrangements become windows of opportunity for channelling public funding — whether national or EU — into capitalising companies that are economically unviable or of no real strategic interest to the public;

15. Notes the Commission’s vigilance in enforcing State aid rules in the area of taxation and calls on the Commission to remain vigilant; notes, however, that several recent Commission decisions in high-profile competition cases in the area of taxation have been annulled by the General Court; calls on the Commission to draw the necessary lessons from the judgments with a view to minimising the risks of annulment in future cases in this area;

Policy response to the COVID-19 pandemic

16. Takes note of the six-month renewal of the temporary framework for State aid measures, which was established in response to the COVID-19 crisis and is designed to accelerate the recovery; emphasises that the reason for the renewal was the prolongation of the economic effects of the COVID-19 crisis in several core industries as a result of the emergence of new virus variants; recalls that State aid schemes are developed at Member State level, a fact which has the potential to create an uneven playing field for the businesses operating in the single market; urges the Commission to monitor any such distorting effects; urges the Commission to closely monitor and avoid possible fragmentation of the European industrial strategy;

17. Calls on the Commission to provide a timely assessment of the temporary State aid framework as soon as possible to enable the European Parliament to have a solid and fact-based political debate and for future work to be done on the EU’s competition policy;
18. Notes that the National Recovery and Resilience Plans (NRRPs) are appropriate vehicles to accelerate the recovery and address structural changes in national economies; believes that State aid measures that are part of NRRPs should be dealt with flexibly and as a matter of priority; stresses that particular attention should be paid to investments made under the NRRPs to enable the medium-term development of private participation; recalls that NRRP measures must respect all requirements set out under the Recovery and Resilience Facility Regulation (13), particularly the green and digital pillars;

19. Welcomes the planned evaluation of the rules on health and social services of general economic interest (SGEI) to ensure that those rules meet their objectives and are fit for purpose; recalls the need for quality SGEI to be provided to citizens;

20. Repeats its call that allowing State aid in the context of SGEI remains essential for the survival of several communities across Europe, especially in the context of state support dedicated to isolated, remote or peripheral regions in the Union;

21. Emphasises the difficulties the pandemic has created in the Union's hospitality industry; recognises the assistance directed towards the sector;

22. Highlights the importance of the Commission and the Member States launching a post-COVID-19 roadmap to phase out public support provided in the light of the COVID-19 pandemic, with non-distortive and better targeted State aid in order not to disrupt economic recovery, competitiveness and growth and to ensure high-quality jobs; highlights that a significant amount of State aid was allocated to support businesses in mitigating the consequences of pandemic containment measures; emphasises the need to consider during the process the dynamics of the internal market when large Member States are able to provide more State aid than smaller Member States, which can result in the fragmentation of the single market;

23. Notes that the support measures granted during the COVID-19 crisis were extraordinary and necessary in the light of the unprecedented health and economic crisis, but that this extraordinary level of public support must not become the new normal;

24. Stresses the need for the post-COVID-19 roadmap to take into account SMEs from rural and less-developed areas, which need to be provided with access to wider markets, and to eliminate the spatial problems resulting from geographical disadvantages, aiming to provide such SMEs with equal support, fair opportunities and balanced development across the single market;

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**Competition policy on enforcement and globalisation**

25. Emphasises the importance of safeguarding the competitiveness of European companies in a context of increasing global competition, of striving for reciprocity, and of ensuring fair competition in the single market; notes that the international environment needs to be carefully analysed when deciding on the definition of the relevant market in competition and merger control cases; invites the Commission to develop an inclusive and wide-ranging perspective on the relevant market in order to give European companies the opportunity to effectively compete in a globalised arena; stresses the need for a global level playing field;

26. Stresses the importance of a structured global dialogue and cooperation on competition policy enforcement, particularly with regard to State aid issues;

27. Welcomes the Commission’s efforts to improve the enforcement of the single market rules of the directive on a proportionality test for regulated professions (14) by initiating infringement procedures; calls on the Member States to properly implement the proportionality test when imposing national rules; stresses that the lack of proper implementation of the EU rules on proportionality test could ultimately disadvantage consumers in the form of excessive prices, undermine the development of innovative services or even lead to lower access to services;

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28. Welcomes the Commission’s proposal for a new regulation on foreign subsidies with the aim of curtailing potentially distorting effects on the single market, closing the enforcement gap, safeguarding the Union’s interests and levelling the playing field for European companies and all undertakings active in the internal market by using EU competition law instruments and their key building blocks; stresses the importance of promoting a European regulatory framework encouraging foreign investment and business on the part of international companies in the EU;

29. Underlines that the EU’s State aid rules should apply to all companies active in the single market; stresses that the Union should remain open to foreign direct investments and draws attention to targeted policies and investments to re-shore jobs and foster positive social and environmental externalities; calls on the Commission to carry out merger reviews, foreign direct investment screening and foreign subsidies control in a coherent manner;

30. Notes that national tax policies and measures can impact tax collection in other Member States; reiterates that taxation could sometimes be used to grant indirect State aid, thereby creating an uneven playing field in the internal market, and therefore stresses that the Commission has recommended that Member States do not grant financial support to companies with links to tax havens; recalls the Council’s call for the Commission to consider how to tackle distorting effects resulting from the participation of bidders using tax havens for tax avoidance purposes;

31. Recalls that the empirical analysis conducted for the OECD’s 2021 study found that below-market finance may have been a contributor to excess capacity in a number of sectors, and that subsidies also appear to be negatively correlated with firm productivity; notes that the OECD’s findings also raised significant concerns about a lack of transparency in relation to below-market finance; believes that the EU should target these negative consequences of foreign subsidies on the internal market effectively, considering the potential negative effects of regulation, including the administrative and regulatory burden, retaliation measures and impacts on investment and growth;

32. Calls on the Commission to continue rigorously and impartially enforcing competition policy while striving for continued constructive dialogue and cooperation on key technological and economic issues with like-minded partners and stakeholders; highlights the importance of national competition authorities in preserving markets and ensuring a level playing field during the COVID-19 outbreak; emphasises their increased role in matters relating to the platform economy;

33. Welcomes the launch of the EU-US Trade and Technology Council (TTC) and the Joint Technology Competition Policy Dialogue (TCPD), which will seek to deepen economic and transatlantic relations based on common values; notes that the transformation of the EU’s rules vis-à-vis digital platform companies is mirrored by comparable legislative initiatives and individual investigations in the US;

34. Stresses that dedicated cooperation agreements with non-EU countries in the area of competition policy can meaningfully contribute to its effectiveness and acknowledges the importance of national competition authorities in enforcing and ensuring the application of EU competition policy;

Competition policy and State aid fit for the new challenges

35. Welcomes Parliament’s negotiating mandate on the Digital Markets Act as adopted in plenary and stresses that Parliament is prepared to work towards the accelerated completion of negotiations of the Digital Markets Act and the entry into force of the new rules;

36. Calls on the Commission to ensure a smooth and rapid implementation of the new regulatory measures, while ensuring synergies and avoiding overlap with or duplications of existing and upcoming measures;
37. Calls on the Commission to ensure that the regulatory and enforcement tasks are delegated within its services swiftly and in a transparent manner in order to eliminate inefficiencies and administrative burdens; reiterates that limited access to relevant data may hinder participants’ entry into the market; stresses that digital transformation is exacerbating the need for the adaptation of enforcement of competition policy; stresses the need to ensure specific expertise on digital issues; calls on the Commission, in this regard, to allocate sufficient and adequate human and financial resources to organising the enforcement of the Digital Markets Act; believes that complementary antitrust and Digital Markets Act cases, whether at national or EU level, should benefit from an enhanced coordination and enforcement stream by means of the accommodation of the new instrument in the current competition framework;

38. Calls on the Commission to improve the transparency of the State aid evaluation process, which should include clear reasoning, a State aid description, and measurable indicators allowing for ex post monitoring and evaluation; highlights, therefore, the need for ex post monitoring of the effective implementation of adopted State aid cases; believes that the outcome of the consultation phase should also be disclosed;

39. Welcomes the recent judgment by the General Court of the EU (\(^1\)), which confirms the Commission’s assessment as regards the abuse of a dominant market position and which serves as proof and an example of the effective application of traditional EU competition rules in the context of a digital economy, in particular with respect to the Digital Services Act and the interaction of global digital platforms with other European companies; notes the lengthy legal process of antitrust cases (\(^2\)) and expects that the new tools available under the Digital Markets Act will help to resolve anti-competitive behaviour more quickly;

40. Welcomes the review of EU competition law instruments as outlined in the Commission communication of 18 November 2021; recalls, however, that this should not exclude the development of new tools where necessary and better use of existing tools; considers that competition assessments should be adapted to the enforcement of EU competition policy and evolving market dynamics;

41. Welcomes the Commission’s determination to address unfair terms in order to support price transparency and avoid unfair and unreasonable commercial practices; draws attention to the increasing incidence of exploitative and exclusionary practices, such as self-preferencing;

42. Recalls the European Court of Auditors’ (ECA) recommendations (\(^3\)), which state that the Commission should follow a more proactive approach by gathering and processing market relevant information in a consistent and cost-efficient manner and select cases for investigation based on clearly weighted criteria, for example by using a scoring system; highlights the need, in line with the ECA’s recommendations, for the new rules to improve reporting of the results of enforcement actions, instead of focusing on reporting of activities;

43. Recalls that profit-seeking behaviour should be accepted and should not be accused of being anti-competitive without objective and fact-based reasons; recalls that anti-competitive behaviour is prohibited and hyper-competitive behaviour is not; points out that the fact that particular offering attracts many consumers because of its convenience is not in itself a sufficient ground for concern; calls on the Commission to distinguish between these behaviours for the purposes of antitrust enforcement;

44. Welcomes the ongoing review of State aid rules, which aims to ensure consistency with both established and new regulatory principles relevant to the twin transition;

45. Stresses that the Commission evaluates State aid cases on a case-by-case basis and highlights that the transparency of the State aid case evaluation process should be enhanced; acknowledges that Important Projects of Common European Interest (IPCEIs) are an important tool given the clear and well-documented existence of market failures; reiterates that the allocation of State aid to IPCEIs should as a rule of thumb be spent on research and development;

\(^2\) Ibid.
\(^3\) European Court of Auditors Special Report No 24/2020, The Commission’s EU merger control and antitrust proceedings: a need to scale up market oversight, 19 November 2020.
46. Takes note of the planned revision of the related sections of the General Block Exemption Regulation (GBER) (18);

47. Notes the Commission’s new guidelines on State aid rules in the field of climate, environmental protection and energy (CEEAG) and its efforts to strengthen the 2014 guidelines and to align them with the European Green Deal, and supports the adoption of new guidelines to balance economic and environmental sustainability; maintains that environmentally sustainable State aid is key to meeting the EU climate, energy, and environmental protection objectives, while ensuring a just transition; asserts that public and private investments in the technologies needed for the green transition are key to the fulfillment of the European Climate Law, and in particular to the development of the breakthrough innovative solutions and relevant upscaling technologies needed to attain the objective of climate neutrality; stresses that the level of ambition of the Fit for 55 package will require that certain specific energy sectors receive a certain degree of public support in order to cope with the transition;

48. Calls for the guidelines to give consideration to those suffering as a result of the increase in energy costs, while bearing in mind the ripple effect that this will have on the EU economy and its external competitiveness, and the socioeconomic impact that the rise in the price of both energy and final goods will have on EU citizens;

49. Welcomes the new chapter in the CEEAG on aid for the early closure of coal, oil shale and peat activities; underlines that the phasing out of coal is one of the most important drivers of decarbonisation and recalls its resolution of 20 October 2021 in which it called for the introduction of clear safeguards in the phasing out of fossil fuels, and that these safeguards could include mandatory closure dates; recalls, furthermore, that this resolution states that State aid rules should not cause or contribute to lock-in effects of greenhouse gas emissions or the creation of stranded assets, and asks the Commission to monitor and apply measures to avoid lock-in effects where possible, in a way that is fully in line with the Union’s climate objectives, while safeguarding the recovery from the COVID-19 crisis, job creation in the EU and competitiveness;

50. Believes that mainstreaming green and digital strategies is vital to support the EU’s transition; calls on the Commission to incorporate this approach into the future conditions for State aid through its assessment of the De Minimis Regulation (19) upon expiry; notes that the de minimis ceilings could be revisited, taking into account the economic realities faced by Member States, while acknowledging the targets to be achieved in the areas of the environment, energy and the digital transition;

51. Is concerned by how the connectivity of insular, peripheral and remote regions in the EU grinds to a practical halt during low seasons, to the detriment of residents and businesses in these regions; calls on the Commission to pay due attention to State aid decisions as regards the connectivity of insular, peripheral and remote regions of the EU, especially as they have been hit particularly hard by the pandemic;

52. Calls for caution to be exercised in the consolidation of the EU airline industry, in the light of the massive amounts of State aid authorised for certain EU airlines, so as to ensure that airlines will not be enabled to eliminate or take over smaller EU competitors as a result;

53. Notes that there are multiple vendors in several specific markets for financial data, and although none of them has a dominant market share, competition remains very low; notes that measures to enhance competition in this market have turned out to be insufficient;

54. Recognises that resources allocated to the Commission’s DG COMP should be appropriate to its workload and range of tasks; considers it necessary to ensure specific expertise in the context of the digital economy;

55. Stresses that the metaverse is subject to relevant legislative frameworks, such as the privacy and data protection framework, digital legislation and the competition framework; calls on the Commission, in this regard, to actively ensure that companies and entities working on and in the metaverse are abiding by the abovementioned legislative frameworks;

56. Deplores the earlier killer acquisitions that fell outside the scope of the EC Merger Regulation (20);

**Mergers**

57. Urges the Commission to accelerate efforts to deliver on its commitment to reviewing its notice on the definition of relevant market for the purposes of EU competition law; notes that the Commission has launched a call for evidence on the revision and updating of its market definition notice; emphasises that this review should be updated and adapted to reflect increased global competition, the future state of competition and the twin transition, including the evolving market characteristics of the digital market ecosystem, multi-sided markets, the importance of data and zero-price markets;

58. Recalls that data is a source of considerable economic power and leverage and considers that non-monetary factors should be taken into account when defining digital markets;

59. Calls on the Commission to consider revising the mergers guidelines to take into account the challenge of EU industrial competitiveness; welcomes the role of the Priorities and Strategic Coordination Unit within DG COMP in drawing on the expertise of all the Commission's Directorates-General during the investigation of cases by DG COMP; believes that the Commission's industrial and sectoral strategy expertise could be strengthened in order to help DG COMP's investigation teams to identify the feasibility and consequences of remedies with regard to the Commission's priorities;

60. Acknowledges the contribution of the EC Merger Regulation to the proper functioning of the internal market and calls on the Commission to continue promoting and enforcing its core principles;

61. Emphasises that price is not always an all-encompassing parameter for market definition in the digital economy; highlights that in zero-price digital markets, consumers access products and services in exchange for their data and are, in return, exposed to profiling and advertising where functionalities such as quality, privacy, data processing and attention are more fitting parameters; recalls that price-related testing is not the only method available to the Commission when defining the relevant product market;

62. Emphasises that the technological means and collection of personal data required for online personalisation and price discrimination are extensive, developing rapidly and difficult to detect; recalls that online marketplaces, platforms and social media may use data analytics and profiling techniques to improve the efficiency of advertising at the level of individual consumers, personalise the ranking of offers, or vary prices to reflect the cost of tailoring services to individual customers;

63. Reaffirms that data is key when it comes to the digital market; calls on the Commission, therefore, to make best use of the Digital Markets Act and to come up with further legislative proposals, in the same vein as the Data Act;

64. Acknowledges the Commission guidance on certain aspects of Article 22 of the EC Merger Regulation; expresses concern, however, that this initiative may not be sufficient to adapt the regulation to the needs of modern business models, such as on killer acquisitions that risk jeopardising innovation; calls on the Commission to clarify the practical application of its guidance to ensure that it is manageable for both national authorities and merging parties;

65. Calls on the Commission to review its merger and acquisition rules when it comes to assessing personal data; calls, in particular, on the Commission to fully consider and assess personal data assets in the same way as all other traditional physical assets when it decides on digital mergers and acquisitions; urges the Commission to take a broader view when

evaluating digital mergers and to assess the impact of data concentration; notes that the acquisition of targets with specific data resources can bring about a concentration in control over valuable and non-replicable data resources and result in better data access for merging parties than for their competitors; stresses that data consolidation via mergers may strengthen a dominant position or allow the acquiring entity to leverage market power, and may sometimes raise foreclosure concerns;

66. Calls on the Commission to build on existing initiatives to increase collaboration between antitrust and data privacy regulators to both control corporate data misuse and prevent companies from using consumer data to gain an unfair competitive advantage;

67. Notes that turnover thresholds might not be suitable for detecting all the cases that should be reviewed by competition authorities in merger cases;

68. States that national authorities should be able to use the information received as a result of the application of Article 12 of the Digital Markets Act to request an examination of a concentration pursuant to Article 22 of the Merger Regulation;

Antitrust and cartels

69. Supports a substantial review of the current regime on vertical agreements, the fine-tuning of the safe harbour rules, and the adoption of rules to match the needs of e-commerce and platform business to prevent market restrictions arising as a result of the ambivalent effects of those agreements, while ensuring alignment with the currently formulated rules on digital markets;

70. Notes, in particular, that in recent years antitrust proceedings have been too lengthy, slowing down much-needed decisions and consequently having a negative impact on competition law enforcement, especially in the case of rapidly growing digital markets; points out, therefore, that the Digital Markets Act, as well as antitrust proceedings, are sorely needed;

71. Takes note of the Commission's opening of antitrust investigations into possible anticompetitive conduct in the online advertising technology sector; suggests that the Commission could conduct a market study of the sector in the EU to investigate issues that have an impact on competition;

72. Notes that the consumer Internet of Things (IoT) sector will expand significantly in the coming years, but recognises that shortcomings still exist in this sector, such as the lack of interoperability, which could reduce competition and consumer choice; calls on the Commission to prepare a thorough analysis of such potential impacts on the internal market, including a cost-benefit analysis of any regulatory intervention; welcomes the Commission's sector inquiry into the IoT and calls on the Commission to take further action, where necessary, on standards, data portability and access;

73. Remains deeply concerned about the far-reaching concentration in the EC agricultural and food supply chain; reiterates its call for the Commission to urgently conduct a thorough analysis of the extent and effect of buying alliances, thereby devoting special attention to guaranteeing fair competition and greater transparency in supermarket and hypermarket chains' commercial practices, particularly where such practices affect brand value and product choice or limit innovation or price comparability;

74. Notes that the Vertical Block Exemption Regulation (VBER) (21) and related Vertical Guidelines (22) have been inadequately adapted to recent market developments, notably the growth of online sales and online platforms; notes, too, that the Commission is currently working on its proposal to better adapt the regulation and guidelines; highlights that there

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(22) OJ C 130, 19.5.2010, p. 1.
are concerns about the durable goods sector, where manufacturers are competing directly with the distribution network by modifying the contractual terms of the vertical distribution relationship, thereby placing distributors at a competitive disadvantage and driving SMEs out of the market; stresses that the digitalisation of the durable goods sector also raises concerns about competition; asks the Commission to ensure that any future revision takes into account the abuse of selective distribution agreements, labelling and other measures to prevent the purchase, distribution and resale of goods across borders;

75. Considers that the distinction made in the draft guidelines to the VBER revision between resale price maintenance (RPM), which distorts the market, and minimum advertised price (MAP), which could be allowed under certain circumstances and conditions, could constitute a tool to support SMEs to withstand aggressive price competition on online marketplaces; asks the Commission, to this end, to clarify in the guidelines the conditions under which MAP does not constitute RPM;

76. Reiterates its call for the Commission to address the anti-competitive effect of territorial supply constraints (TSCs) with a view to achieving a fully functioning single market and harnessing its potential benefits for consumers; reiterates that TSCs can arise through different practices, such as refusing to supply, threatening to stop supplying a particular distributor, limiting the quantities available for sale, unexplained differentiation of product ranges and prices between Member States, and limiting language options for product packaging;

77. Recalls its previous call for the Commission to monitor and remove any unjustified geo-blocking or other barriers to cross-border online sales that persist, as identified in the first short-term review of the Geo-Blocking Regulation (23); acknowledges the launch of the stakeholder dialogue in this context;

78. Emphasises the importance of the cooperation of national competition authorities within the European Competition Network (ECN); highlights that their contribution to enforcement is a cornerstone of the Digital Markets Act in its current form; calls on the Commission to thoroughly assess the implementation of Directive (EU) 2019/1 (24); welcomes the transposition of Directive (EU) 2019/1 into national law in the Member States, thereby empowering national competition authorities (NCAs) to be more effective enforcers of competition policy; emphasises that NCAs’ strengthened investigation and decision-making capacities, as well as sufficient levels of human and financial resources, will allow for better enforcement of competition rules independently and impartially; recommends that the analytical capacity of NCAs be increased to enable them to better address the complexities arising in the enforcement of competition law in digital markets; further recommends that NCAs collaborate on the sharing of best practices and work together with other competent authorities to take a multi-disciplinary approach to breaking down enforcement silos, as anti-competitive conduct may also break into areas of data protection or consumer law;

79. Stresses the importance of guarantees of independence for national supervisory and competition authorities, reiterates the ever-growing need to ensure more effective channels of communication, information and cooperation at EU level; emphasises, in this regard, the need to provide these authorities with the necessary human, financial and technological resources for the proper performance of their tasks; highlights, lastly, the importance of maintaining the most stringent requirements of transparency and independence concerning the mandates of these authorities, from the mechanisms for appointment to the rules for access to information;

80. Stresses that enforcement must remain independent and benefit from fit-for-purpose screening tools and human resources with appropriate qualifications, in order to efficiently handle the rising numbers and more challenging types of cases;

81. Recalls that an in-depth analysis of Directive 2014/104/EU (25) could not be undertaken due to delayed transposition and the lack of relevant information on the judicial cases; invites the Commission, nevertheless, to continuously monitor the implementation of the directive and to publish the results of the analysis;

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82. Considers that Parliament should play an active role in the political debate on competition policy; notes that Parliament should be more involved as an observer in the activity of working parties and expert groups, such as the International Competition Network (ICN) and the OECD, in order to gain more knowledge in the field and remain up to date on developments in order to be more prepared for its role as co-legislator; stresses that Parliament should participate in EU Competition Weeks and other meetings to which Member State representatives are invited; notes that the Competition Working Group is a useful vehicle to foster exchanges between the European Parliament and DG COMP;

83. Condemns Russia’s unprovoked and unjustified aggression against Ukraine; welcomes the extraordinary measures that the EU is putting in place to help Ukrainian people; supports measures directed at NGOs and businesses helping refugees flee to the Union from countries affected by war;

84. Calls on the Commission to closely monitor the situation and, if appropriate, to use the necessary flexibility of the EU’s State aid framework to enable Member States to provide support to the companies and sectors most severely affected by the ongoing Russian military aggression against Ukraine and which will be hurt by the sanctions imposed on Russia;

85. Instructs its President to forward this resolution to the Council, the Commission, the national parliaments of the Member States and the national, and where applicable, regional competition authorities of the Member States.
P9_TA(2022)0203

Threats to stability, security and democracy in Western and Sahelian Africa

European Parliament resolution of 5 May 2022 on threats to stability, security and democracy in Western and Sahelian Africa (2022/2650(RSP))

(2022/C 465/12)

The European Parliament,

— having regard to its resolutions of 16 September 2020 on EU-African security cooperation in the Sahel region, West Africa and the Horn of Africa (1), and of 25 March 2021 entitled 'A new EU Africa Strategy — a partnership for sustainable and inclusive development' (2),

— having regard to its resolution of 20 May 2021 on the situation in Chad (3),

— having regard to its resolution of 25 November 2021 on the human rights violations by private military and security companies, particularly the Wagner Group (4),

— having regard to its resolutions of 17 February 2022 entitled ‘Implementation of the Common Security and Defence Policy — annual report 2021’ (5) and ‘Implementation of the common foreign and security policy — annual report 2021’ (6),

— having regard to its resolution of 1 March 2022 on the Russian aggression against Ukraine (7),

— having regard to the 41st Joint Parliamentary Assembly (JPA) between the Organisation of African, Caribbean and Pacific States (ACP) and the EU held in Strasbourg, France, from 1 to 3 April 2022,

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

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

— having regard to the Economic Community of West African States (ECOWAS) protocol on democracy and good governance,

— having regard to the Agenda 2063 of the African Union (AU),

— having regard to the African Charter on Human and Peoples’ Rights,

— having regard to the African Charter on Democracy, Elections and Governance,

— having regard to the United Nations Convention against Corruption (UNCAC), which entered into force on 14 December 2005,

— having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (8) (the Cotonou Agreement), as amended in 2005 and 2010 (9),

(3) OJ C 15, 12.1.2022, p. 166.
(7) Texts adopted, P9_TA(2022)0052.
(9) OJ L 287, 4.11.2010, p. 3.
— having regard to the 2030 Agenda for Sustainable Development and the UN Sustainable Development Goals (SDGs), in particular SDG 16 on the promotion of just, peaceful and inclusive societies for sustainable development,


— having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 9 March 2020 entitled ‘Towards a comprehensive Strategy with Africa’ (JOIN(2020)0004),

— having regard to the Strategy for Security and Development of the Group of Five for the Sahel (G5 Sahel) countries of September 2016, the Integrated Priority Actions Framework of February 2020, the Sahel Alliance and the Partnership for Security and Stability in the Sahel,

— having regard to the joint declaration of the members of the European Council with the member states of the G5 Sahel of 28 April 2020,

— having regard to the joint communiqué of the second African Union (AU)-EU Foreign Affairs Ministerial Meeting of 25 to 26 October 2021,

— having regard to the Sahel Conference held in Paris on 17 February 2022,

— having regard to the joint declaration of the Sixth AU-EU Summit of 17-18 February 2022,

— having regard to the Council conclusions of 21 February 2022 extending and enhancing the implementation of the Coordinated Maritime Presences Concept in the Gulf of Guinea,

— having regard to Council Decision (CFSP) 2020/253 of 25 February 2020, amending decision (CFSP) 2018/906 extending the mandate of the European Union Special Representative for the Sahel (\(^{(11)}\))

— having regard to UN Security Council resolution 2590 (2021) of 30 August 2021 on the renewal of sanctions imposed by Security Council resolution 2374 (2017) and the extension of the mandate of the Panel of Experts concerning Mali until 30 September 2022,

— having regard to the UN Security Council report of the Secretary-General of 11 November 2021 on the Joint Force of the Group of Five for the Sahel,

— having regard to UN General Assembly Resolution A/ES-11/1 of 1 March 2022 on the aggression against Ukraine,

— having regard to the UN Women, Peace and Security Agenda,

— having regard to the communiqué of the AU Peace and Security Council held on 31 January 2022 on the situation in Burkina Faso,

— having regard to the communication of the chairperson of the AU Commission of 6 August 2021 in the wake of the terrorist attacks against Burkina Faso, Mali, Niger and Chad,

— having regard to the communication of the chairperson of the AU Commission of 24 January 2022 on the situation in Burkina Faso,

— having regard to the Extraordinary Summit of the ECOWAS Authority of Heads of State and Government of 3 February 2022 on the political situation in Burkina Faso, Guinea and Mali,

— having regard to the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) Josep Borrell of 26 January 2022 on Burkina Faso,


— having regard to the ACP-EU JPA resolution adopted on 21 June 2017 on the security situation in the Sahelo-Saharan region,

— having regard to the ACP-EU JPA resolutions of 11 March 2021 on democracy and the respect for constitutions in EU and ACP countries, of 28 September 2021 on the role parliaments can play in strengthening international security, and of 21 November 2019 on the impact of social media on governance, development, democracy and stability,

— having regard to Rule 132(2) and (4) of its Rules of Procedure,

A. whereas in the regions concerned, the compounding threats of poverty, lack of access to basic social services, climate change, terrorist armed groups, rising inter-community violence over land and resources, food insecurity, displacement of people, and gender-based violence have resulted in a complex context of instability and insecurity;

B. whereas the Sahel and West Africa play a crucial role for the security and stability of the entire African continent; whereas the security situation in those regions has deteriorated sharply in recent years, presenting a threat to regional and international stability; whereas violence in the Sahel has been increasing ever since the downfall of the Gaddafi regime in Libya in 2011, and as a result, is one of the regions most affected by the proliferation of illicit small arms; whereas the Sahel is one of the poorest regions in the world;

C. whereas in 2013, after a request by the Malian Government, the French army launched Operation Serval to oust jihadist and other military rebel groups from the north of Mali, who had begun a push into the centre of Mali; whereas the French army successfully fulfilled the objective of this mission;

D. whereas numerous international missions and initiatives have been launched over the past years, including the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) in 2013, the European Union Capacity Building Mission in Niger in 2012, the European Union Training Mission in Mali in 2013, the European Union Capacity Building Mission in Mali in 2014, Operation Barkhane in 2014, the G5 Sahel in 2014, the G5 Sahel Joint Force in 2017, the Sahel Alliance in 2017, the Coalition for the Sahel in 2020 and the Takuba Task Force in 2020; whereas over the past decade, African security institutions have deployed thousands of personnel in peace operations on the continent; whereas these interventions have still lacked the capacity to solve the security challenges in the region;

E. whereas more than 200 members of UN peacekeeping forces and more than 50 French soldiers of the Serval and Barkhane missions, as well as numerous African soldiers, have been killed while fighting for the security of the Sahel region; whereas numerous European and UN soldiers have been wounded during their deployment to the region;

F. whereas despite the numerous peacekeeping efforts by the Sahel countries and the international community, the situation in the region remains very volatile; whereas terrorist groups, including Islamist terrorists affiliated with ISIS such as Boko Haram and the Islamic State West Africa Province (ISWAP), have increased their presence in the Sahel and West Africa region and are responsible for mass killings, torture, sexual violence, enforced disappearances, looting and forced displacement; whereas the year 2020 saw a sharp increase in killings attributed to, among others, Islamist violence, with a total number of 4 250 deaths being reported according to the Africa Center for Strategic Studies; whereas more than 7.7 million people have been forcibly displaced across seven countries in the Sahel; whereas there are currently around 3 million internally displaced people in the region;

G. whereas humanitarian needs have increased as a result of the various intertwined crises; whereas 20 million people are currently in need of urgent humanitarian assistance in the central Sahel; whereas women and children are particularly vulnerable to and affected by the crisis;

H. whereas security, development and the protection of fundamental human rights are mutually reinforcing, and necessary for the creation of lasting peace; whereas such sustainable peace will only be achieved by addressing the root causes of insecurity, including poverty, corruption, hunger and scarcity of resources;
I. whereas the security challenges across West Africa and the Sahel differ in nature between countries; whereas these challenges include the activities of terrorist organisations with links to international jihadist networks, ethnic and tribal conflicts, clashes over access to natural resources, extrajudicial activities of militias and security services, armed rebellions, separatist conflicts, and political and electoral violence;

J. whereas the security of Europe and Africa are closely interlinked; whereas terrorists, armed groups, militias and traffickers are exploiting a series of complex overlapping challenges in the region, including poverty, lack of access to basic social services, food insecurity, deforestation, environmental degradation, weak institutions, corruption and a lack of confidence in the state;

K. whereas climate change is having a severe impact in the region; whereas this can lead to further destabilisation; whereas there is a grave risk of radicalisation due to economic, social and environmental marginalisation in West Africa and the Sahel;

L. whereas the burden of debt contributes to the threat to the overall stability of countries in the Sahel and West African regions;

M. whereas the capacity to address these security challenges has been further weakened by the COVID-19 pandemic;

N. whereas the democratic consolidation in West and Sahelian Africa is being further undermined by military coups, undemocratic constitutional changes, crackdowns on popular protests, restrictions in relation to the freedom of assembly, expression and the press and restrictions placed on opposition parties and politicians;

O. whereas, in addition to security threats, democratic consolidation in West and Sahelian Africa is being further undermined by corruption, crackdowns on popular protest and assembly, restrictions on freedom of expression and of the press, restrictions placed on opposition parties and politicians, a lack of respect for presidential term limits and other constitutional provisions, and capacity challenges in providing inclusive and transparent elections for displaced populations;

P. whereas the EU, the AU, ECOWAS and other international organisations have deployed election observation missions across West African and Sahelian countries over the past 20 years; whereas comprehensive reports have been published which include substantial recommendations for reform, only some of which have been taken forward;

Q. whereas according to the 2021 Corruption Perceptions Index, levels of corruption are uneven across West Africa, with Cabo Verde and Senegal among the best performers in anti-corruption reforms, and Liberia, Mali and Nigeria among the worst;

R. whereas increased security challenges and public discontent with governments and the international community has led to a number of public demonstrations calling for further government reforms and improvements to the security situation; whereas accusations of corruption and nepotism against regional government authorities have persisted for a considerable time and have led to a steady decline in trust and satisfaction with governments and their institutions;

S. whereas the overall state of democracy and security cooperation in the Sahel suffered enormous setbacks when the militaries in Mali and Burkina Faso toppled their governments, namely in Mali in August 2020, and again in May 2021 when the military toppled the very same government that they had previously installed, and then in January 2022 when a coup d’état took place in Burkina Faso; whereas this reflects a deep-rooted crisis in the region;

T. whereas ECOWAS and the AU on numerous occasions organised exchanges and visits to Mali and Burkina Faso in order to mediate and reach compromises between the various actors; whereas on numerous occasions, ECOWAS has underlined the importance of setting a clear timetable for a return to democratic processes, including an imminent date for democratic elections;
U. whereas after the coup d'état in Guinea in September 2021 and the arrest of President Alpha Condé, who was recently released, the country will remain excluded from ECOWAS until constitutional order is restored; whereas the military authorities were given a deadline of 25 April 2022 to provide details on their transition plan; whereas on that date, they requested a new deadline for the presentation of a timetable for the transition;

V. whereas respect for the national constitutional order and rule of law is as vital for ensuring peace and stability as it is for combating terrorism and ensuring military security; whereas upholding democratic principles, including the organisation of transparent and inclusive elections, is of fundamental importance in order to ensure governments have broad public mandates; whereas citizens are supportive of genuine democratic processes and seek fair participation therein;

W. whereas the involvement of national parliaments in decision-making on security issues is essential for developing long-lasting security and societal stability;

X. whereas security, development and the protection of fundamental human rights are mutually reinforcing and necessary for the creation of lasting peace;

Y. whereas the shrinking space for civil society organisations and press freedom in some countries of West and Sahelian Africa poses serious challenges to democracy, the rule of law and fundamental rights;

Z. whereas the European Union is committed to supporting the security and development of West Africa and the Sahel region through political, diplomatic and humanitarian partnerships, including, inter alia, technical support for security sector reform, military and police training, electoral processes and accountability, and the strengthening of civil society;

AA. whereas the AU is a close partner of the EU in peace and stability efforts; whereas the aims of regional security actors, including ECOWAS and the AU’s African Standby Force, overlap with the EU’s interest in assisting struggling countries to ensure peace and prosperity; whereas EU and AU leaders have agreed to boost peace and security cooperation on the African continent; whereas the AU-EU memorandum of understanding on peace, security and governance and the European Peace Facility are designed to fight instability, radicalisation, violent extremism and terrorism, and to address the entire conflict cycle through an integrated approach;

AB. whereas the G5 Sahel, which is supported by the EU and the AU, provides security and regional development in an effort to combat terrorism and bring stability to the Sahel region; whereas the G5 Sahel is facing challenges in demonstrating progress and maintaining public support; whereas EU-financed activities for conflict prevention, mediation, dialogue and reconciliation are still limited;

AC. whereas all efforts by the international community have contained very strong components of democratic and security sector reforms; whereas most countries in the region suffer from a lack of state capacity to effectively implement much-needed reforms;

AD. whereas the presence of foreign private military and security companies in West Africa continues to destabilise the security and political environment of the region; whereas the so-called Wagner Group, a proxy group of mercenaries for the Russian Government, has been present in Mali since it was invited by the military junta in late 2021; whereas the Wagner Group allegedly relies on Russian military infrastructure, and the Russian Ministry of Defence is involved in the funding, recruitment, training and protection of Wagner operatives; whereas the Wagner Group stands accused of committing grave violations of human rights;

AE. whereas UN experts have jointly concluded that the Wagner Group has conducted gross and systematic human rights violations in the Central African Republic, including mass summary executions, arbitrary detentions, sexual violence, looting, enforced disappearances and torture during interrogations;

AF. whereas Russia has been spreading and continues to actively spread disinformation throughout the Sahel in order to delegitimise European initiatives aimed at bringing stability and security to help the region;
AG. whereas the EU and its common security and defence policy missions have been subject to disinformation campaigns and urgently need to be given the means for effective strategic communication; whereas disinformation has gone as far as falsely accusing the French military of mass murder in the Gossi area of Mali, although evidence shows that Malians and foreigners suspected of belonging to the Wagner Group are responsible for a gruesomely concocted and misleading fabrication;

AH. whereas as a result of the multiple obstructions by the Malian transitional authorities, international actors have concluded that the conditions to continue their military engagement in Mali are no longer met;

AI. whereas at the request of their African partners, European and international actors have agreed to continue their joint action against terrorism in the Sahel region, including in Niger and in the Gulf of Guinea, and have begun political and military consultations with them with the aim of setting out the terms for this shared action by June 2022;

AJ. whereas the situation in the Sahel is closely interlinked with the situation in the Gulf of Guinea; whereas piracy remains a security threat in the Gulf of Guinea; whereas the Council has extended the implementation of the Coordinated Maritime Presence in the Gulf of Guinea by two years;

1. Strongly condemns the violence and loss of life in West Africa and the Sahelian region, including abuses committed in the context of military operations, and expresses concern over the increased instability in the Sahel, which undermines the security and stability of the countries concerned and which has profound regional and international consequences; expresses its solidarity with and condolences to the families of all victims of terrorist attacks throughout the region; reiterates its strong support for the people of West and Sahelian Africa and their aspirations for peace, human rights, security, stability, economic development and social and democratic progress; pays tribute to the numerous efforts by local and international actors aimed at fostering peace and progress throughout the region; recognises that the security situation in the Sahel continues to be an enormous challenge and that many civilians are suffering from a lack of security and have become the victims of terrorist attacks;

2. Stresses that a comprehensive response to the challenges West Africa and the Sahel are facing requires coordination between security, climate, development and trade policies;

3. Expresses deep concern about the state of democracy in the Sahel region and the recent coups d'état in the region; calls on all coup leaders to set clear limits on the duration of political transition periods, to ensure a quick return to the constitutional order, the rule of law and civilian governments and to facilitate the organisation of transparent and inclusive elections;

4. Strongly reiterates its position that any long-term security and political cooperation with EU actors will require realistic timetables for a return to democracy, including clear and measurable milestones; recalls that in the absence of such realistic timetables, any future cooperation with EU actors will be called into question;

5. Notes that coups undermine efforts to strengthen the rule of law and assert the democratic legitimacy of government actions; recalls that genuine democratic transition and reform must be civilian-led and allow for the full and active involvement of civil society organisations, women, young people and opposition parties; urges the authorities in West and Sahelian Africa to respect and protect media freedom and the freedom of assembly, association and expression;

6. Underlines that genuine national dialogues, involving all sectors of civil society, are needed throughout the region in order to outline a clear future vision for democracy, including concrete objectives jointly agreed and shared by the various non-military and non-state actors; calls on the international community to help facilitate such a dialogue by offering to play a mediating role;

7. Underlines that unity is the best way to tackle the numerous challenges the region is faced with; therefore supports the actions announced by the AU and the actions taken by ECOWAS in defence of democracy and the rule of law;
8. Calls on the military leadership of all states in the Sahel to fulfil their international commitments, including full respect for human rights; supports ECOWAS’s efforts to establish a roadmap for human rights reforms and accountability with a view to preventing further human rights violations as part of a holistic effort to settle the various crises;

9. Recalls that the NDICI-Global Europe does not support the financing of certain operations linked to the military or state security sector or those that may result in violations of human rights in partner countries; recognises the multiple challenges that the Sahel and Sahara areas face, such as climate change, economic crises and terrorist attacks; calls on Europe to show more solidarity by supporting the region politically and militarily, including through the European Peace Facility, with arms training sufficient for the defence and development of and respect for human rights; calls on all EU Member States to live up to their human rights obligations and refrain from arms transfers that could fuel human rights violations in West and Sahelian Africa;

10. Recalls the important role that Africa’s youth can play in establishing a prosperous future for the region; calls for the increased inclusion and active participation of women in democratic decision-making at all levels and in peacebuilding and reconciliation efforts; condemns the use of sexual violence and intimidation of all forms in conflict situations;

11. Emphasises that people’s growing impoverishment provides the socio-economic basis for the development of criminal and terrorist groups; stresses that a lack of access to crucial public services for populations, such as water, sanitation, health or education, constitutes the socio-economic foundations for the development of terrorism; underlines the importance of education as the basis for fostering economic growth, creating a democratic society and preventing extremism;

12. Underlines the role that national parliaments play in stability and democratisation; calls for ECOWAS states to further include national and regional democratic bodies in matters pertaining to security; believes that any such intervention by the EU should be subject to a debate within the national parliament concerned; calls for the EU and ECOWAS countries to increase the coordination of security, development, humanitarian and democracy-support assistance to ensure an integrated approach to peace and security for lasting sustainable development across the region;

13. Points to the significant contribution of the EU and its Member States in terms of development cooperation and humanitarian assistance and welcomes the work of the Sahel Alliance to support development efforts led by the G5 Sahel governments; calls for the full operationalisation of the G5 Sahel and for EU Member States to cooperate closely with it in this regard, through financial capacity building, the exchange of military equipment and the provision of efficient training in military and civilian operations;

14. Underlines that improving the security situation of the region will require tackling the root causes of violence and conflict, including poverty, climate change, displacement and a lack of access to education and opportunities, all of which have been exacerbated by the COVID-19 pandemic; recognises that the root causes of violent extremism and terrorism are complex; underlines the need to boost the economies of the region, foster job creation and lay the foundations for sustainable long-term development; calls for the EU to tailor its investments and development cooperation to tackling the root causes of terrorism and insecurity;

15. Expresses deep concern about the sharp deterioration in food security across West and Sahelian Africa, which is currently affecting tens of millions of people due the ongoing and increasing vulnerability of these regions’ agricultural food systems and supply chains; stresses that West Africa and the Sahel region rely on wheat supplies originating from Ukraine; expresses its gravest concern over the alarming short- and medium-term consequences for food security in West Africa and the Sahel region sparked by Russia’s unprovoked war against Ukraine and the alarming ensuing potential for the war to generate a new and dangerous hunger and nutrition crisis;

16. Recognises the rights of West Africa and the Sahel region to food sovereignty as a means of achieving nutritional security and poverty reduction, devoting particular attention to women and family farming, with the aim of securing the supply of affordable and accessible food;
17. Recognises the EU as the leading global donor of humanitarian and development support; calls for the EU and its Member States to increase their financial support and humanitarian aid in order to meet the urgent needs of the affected populations; regrets that several EU Member States have not achieved the target of devoting 0.7% of their gross national income to official development assistance;

18. Emphasises the importance of allowing free access to humanitarian aid and basic services in conflict areas, including by those living in territories outside government control; recalls that all parties must respect international humanitarian law to avoid any risk of diversion of humanitarian aid; stresses the importance of the delivery of humanitarian aid being perceived as neutral and impartial, and of ensuring the safety of humanitarian workers;

19. Welcomes the progress made by some countries towards ending corruption; urges African and EU countries to fight all acts of corruption; stresses the link between corruption and environmental crime, both of which pose a growing threat to achieving the SDGs; notes that tackling instability in the region is a pre-requisite in order to advance global security and make progress on achieving the SDGs; urges the EU and its Member States to harness anti-corruption policy through enhanced capacity building regarding offences recognised as environmental crimes by the EU, Interpol and the UN Environment Programme;

20. Recalls that climate change is an increasingly important factor in regional stability in West Africa and the Sahel; calls on the West African and Sahel states to cooperate with the EU Member States to tackle the negative consequences of climate change on security and stability in the region;

21. Recalls that strong institutions are necessary to fight terrorism and tackle domestic challenges; stresses the importance of redefining a strategy for combating terrorism and violent extremism across the regions concerned, in compliance with international standards, and calls on all perpetrators of such actions to be held accountable and brought to justice;

22. Calls on national authorities across the region to decriminalise sexual activity between people of the same sex and to ensure the rights of the LGBTI population; stresses that people fleeing persecution for being LGBTI must be entitled to international protection in the EU;

23. Emphasises the EU’s commitment to comprehensive engagement in the region on political support, technical and financial assistance, notably for security sector reforms, military training and support for the protection and strengthening of civil society, which are essential for tackling security threats; calls on ECOWAS and the EU Member States to effectively implement the memorandum of understanding on peace, security and governance;

24. Underlines that EU humanitarian and development assistance seeks to prevent the suffering of the civilian population and elevate their basic living conditions; recalls that sustainable development in Africa is only possible through a combination of human capital and external development support; recalls that migration should not lead to brain drain; calls on the Commission and the Member States to urgently evaluate, in coordination with their international partners and relevant international institutions, all the means available to prevent any default on debt payment of African countries;

25. Expresses its support for UN, EU and regional engagement in West Africa and the Sahel for peacekeeping, military training and technical assistance, notably through EU training and capacity-building missions, and initiatives by ECOWAS and the African Union;

26. Is deeply concerned about the large number of cases of very serious human rights abuses committed by Malian security forces, as reported by the UN MINUSMA, which may amount to war crimes under humanitarian law; takes note of the decision of the VP/HR to suspend some of the training delivered by the EU Training Mission in Mali and the EU Capacity Building Mission in Mali for the Malian armed forces and national guard and urges the suspension of any other EU assistance to the Malian security sector until all crimes have been brought to justice;
27. Acknowledges that the various international missions have not accomplished their primary goal of lasting peace in the region and that a reflection process on the mandates and roles of international missions and policies is therefore needed; underlines that a revision of the EU’s mandates and engagements should focus on making cooperation with West and Sahelian African countries more preventive in nature; urges ECOWAS countries and the EU to jointly develop a new approach to security sector reform and security assistance;

28. Condemns disinformation about the EU and its common security and defence policy missions; calls for the EU to equip itself with all the necessary means for more effective strategic communication;

29. Underlines that any European or international support should only be seen as additional to national and regional efforts; recalls that the host countries must maintain ownership of all initiatives taking place in their respective territories; recalls that the political and societal leadership must also therefore support such initiatives in order for them to be successful;

30. Recognises that despite the persisting security challenges, progress has been made in combating armed Islamist groups; reiterates the need to combat terrorist propaganda and recruitment initiatives within wider strategies to combat terrorism susceptibility and recruitment; underlines, at the same time, the need to incentivise defections from violent extremist groups and to increase efforts to deradicalise and reintegrate such fighters into society;

31. Strongly criticises the decision of the Malian Government to obstruct cooperation with European actors, expressed, among other actions, through its denunciation on 2 May 2022 of two key agreements, namely the Status of Forces Agreement setting out the legal framework for the presence in Mali of the French Barkhane and European Takuba forces, and the 2014 defence cooperation treaty between Mali and France; strongly criticises Mali’s demand in January 2022 for the departure of the Danish and French contingent from its territory, as well as its refusal to grant a German plane permission to fly in Malian airspace;

32. Condemns the increasing presence of the Kremlin-backed Russian Wagner Group in the Sahel; firmly believes that the involvement of the Wagner Group in West Africa runs counter to the objective of bringing peace, security and stability to the region and is incompatible with security and defence cooperation with the EU; calls upon all countries to examine the Wagner Group’s track record, notably in the Central African Republic; expresses its gravest concern about the group’s wide range of human rights violations and its violations of international humanitarian law, which continue to be reported; strongly condemns the crimes committed in West Africa and the Sahel by the Wagner Group and other private military and security companies;

33. Calls on all countries that are cooperating or considering cooperating with the Wagner Group to take into account the developments in Ukraine, where the Russian regime is conducting a brutal and inhumane war in blatant violation of international law; calls on all states to drop any illusions about the ultimate objectives of any Russian engagement in their countries and to acknowledge that Russia and its Wagner Group only focus on their own interests and will use whatever force they deem necessary, as is visible in Ukraine and elsewhere where the civilian population is paying a heavy price;

34. Recalls that the security situation in the Sahel, the coastal states of West Africa and the Maghreb are closely interlinked; asks for an evaluation of the shortcomings that prevented the EU Training Missions from serving their intended purpose of adequately training armed forces in partner countries to counter jihadism; calls for the next EU Training Missions to be conducted in a way that overcomes these serious shortcomings;

35. Reiterates that in the context of the relocation of Operation Barkhane to Niger, lessons should be learned in order to redesign responses with a greater focus on prevention and a more comprehensive approach to governance, security and development assistance;

36. Underlines that the international community should intensify economic and political cooperation with those countries that are willing to reform and deliver results in order to serve as regional role models, which can play a role in stabilising the entire region; welcomes efforts made by some countries towards democratisation; highlights the fact that regional success stories, for example in the coastal region of West Africa, can play a role in stabilising the entire region, and therefore believes that such positive examples need to be further encouraged and supported;
37. Reiterates that the protection and safety of civilians is one of the key tasks of any government and underlines that additional measures should be taken in order to improve the protection of civilians; suggests that such measures could include unarmed civilian protection methods, which have already been successfully put in place by the UN in other conflict situations;

38. Notes in particular the importance of designing security strategies with meaningful involvement of women — who are disproportionately affected by insecurity and violence — and of young people, whose future — and that of the region — will depend on access to education and employment as a means of sustaining peaceful development and dissuading jihadi recruitment; calls on countries in the region and the international community to continue promoting the implementation of UN Security Council resolution 2250 (2015) on youth, peace and security and reiterates its support for the implementation of the UN women, peace and security agenda in the Sahel;

39. Welcomes the Council’s decision to extend and enhance the implementation of the Coordinated Maritime Presences Concept in the Gulf of Guinea; calls on the Council to consider reinforcing the concept in the Gulf of Guinea by aerial means; calls for greater involvement and cooperation with the Gulf of Guinea coastal states through NDICI-Global Europe and the European Peace Facility;

40. Welcomes the role that election observation missions play in supporting and strengthening the democratic process; recalls that EU Member States and countries across West Africa and the Sahel have invited official observer missions, and urges governments in West African and Sahelian countries to continue to do so as part of organising transparent, inclusive and genuinely competitive elections;

41. 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 ACP-EU Council, the ACP Council of Ministers, the Members of the African Union and the secretariats of ECOWAS, the Accra Initiative and the G5 Sahel.
The European Parliament,

— having regard to Articles 2 and 7(1) of the Treaty on European Union (TEU),

— having regard to the Charter of Fundamental Rights of the EU,

— having regard to its resolution of 12 September 2018 on a proposal calling on the Council to determine, pursuant to Article 7(1) TEU, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded (1),

— 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 (2),

— having regard to its resolution of 16 January 2020 on ongoing hearings under Article 7(1) TEU regarding Poland and Hungary (3),

— having regard to its resolution of 17 September 2020 on the 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 (4),

— having regard to its resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights (5),

— 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 (6),

— 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 (7),

— having regard to its resolution of 24 June 2021 on the Commission’s 2020 Rule of Law Report (8),

— having regard to its resolution of 8 July 2021 on breaches of EU law and of the rights of LGBTIQ citizens in Hungary as a result of the legal changes adopted by the Hungarian Parliament (9).

(3) OJ C 270, 7.7.2021, p. 91.
(8) OJ C 81, 18.2.2022, p. 27.
(9) OJ C 99, 1.3.2022, p. 218.
having regard to its resolution of 16 September 2021 on media freedom and further deterioration of the rule of law in Poland (10),

— having regard to its resolution of 21 October 2021 on the rule of law crisis in Poland and the primacy of EU law (11),

— having regard to its resolution of 11 November 2021 on the first anniversary of the de facto abortion ban in Poland (12),

— having regard to the case-law of the Court of Justice of the EU,

— having regard to the standard modalities for hearings referred to in Article 7(1) TEU, as approved by the Council on 18 July 2019,

— having regard to the decision of the College of Commissioners of 27 April 2022 to commence proceedings against Hungary under the Rule of Law Conditionality Regulation (13),

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

A. whereas the 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 set out in Article 2 TEU, and as reflected in the Charter of Fundamental Rights of the EU and embedded in international human rights treaties; whereas those values, which are common to the Member States and to which all Member States have freely subscribed, constitute the foundation of the rights enjoyed by those living in the Union;

B. whereas any clear risk of a serious breach by a Member State of the values enshrined in Article 2 TEU does not concern solely 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;

C. whereas Article 7(1) TEU constitutes a preventive phase endowing the Union with the capacity to intervene in the event of a clear risk of a serious breach of the common values; whereas such preventive action provides for a dialogue with the Member State concerned and is intended to avoid the possible suspension of certain rights deriving from the application of the Treaties;

D. whereas Article 7(1) TEU was triggered by the Commission and Parliament in relation to Poland and Hungary, respectively, following the determination of a clear risk of a serious breach of the values on which the Union is founded;

E. whereas the practice of organising hearings has varied widely from one Council presidency to the next; whereas the Council has so far organised five hearings on Poland and three hearings on Hungary within the framework of the General Affairs Council;

1. Takes note of the hearings organised by the Council under Article 7(1) TEU in response to threats to the values set out in Article 2 TEU in Poland and Hungary; regrets the fact that the hearings have not led to an improvement in the rule of law, democracy and fundamental rights in Poland and Hungary, and that the situation in both countries has continued to deteriorate since the procedure under Article 7(1) TEU was triggered, as documented in numerous reports and statements by the Commission and international bodies, such as the UN, the Organization for Security and Co-operation in Europe and the Council of Europe, and as confirmed by numerous rulings by the Court of Justice of the EU and the European Court of Human Rights;

2. Calls on the Council to show genuine commitment to make meaningful progress in the ongoing Article 7(1) TEU procedures in line with its obligations under the Treaties to protect the values set out in Article 2 TEU;

(10) OJ C 117, 11.3.2022, p. 151.
3. Considers that the hearings should be organised with suitable frequency and in an appropriate manner, as a precondition for the effective use of the Article 7(1) procedure; welcomes, in this regard, the resumption by the French Presidency of the hearings on both procedures; notes with concern, however, that, in spite of Parliament’s repeated demands, the hearings have not been organised in a regular, structured and open manner; urges future presidencies to organise the hearings regularly and at least once per presidency; calls on the Council to ensure that hearings under Article 7(1) TEU also address new developments, including those related to violations of fundamental rights;

4. Reiterates the intrinsic link between the rule of law, democracy and fundamental rights and reminds the Council and the Commission of Parliament’s long-standing call to include the persistent violations of democracy and fundamental rights everywhere in the Union, including attacks against media freedom and journalists, minorities, migrants, women’s rights, LGBTIQ+ people’s rights, and freedom of association and assembly, when assessing the situation of the rule of law in the Member States;

5. Calls on the Council to publish comprehensive minutes after each hearing and to provide Parliament with a proper debriefing; underlines that the hearings must be objective, fact-based and transparent, and that the Member States concerned must cooperate in good faith throughout the process in accordance with the principle of sincere cooperation enshrined in Article 4(3) TEU;

6. Stresses that the hearings will only be effective if the Council follows up on them by addressing concrete recommendations to the Member States in question, as provided for by Article 7(1) TEU; urges the Council, in the light of the rapid deterioration of the situation in both countries, to swiftly adopt such recommendations and to stipulate clear deadlines for their implementation; emphasises that unanimity is not required in the Council when it comes to identifying a clear risk of a serious breach of Union values under Article 7(1) or to addressing concrete recommendations to the Member States; suggests that if the deterioration persists, the Commission and the Council should discuss further steps to protect the values set out in Article 2 TEU;

7. Expresses its deep concern that the standard modalities for hearings referred to in Article 7(1) TEU do not ensure the same treatment for Parliament as for the Commission; insists that Parliament’s invitation to a formal Council meeting is still owing on the basis of the right of initiative and the principle of sincere cooperation between institutions enshrined in Article 13(2) TEU; reiterates its call on the Council to keep Parliament promptly and fully informed at every stage of the procedure;

8. Deplores the fact that several Council presidencies did not find the time to meet with all the relevant Parliament committees, despite official invitations to do so; calls on future ministers chairing the General Affairs Council to appear before the relevant Parliament committees at least once every presidency in order to update Parliament about these procedures;

9. Calls on all Member States to respect the primacy of EU law and recommends that the Council discusses threats to the primacy of EU law in the various ongoing Article 7(1) procedures; finds it particularly unacceptable that Poland and Hungary are continuously failing to implement a significant number of the judgments issued by the Court of Justice of the EU and the European Court of Human Rights; urges the Council to take this fact into account when assessing a clear risk of a serious breach of the values set out in Article 2 TEU;

10. Calls on the Commission to make full use of all tools available to address breaches by Poland and Hungary of the values set out in Article 2 TEU, on which the Union is founded, in particular expedited infringement procedures and applications for interim measures before the Court of Justice of the EU, as well as the Rule of Law Conditionality Regulation;

11. Calls on the Commission and the Council to refrain from approving the national plans of Poland and Hungary under the Recovery and Resilience Facility until both countries have fully complied with all European Semester country-specific recommendations in the field of the rule of law and until they have implemented all the relevant judgments of the Court of Justice of the EU and the European Court of Human Rights (**); recalls that the Commission should use all tools at its disposal to ensure that the citizens and residents of the Member States concerned are not deprived of the benefits of EU funds due to their governments’ violation of the rule of law;

12. Takes the view that the latest developments in the ongoing hearings under Article 7(1) TEU once again underline the imminent need for an EU mechanism on democracy, the rule of law and fundamental rights (DRF), as proposed by Parliament, in the form of an interinstitutional agreement and with a permanent DRF policy cycle among the EU institutions; deplores the refusal of the Commission and the Council to enter into negotiations on this interinstitutional agreement and the fact that no progress has been made in the last six years; reiterates its call on the Commission and the Council to immediately enter into negotiations with Parliament on this agreement;

13. Takes note of the fact that on 27 April 2022, the Commission finally started the formal procedure against Hungary under the Rule of Law Conditionality Regulation by sending a written notification; expects the Commission to continue to make steps forward as soon as possible and expects the Council to make a political commitment to bringing the procedure to a successful conclusion without delay and as a matter of priority;

14. Notes with concern that the Commission has not started such proceedings with regard to Poland, and calls for further assessment and action from the Commission under the regulation; regrets, moreover, that the Commission applies the narrowest interpretation of the regulation when assessing breaches of the principles of the rule of law in a Member State, by effectively excluding a serious risk affecting the financial management of the Union and its financial interests as a condition under which the conditionality mechanism should be activated; reiterates that the regulation clearly establishes that endangering the independence of the judiciary constitutes a breach of the principles of the rule of law;

15. Invites the ministers of the General Affairs Council to take full consideration of the Commission’s findings in its written notification to Hungary during its next Article 7(1) hearing on Hungary, which is due to take place at the end of May; underlines that the Commission’s findings should constitute sufficient grounds for the Council to adopt recommendations in the Article 7(1) TEU procedure;

16. Recalls the findings of Parliament’s missions to Budapest from 29 September to 1 October 2021 (\(^1\)) and Warsaw from 21 to 23 February 2022 (\(^2\)), which describe various breaches by Hungary and Poland in the field of democracy, the rule of law and fundamental rights, especially regarding the independence of the judiciary, media freedom, attacks against civil society actors and the further deterioration of LGBTIQ+ people’s rights and women’s rights, and the alleged use of Pegasus spyware; calls on the Council to make full use of these findings in its work on the Article 7(1) procedures;

17. Instructs its President to forward this resolution to the Commission, the Council, the respective Presidents, Governments and Parliaments of Poland and Hungary, and the governments and parliaments of the other Member States.


State of play of the EU-Moldova cooperation

European Parliament resolution of 5 May 2022 on the state of play of EU-Moldova cooperation (2022/2651(RSP))

The European Parliament,

— having regard to its previous resolutions on the Republic of Moldova and on Eastern Partnership countries,

— having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part (1), which includes a Deep and Comprehensive Free Trade Area and which fully entered into force on 1 July 2016 (AA/DCFTA),

— having regard to its resolution of 20 October 2020 on the implementation of the EU Association Agreement with the Republic of Moldova (2),

— having regard to the Republic of Moldova's application for EU membership, submitted on 3 March 2022,

— having regard to the Versailles Declaration of 10-11 March 2022,

— having regard to the statement of 29 April 2022 by the High Representative of the Union for Foreign Affairs and Security Policy, Josep Borrell, on the recent security incidents in the Transnistrian region,

— having regard to Rule 132(2) and (4) of its Rules of Procedure,

A. whereas the Republic of Moldova has been disproportionally affected by the Russian war of aggression against Ukraine, mainly due to the arrival of more than 450,000 refugees since the invasion began — nearly 100,000 of whom have stayed — which is the highest number per capita of all countries that have received refugees from Ukraine, but also due to lost trade as well as increased energy and transport prices;

B. whereas the Republic of Moldova submitted its application to join the EU on 3 March 2022, attesting to the long-standing determination of the Moldovan authorities and a large part of the population to advance Moldova's European integration;

C. whereas the European Union and its Member States have provided the Republic of Moldova with financial and in-kind assistance to cope with the repercussions of Russia's invasion of Ukraine, including EUR 13 million in humanitarian assistance, EUR 15 million for administrative support for the temporarily displaced, EUR 15 million to support the EU Border Assistance Mission (EUBAM) to Moldova and Ukraine, and in-kind assistance under the EU Civil Protection Mechanism; whereas on 5 April 2022, the EU, its Member States, G7 countries and other like-minded states pledged EUR 659.5 million at the launch of the Moldova Support Platform; whereas the EU provided Moldova with EUR 60 million through a new budget support programme in order to mitigate the impact of rising energy prices on the most vulnerable people;

D. whereas on 17 March 2022 an agreement was signed between the EU and Moldova on border management cooperation, enabling Frontex to support the Moldovan authorities in daily border management and border security activities;

E. whereas there have been concerns of potential false flag operations in Moldova since the beginning of Russia's war against Ukraine;

F. whereas in the Transnistrian region of the Republic of Moldova, Russia maintains at least 1,500 troops on the ground, supplemented by an additional 5,000 soldiers from the so-called armed forces of Transnistria;

G. whereas on 22 April 2022 Major General Rustam Minnekeev, deputy commander of Russia’s central military district, stated that one of the goals of Russia’s ongoing invasion of Ukraine is to create a land corridor to the Transnistrian region; whereas Major General Minnekeev also falsely claimed that acts of oppression of the Russian-speaking population had been observed in Transnistria;

H. whereas on 25, 26 and 27 April 2022 a number of security incidents took place in the Transnistrian region, including a grenade attack on the building of the so-called state security ministry in Tiraspol, explosions damaging radio masts in the village of Maiac, and alleged gunshots fired around the Cobasna ammunition depot;

I. whereas the Cobasna depot, located within the Transnistrian region on the Ukraine-Moldova border, contains approximately 22,000 tonnes of Soviet-era ammunition and military equipment guarded by the Operational Group of Russian Forces (OGRF); whereas, in spite of commitments made in 1999 and again in 2021, the Russian Federation has failed to ensure the full destruction of these weapons; whereas concerns persist that this equipment might be utilised in armed conflict in either an operational capacity or to exert pressure on the Moldovan and Ukrainian authorities;

J. whereas Russia has used its gas exports to Moldova as a tool for advancing the Kremlin’s economic and geopolitical interests in the country, most recently by artificially creating a gas supply crisis in the latter part of 2021;

K. whereas Moldova’s main supply of electricity comes from the Transnistrian region from a power plant owned by the Russian company Inter RAO;

1. Commends the great solidarity shown by the citizens of the Republic of Moldova towards the refugees from Ukraine that have been fleeing Russia’s war of aggression, its destruction of Ukrainian cities and towns, and its perpetration of atrocities and war crimes, by opening their homes to welcome them in their thousands; welcomes the efforts undertaken by the authorities of the Republic of Moldova to support the Ukrainian refugees;

2. Expresses its conviction that the EU must demonstrate the same degree of solidarity with the people of Moldova and support as determinedly as possible the country’s efforts to cope with the consequences of the Russian war of aggression;

3. Recalls that managing the situation of the almost 100,000 refugees who have found shelter in and those transiting through the Republic of Moldova constitutes an increasing financial burden for the Moldovan state, which already finds itself in a precarious financial situation due to the economic slowdown of the COVID-19 pandemic and the increase in gas prices triggered artificially by Gazprom;

4. Notes that the longer the Russian war of aggression against Ukraine lasts, the more humanitarian, security and socio-economic assistance the Republic of Moldova will require; welcomes the recent adoption by the European Parliament and the Council of the EUR 150 million macro-financial assistance (MFA) for the Republic of Moldova to cover parts of its external financing needs; calls on the Commission, in consequence, to further increase financial and technical assistance for Moldova, including through a new MFA proposal; stresses that a new MFA proposal is essential, as the recently adopted package was devised by the Commission prior to the conflict in Ukraine; insists that a new MFA proposal should mainly be composed of grants, rather than loans, in order to stabilise Moldova’s socio-economic situation and strengthen the country’s overall resilience; stresses that the Economic Recovery Plan for the Republic of Moldova, worth up to EUR 600 million, is key for Moldova’s recovery;

5. Welcomes the establishment of the Moldova Support Platform by EU Member States, G7 countries, international partners and like-minded states, intended to mobilise and coordinate international support, as a clear sign of the Union’s and its partners’ commitment to the Republic of Moldova’s European future; urges all Platform partners to ensure the timely disbursement of their pledges and to swiftly increase funding in case of a change to Moldova’s needs;
6. Calls on the Commission to continue delivering humanitarian support via the EU Civil Protection Mechanism, activated on 25 February 2022, border management support via Frontex and the relocated EUBAM, and support for the transfer of persons to EU Member States in the context of the Solidarity Platform.

7. Invites the Commission and the Council to broaden the mandate of the EUBAM in order to respond to the ongoing emergency resulting from the arrival of large numbers of refugees from Ukraine and ensure that the mission can provide meaningful support for authorities in the reception of refugees.

8. Calls on the Commission to put forward additional proposals aimed at ensuring the full liberalisation of transport and trade with the EU, such as suspending import duties on all Moldovan exports to the EU, increasing the quotas for Moldovan agricultural products and facilitating labour access for Moldovans in the EU, in light of the disruptions to the Republic of Moldova's supply chains and export markets.

9. Stresses the important role played by the Republic of Moldova so far in the safety and stability of the EU's eastern border in the context of the humanitarian crisis caused by the Russian war of aggression against Ukraine.

10. Reiterates its call on the Commission as well as on the Moldovan authorities to take into account the particular needs of women and children, who represent the vast majority of the refugees from Ukraine currently staying in Moldova: calls on the Commission and the Member States to set up specific support programmes for refugee women and children at risk of trafficking, in particular specialised support for the victims of such crimes as well as gender-based violence.

11. Welcomes Moldova's submission of its application for EU membership on 3 March 2022; calls on the EU institutions to grant EU candidate status to the Republic of Moldova, in line with Article 49 of the Treaty on European Union and on the basis of merit, and, in the meantime, to continue to work towards its integration in the EU single market and to enhance sectoral cooperation; calls on the Commission to swiftly complete its assessment and to provide Moldova with its full assistance during this process.

12. Underlines the fact, without seeking to prejudice the content of the Commission's opinion, that the Moldovan authorities are undoubtedly on the right track by adopting key reforms, notably on democracy, the rule of law and human rights, which will ensure that the country complies with the Copenhagen criteria that accession countries must fulfil, and which are aimed at implementing the AA/DCFTA in full; encourages the Moldovan authorities to continue on its path of reforms that will improve the lives of its citizens and bring the country closer to European standards.

13. Calls for a clear and firm political signal to be made at the European Council meeting in June 2022 regarding the Republic of Moldova's European path.

14. Underlines that, similarly to Ukraine, the concrete prospect of joining the EU is an essential element of hope that will maintain the morale of the Moldovan population during this period of extreme insecurity and material hardship.

15. Calls for strengthened cooperation between the Member States and the Moldovan authorities in investigating the 2014 bank fraud and, in particular, in ensuring the repatriation of stolen assets and prosecuting those responsible.

16. Calls for the EU to provide increased administrative and technical assistance by creating a Support Group for Moldova, similar to the existing Support Group for Ukraine (SGUA), which will increase the presence of EU staff in Moldova and allow SGUA-type assistance to be extended to the country; considers that in light of the Republic of Moldova's recent application for EU membership, there is an urgent need to set up this Support Group.

17. Stresses that it is unacceptable that Russia has been weaponising its gas supply to exert political pressure on the Republic of Moldova in order to influence the country's political trajectory and geopolitical orientation, notably after the presidential elections in 2020 and parliamentary elections in 2021.

18. Calls on the Commission and the Member States to support the Republic of Moldova towards ensuring its energy independence, connectivity, diversification and efficiency, as well as accelerating the development of renewable energy sources; calls on the Moldovan authorities to maintain the country's commitments as a member of the Energy Community to implementing the EU's Third Energy Package, in particular the unbundling of gas and electricity transmission and distribution.
19. Welcomes the conclusions of the European Council of 24-25 March 2022; calls on the Member States to jointly purchase natural gas, liquefied natural gas and hydrogen through a common platform that is also accessible to the Western Balkan states and three associated Eastern Partnership countries; reiterates, in this context, its call for an immediate embargo on Russian gas; calls on the Moldovan authorities and the Commission to work together to produce a clear assessment of Moldova’s gas storage needs for the forthcoming period;

20. Welcomes the successful isolation tests recently carried out by Moldova and Ukraine to temporarily disconnect their electricity grids from Russia and Belarus, followed by their synchronisation with the continental European power grid; urges the EU institutions to use emergency funding to swiftly connect Moldova to the EU’s electricity network/grid and to increase EU financial and technical support necessary to ensure Moldova’s resilience to such energy-related external pressure;

21. Expresses serious concern over the recent developments on the territory of the Transnistrian region and condemns them as dangerous acts of provocation undertaken in a highly volatile security situation; calls for calm in order to preserve the security and well-being of the people living on both sides of the Nistru river and in the neighbouring countries; welcomes, in this regard, the calm and restrained reaction of the authorities in Chișinău, which are helping to promote an environment conducive to a peaceful and lasting settlement of the conflict;

22. Reiterates its firm and unwavering support for the independence, sovereignty and territorial integrity of the Republic of Moldova within its internationally recognised borders;

23. Expresses its concern at the threat to the security and the environment of the region and beyond posed by the munitions stored in the Cobasna depot and calls on the international community to support the Moldovan authorities’ efforts to remove or destroy these dangerous weapons;

24. Rejects and expresses concern about the statement of 3 March 2022 by the de facto authorities in the Transnistrian region announcing an end to the settlement process and making a renewed call for the recognition of the so-called independence of Transnistria; calls on the Russian Federation to fully and unconditionally withdraw its military forces and armaments from the Transnistrian region of Moldova, in accordance with the repeated requests of the Moldovan authorities and with respect for the Republic of Moldova’s sovereignty and territorial integrity;

25. Recalls its support for a comprehensive, peaceful and lasting political settlement of the Transnistrian conflict based on the sovereignty and territorial integrity of the Republic of Moldova within its internationally recognised borders, which should include a special status for Transnistria within a viable Moldovan state and should not affect the country’s European aspirations; recalls the benefits and economic opportunities for the companies and population on both sides of the Nistru river following the application of the DCFTA to the entire territory of the Republic of Moldova;

26. Welcomes the recent initiatives and decisions to increase support in the field of security, notably through the launch of the EU-Moldova High-Level Political and Security Dialogue and substantial assistance measures under the European Peace Facility; recalls the need to continue to strengthen EU-Moldova security and defence cooperation and calls on both sides to make full use of the relevant platforms; calls on the Council and the Member States to offer urgent capacity-building assistance to the armed forces of the Republic of Moldova, given the security challenges that Moldova faces;

27. Commends the Moldovan authorities’ recent actions against Russian propaganda, including the temporary ban on several Russian disinformation websites under the imposed state of emergency and the ban on pro-Russian military symbols; calls on the Commission and the Moldovan authorities to increase their outreach to the population of the Transnistrian region of the Republic of Moldova;

28. Urges the Commission, the European External Action Service and the Member States to assist Moldova with its cybersecurity and strategic communications in order to improve its resilience to possible Russian attacks, and to support the work of journalists and civil society organisations seeking to counter disinformation; calls for the Commission and the Member States to take further measures against foreign interference and disinformation and to support Moldova in this regard;

29. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the Council of Europe, the Organization for Security and Co-operation in Europe, and the President, Government and Parliament of the Republic of Moldova.
The impact of the war against Ukraine on women

European Parliament resolution of 5 May 2022 on the impact of the war against Ukraine on women (2022/2633(RSP))
(2022/C 465/15)

The European Parliament,

— having regard to Articles 2 and 3 of the Treaty on European Union (TEU) and Articles 8, 10, 78 and 83 of the Treaty on the Functioning of the European Union,

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

— having regard to the Rome Statute of the International Criminal Court (ICC) of 17 July 1998,

— having regard to the Geneva Conventions, especially Convention (IV) relative to the Protection of Civilian Persons in Time of War,

— having regard to the UN Declaration of 20 December 1993 on the Elimination of Violence against Women,

— having regard to UN Security Council Resolution 1325 on Women, Peace and Security of 31 October 2000 and its follow-up resolutions 1820 (19 June 2008); 1888 (30 September 2009); 1889 (5 October 2009); 1960 (16 December 2010); 2106 (24 June 2013); 2122 (18 October 2013); 2242 (13 October 2015); 2467 (23 April 2019) and 2493 (29 October 2019),

— having regard to the UN Convention of 30 August 1961 on the Reduction of Statelessness,

— having regard to the 2018 UN Global Compact on Refugees,

— having regard to General Recommendation No. 38 (2020) of the UN Committee on the Elimination of Discrimination against Women of 6 November 2020 on trafficking in women and girls in the context of global migration,

— having regard to the Council of Europe Convention of 11 May 2011 on preventing and combating violence against women and domestic violence (Istanbul Convention),

— having regard to Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (¹) (Temporary Protection Directive),

— having regard to Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection (²),


— having regard to the Commission communication of 14 April 2021 on the EU Strategy on Combatting Trafficking in Human Beings 2021-2025 (COM(2021)0171),

— having regard to the Commission communication of 23 March 2022 entitled ‘Welcoming those fleeing war in Ukraine: Readying Europe to meet the needs’ (COM(2022)0131),

— having regard to the Commission proposal for a directive of 8 March 2022 on combating violence against women and domestic violence (COM(2022)0105),

— having regard to its resolution of 1 March 2022 on the Russian aggression against Ukraine (4),

— having regard to its resolution of 7 April 2022 on the EU’s protection of children and young people fleeing the war in Ukraine (5),

— having regard to its resolution of 23 October 2020 on Gender Equality in EU’s foreign and security policy (6),

— having regard to the joint communication of the Commission and the High representative of the Union for Foreign Affairs and Security Policy entitled ‘EU Gender Action Plan (GAP) III — An ambitious agenda for gender equality and women’s empowerment in EU external action’ (JOIN(2020)0017),

— having regard to the question to the Commission on the impact of the war against Ukraine on women (O-000015/2022 — B9-0012/2022),

— having regard to Rules 136(5) and 132(2) of its Rules of Procedure,

— having regard to the motion for a resolution of the Committee on Women’s Rights and Gender Equality.

A. whereas the invasion of Ukraine by Russia has forced a large number of people to flee the country; whereas since the beginning of the Russian aggression against Ukraine on 24 February 2022, according to the United Nations High Commissioner for Refugees (UNHCR), approximately 5 million refugees have fled from Ukraine to the EU (7); whereas an estimated 90 % of the refugees are women and children (8);

B. whereas a further 7,1 million (9) people have been displaced internally within Ukraine, including women and children in need of medical and mental health care, employment possibilities, proper schooling for children and accommodation and protection against sexual and gender based violence; whereas 13,5 % of those newly displaced had prior experience with displacement during 2014-2015; whereas internal displacement is putting strain on the municipalities of Ukraine, whereas women in the regions viewed as transit regions are specifically affected; whereas proper support for the municipalities hosting internally displaced people needs to be established;

C. whereas women often come to the EU with their children or the children of their extended family and friends; whereas approximately 2 300 unaccompanied minors have been registered so far; whereas reports from international organisations estimate higher numbers; whereas children from care institutions such as orphanages are not considered unaccompanied; whereas the latest reports indicate that about half a million Ukrainian civilians have been forcibly deported, including many women and children (10); whereas more than 2 300 children have been abducted and forcefully displaced to Russia; recalls that under the Geneva Convention ‘individual or mass forcible transfers, as well as deportations of protected persons from occupied territory […] are prohibited’:

(4) Texts adopted, P9_TA(2022)0052.
(8) https://www.unrefugees.org/emergencies/ukraine/
(9) https://www.unrefugees.org/emergencies/ukraine/
(10) https://www.iom.int/news/1-million-people-displaced-war-ukraine-iom-survey
D. whereas around 2.8 million people have fled to Poland, around 763 000 people have fled to Romania, 476 000 to Hungary and 346 000 to Slovakia; whereas a significant proportion of the refugees continue to travel to other Member States; whereas from Poland, around 1 million refugees have moved on to other Member States, with 1.5 million refugees remaining in Poland, making Poland the EU country with the highest proportion of refugees per capita; whereas the second country in this ranking is currently Austria, followed by the Czech Republic and then Estonia (11); whereas women without contacts in countries such as Poland are accommodated in public dormitories and sports halls; whereas there is a need to move beyond these temporary solutions and develop systemic solutions to ensure that women will not stay in public shelters facing poverty and further trauma; whereas there is an urgent need for safe accommodation for women, particularly pregnant women, elderly women and victims of sexual violence;

E. whereas around 428 000 refugees have left Ukraine via Moldova; whereas there are still around 100 000 refugees staying in Moldova, putting severe strain on the country's infrastructure and services; whereas in the context of the EU Solidarity Platform, seven EU Member States including Austria, France, Germany, Ireland, Lithuania, the Netherlands and Spain, as well as Norway, have pledged to welcome 14 500 people transiting Moldova so far;

F. whereas women and girls are particularly at risk during humanitarian and displacement crises, as they continue disproportionately to be the victims of discrimination based on gender norms and gender-based violence; whereas while the first arrivals of refugees fleeing Ukraine mostly had contacts within the EU, the majority of people arriving now do not have a contact point or support network in the EU;

G. whereas EU citizens, civil society and Member States reacted to the incoming refugees fleeing Ukraine with an unprecedented outpouring of solidarity; whereas for the first time the Council of the European Union triggered the Temporary Protection Directive (TPD), providing beneficiaries, for at least one year with possibility of extension, with residence permits and access to employment, to suitable accommodation or housing, to social welfare or means of subsistence if necessary, to health and medical care, and, for minors, to education, as well as giving families the opportunity to reunite;

H. whereas the application of the TPD has been rather uneven and at least eight Member States have chosen not to include people with long-term residence permits and other third country nationals in Ukraine in its scope; whereas recognised refugees in Ukraine and others with equivalent protection are often unable to travel within the EU as their travel documents are not recognised by some Member States; whereas this is very problematic for women facing their second displacement (12);

I. whereas so far, most of the efforts to relieve the situation of refugees, most of them women, have been conducted by the NGOs operating on the ground, civil society and volunteers, but also local governments and authorities; whereas continuous support is needed to ensure good cooperation between grass roots and international level organisations, and whereas their coordination has been improving since the beginning of the conflict and flow of refugees; whereas local entities are performing an important part of the organisation in hosting countries; whereas Member States have a legal obligation to ensure protection of refugees under international and EU law, including the TPD, and thus need to step up their efforts to facilitate coordination on the ground and ensure better task distribution;

J. whereas special attention should be paid to the situation of women refugees experiencing intersecting discrimination, such as Roma women, Black women, stateless women, women with disabilities, migrant women, racialised women and LGBTQ+ people, including transgender women whose identity may not be recognised, especially in Poland and Hungary, where measures have been taken against LGBTQ+ people; whereas special attention should also be paid to the


racialised women of African descent and third country nationals at border crossings; whereas the discrimination and gender-based violence these groups of women are experiencing at the borders is often unreported and not documented, meaning it remains invisible;

K. whereas older women, especially those with no contact points in the EU, are often at risk of isolation without family or wider community ties; whereas they are particularly vulnerable owing to language barriers and lack of access to social and support services, including access to medicines and food;

L. whereas the war in Ukraine is impacting women, including those facing intersectional discrimination, in specific ways and is exacerbating pre-existing inequalities; whereas most households in Ukraine are now relying on women and are in precarious and highly vulnerable situations due to the ongoing severe shortages of food, water and energy supplies inside Ukraine;

M. whereas many women have stayed in Ukraine and mobilised for combat or to provide non-combat support; whereas women make up around 15% of Ukraine’s military and there are currently around 300,000 women in the battlefield; whereas women soldiers have been captured in Ukraine; whereas there are indications that Ukrainian women soldiers in captivity have been tortured, humiliated and subjected to sexual violence; whereas reports of such mistreatment are alarming; whereas respecting the Geneva Convention provisions on the humane treatment of prisoners of war (Article 13) is of the utmost importance; whereas women also make up a second line of defence, providing non-combat support as well as vital logistics including assistance in the evacuation of civilians; whereas there are women that have been left behind in Ukraine, being either not allowed to leave the country, such as those working in critical infrastructures, or not willing or able to leave the country;

N. whereas there is an increasing number of unofficial reports from survivors, but also intelligence reports, about sexual violence in the conflict; whereas there are growing reports that rape, sexual harassment, torture, mass executions and genocide are being increasingly used by the Russian army as weapons of war against the civilian population in Ukraine;

O. whereas the use of sexual and gender-based violence (GBV) as a weapon is a war crime and should thus be prosecuted according to the provisions of international law and the Rome Statute of the ICC, particularly Articles 7 and 8 thereof, which define rape, sexual slavery, enforced prostitution, forced pregnancy and forced sterilisation or any form of sexual violence as crimes against humanity and war crimes and equate them with torture and other serious war crimes, whether or not such acts are systematically perpetrated during international or internal conflicts, including those relating to sexual and other violence against women and girls;

P. whereas the actual track record in delivering justice at the ICC for victims of sexual violence remains low, and whereas there are cases of convictions in that area that have been overturned (judgment against Jean-Pierre Bemba from the Democratic Republic of the Congo);

Q. whereas the lack of availability and accessibility of appropriate gender-based violence services for refugees, including in reception centres, remains a significant concern; whereas it is vital that the response to this crisis includes gender-based violence prevention and immediate response services;

R. whereas the massive displacement and refugee flow due to the war in Ukraine is leading to the conditions for a spike in human trafficking; whereas there are significant unofficial reports about the risks of trafficking in human beings with regard to refugees, particularly women and unaccompanied children, who have fallen into the hands of traffickers or are reported missing, with traffickers often abusing the vulnerable situation of refugees by posing as providers of transportation, be it by car on either side of the borders or at train or bus stations;

S. whereas there are currently an estimated 80,000 women waiting to give birth in Ukraine; whereas the difficult situation on the ground is resulting in a lack of proper access to sexual and reproductive health and rights for the women still in the country; whereas access to sexual and reproductive health and rights (SRHR) is also becoming increasingly difficult for the refugees arriving in the EU;
whereas women require access to the full range of sexual and reproductive health services including contraception, emergency contraception, legal and safe abortion care, antenatal care and skilled assistance during childbirth; whereas access to emergency contraception is severely hampered by barriers in Poland and Hungary, due to prescription requirements; whereas in the case of Poland, Romania and Slovakia there are economic barriers in accessing such fundamental sexual and reproductive health and rights services as they are not covered by public health insurance or subsidy schemes, resulting in significant cost barriers as refugees have to pay the full cost out of pocket or seek help from local civil society organisations to cover the costs for them; whereas in Poland, a near-total abortion ban is in force;

whereas advocates and NGOs receive hundreds of calls from pregnant women fleeing Ukraine who are not able to terminate their pregnancy due to the de facto abortion ban in Poland; whereas medical abortion in early pregnancy is not legal in Slovakia and is not available in Hungary; whereas as a lot of women have been raped during the conflict by the Russian aggressors, access to emergency contraception, post-exposure prophylaxis and safe and legal abortion services in Ukraine and in host and transit countries is crucial; whereas all host countries including Poland must fulfil their obligation, including under national law, to guarantee access to abortion care for women who became pregnant as a result of rape; whereas SRHR services are essential healthcare services and Member States should ensure access to them by all, including access to safe and legal abortion care and services in all circumstances;

whereas Ukrainian legislation allows surrogacy and Ukraine accounts for over a quarter of the world’s commercial surrogacy market and an estimated 2 000 to 2 500 babies are born through surrogacy each year in the country; whereas, due to the war, surrogate mothers are facing great difficulties in continuing their pregnancy in conditions conducive to their well-being, as well as in accessing health services during pregnancy, delivery and puerperium; whereas some surrogacy agencies have asked surrogate mothers not to flee Ukraine before the birth; whereas new-born children are particularly vulnerable, and the war makes it difficult for intended parents to assume parental authority and for public institutions to assume their guardianship and care in adequate conditions, when needed;

Restates its condemnation in the strongest possible terms of the Russian Federation’s illegal, unprompted and unjustified military aggression against and invasion of Ukraine and condemns any war crimes being committed against the civilian population, including women and girls in all their diversity;

Reiterates its calls for the EU institutions to work towards swiftly granting EU candidate status to Ukraine, in line with Article 49 TEU and on the basis of merit, and, in the meantime, to continue to work towards the integration of Ukraine into the EU single market along the lines of the Association Agreement in order to adequately protect Ukrainian women and girls;

Praises the solidarity shown by EU citizens, civil society, Member States and the EU itself towards Ukraine and people fleeing Ukraine; points out that since the beginning of the war, efforts to relieve the situation of women refugees fleeing Ukraine have been made via the civil society organisations operating on the ground, in particular local women’s organisations, as well as volunteers, local authorities, and local and national governments, particularly those of the neighbouring Member States and countries, as well as international organisations;

Stresses that any kind of discrimination, including on the basis of nationality, residence status, belief or religion, race, colour, ethnicity, gender, age, sexual orientation, gender identity, socio-economic background, genetic features, disability or language is unacceptable and must be actively prevented;

Asks the Commission to ensure correct and full implementation of the TPD across all 27 Member States and to make sure that women refugees fleeing the war in Ukraine fully benefit from the rights enshrined therein, especially regarding health services, maternality, childcare and access to the labour market; considers that the EU-Ukraine Parliamentary Association Committee, according to its updated mandate, should have the role of monitoring the application of this directive in the Member States bordering Ukraine; calls for smooth and even implementation to ensure the even application of the TPD for third country nationals with a long-term residence permit and other groups of third country nationals fleeing the war in Ukraine;
6. Strongly condemns the use of sexual and gender-based violence as a weapon of war and stresses that this constitutes a war crime, as well as sexual and gender based violence in the transit centres within Ukraine and across EU; expresses its concern about the growing number of reports of human trafficking, sexual violence, exploitation, rape and abuse faced by women and children fleeing Ukraine and arriving in Europe; calls on EU countries to address the specific needs of women and girls in reception centres and to ensure that gender based violence services and referral pathways and complaints mechanisms are immediately available within communities in languages and formats accessible to all groups; calls on the EU and host and transit countries to guarantee access to sexual and reproductive health and rights services, particularly emergency contraception, post-exposure prophylaxis and abortion care, including for survivors of rape; calls for the EU and its Member States to support local, national and international organisations providing services and shelter to gender-based violence survivors among refugee women and girls.

7. Welcomes the inclusion of women fleeing armed conflict and the request for the provision of specific support in the Commission’s proposal for a directive on gender based violence; notes that the displacement and refugee flow from the war in Ukraine is largely gendered; calls on the EU to adopt a gender-sensitive response to the crisis and to prioritise protection from sexual and gender-based violence and access for all refugees fleeing Ukraine, including those still in the country, to essential sexual and reproductive health services.

8. Highlights the need for specialised support for women and girls who are survivors of violence or who have witnessed violence and sexual abuse and calls on the Member States to set up such support programmes with adequate psychological and mental health support and counselling to overcome their traumatic experience; emphasises the need for proper reporting and documentation mechanisms to be set up within Ukraine and the EU, including for coordinating the collection of the testimonies of victims, in order to bring the cases for prosecution to the ICC and hold the perpetrators accountable; calls on the EU to support these efforts through funds and with expertise and logistics; stresses the importance of setting up a platform to record cases of war-related sexual and gender-based violence also in order to ensure adequate conditions for this, such as specialised interpreters.

9. Expresses its strong condemnation of and concern for the deportation, transportation and relocation of Ukrainian women and their children to Russia, as has been widely reported in the media and by human rights groups; stresses that this is in contravention of the Geneva Conventions; insists that all Ukrainian citizens who were forcibly deported to Russia be immediately returned to Ukraine.

10. Expresses its concern for the welfare and whereabouts of those imprisoned by Russian forces, in particular women prisoners, given their unique exposure to particular types of gender-based violence; therefore calls on the International Committee of the Red Cross to take responsibility for identifying the whereabouts of women prisoners and ensuring their fair and humane treatment.

11. Underlines that women and girls need continued access to sexual and reproductive health services (SRHS) throughout conflict and displacement, including access to safe delivery, family planning services, legal and safe abortion or clinical management of rape; calls for funding to be made available for the provision of essential and lifesaving SRHS in line with the UN Minimum Initial Service Package; welcomes the Commission’s proposal to provide triage hubs in the host countries to offer refugees urgent healthcare and arrange for their immediate transfer to other EU Member States; highlights that these triage hubs need to identify time-sensitive needs for SRHS, such as emergency contraception, legal and safe abortion care and emergency obstetric care as well as experts on sexual and gender-based violence; calls on the Commission and the Member States to use additional measures, EU funds and mechanisms to respond to the sexual and gender based violence protection and SRHR needs of Ukrainians, in particular by requesting the inclusion of sexual and reproductive health commodities in the Union Civil Protection Mechanism and by sending dignity health kits, including contraceptives and sexual reproductive health kits in humanitarian packages and convoys to Ukraine and to the neighbouring transit or refugee host countries, particularly where necessary to overcome national restrictions on SRHR.
12. Stresses that human trafficking for sexual exploitation and other purposes remains one of the biggest risks for women and children fleeing Ukraine who are in a particularly vulnerable situation; notes that even before the war, Ukrainian women were among the most common victims of human trafficking to the EU; urges the Member States to guarantee safety and freedom from sexual exploitation for refugee women and girls, including by providing safe and coordinated transportation between Member States; urges the Member States and the EU to swiftly identify and prosecute the trafficking networks profiting from the sexual exploitation of refugee women and girls; reiterates that prostitution feeds the trafficking of vulnerable women; encourages the EU to support Ukraine in investing in anti-trafficking awareness raising and prevention measures on the Ukrainian side, for example by disseminating information about these risks; stresses that surrogate mothers are in a situation of particular vulnerability and precariousness; strongly insists that the primary interest at stake is the life of the women and that they should not be prevented from leaving Ukraine if they wish to do so; recalls that sexual exploitation for surrogacy and reproduction is unacceptable and a violation of human dignity and human rights;

13. Condemns the practice of surrogacy, which can expose women around the world to exploitation, in particular those who are poorer and are in situations of vulnerability, such as in the context of war; asks the EU and its Member States to pay particular attention to the protection of surrogate mothers during pregnancy, childbirth and puerperium and to respect all of their rights, as well as those of the newborns;

14. Underlines the serious impact of surrogacy on women, their rights and their health, the negative consequences for gender equality and the challenges stemming from the cross-border implications of this practice, as has been the case for the women and children affected by the war against Ukraine; asks the EU and its Member States to investigate the dimensions of this industry, the socio-economic context and the situation of pregnant women, as well as the consequences for their physical and mental health and for the well-being of babies; calls for the introduction of binding measures to address surrogacy, protecting women's and newborns' rights;

15. Welcomes the activation by the Commission of cooperation within the network of national rapporteurs on trafficking in human beings and, in this regard, the activation of police cooperation on anti-trafficking, including on the EMPACT platform, and the deployment of Europol teams to the countries bordering Ukraine; calls for these efforts to be supported with sufficient financial resources at EU level;

16. Welcomes the common 10-point plan presented to interior ministers on 28 March 2022 encompassing the Commission's plan for stronger European coordination on welcoming people fleeing the war against Ukraine; notes that under the 10-point plan, standard operation procedures and guidelines for the reception and support of children and the transfer of unaccompanied minors are proposed; welcomes the development within the 10-point plan of a common anti-trafficking plan based on the EU strategy on combating trafficking in human beings (2021-2025), under the lead of the EU Anti-Trafficking Coordinator; asks for its swift adoption; calls for additional investment in anti-trafficking measures in Ukraine, such as an EU-wide helpline number specifically for refugee victims or those at risk of human trafficking or sexual and gender-based violence, free of charge and monitored in Ukrainian;

17. Calls on the Commission and the Member States to improve coordination at border crossings and reception facilities, ensure accurate registration of refugees and their access to the necessary documentation; welcomes the registration programme for volunteers helping refugees, in order to keep track of persons providing help; calls on the Commission to further enhance efforts in terms of prevention and tackling crimes that refugee women might face, such as human trafficking, sexual and gender based violence, exploitation and abuse; stresses that human trafficking of all kinds, in particular for the purpose of sexual exploitation by pimps, brothel owners, and buyers of sexual services, but also for other purposes, is one of the biggest risks for the refugee women and children fleeing Ukraine; calls on Member States' police forces and Europol to monitor and conduct awareness campaigns in transit points used by traffickers, such as train and bus stations, petrol stations, motorways or airports, through which they can smuggle their victims, as well as refugee reception centres where victims can be targeted;

18. Encourages the Member States to make use of assistance offered by EU agencies with regard to hosting women refugees; emphasises the need for an EU-wide registration platform for people applying for temporary protection, as proposed by the Commission, which is especially needed to support tracing and reunification efforts of unaccompanied minors, but also with regard to those at risk of trafficking, such as women and girls;
19. Calls on the Commission to swiftly prepare and roll out uniform guidance for the reception and support of children, especially young girls as well as elderly women including during procedures for transferring unaccompanied children, providing interim alternative care and reuniting children with family members;

20. Stresses that the hosting Member States provide support to the millions of refugees fleeing Ukraine, particularly women and children, impacting on their social, healthcare, childcare and education services; calls, therefore, on the Commission to conduct a detailed analysis of the needs and to adapt existing policies, including financial instruments such as structural funds, keeping a gender-sensitive approach; calls on the Commission to support the Member States as much as possible in this task, paying special attention to women and young girls; commends the efforts of the Member States towards sharing responsibility through the Solidarity Platform and encourages further enhancement of this cooperation;

21. Notes that it is essential for women refugees to gain access to livelihoods including the ability to work and earn income as soon as possible; calls for special programmes and language courses, as well as universal access to childcare, to facilitate integration into the EU labour market;

22. Stresses that the needs of women experiencing intersectional discrimination due to their racial or ethnic background, disability, nationality, sexual orientation, gender identity or expression, including those having experienced sexual violence, are taken into account, notably by providing safe and appropriate reception or care arrangements and ensuring that there is no discrimination at border crossing points; underlines the need to collect and analyse disaggregated data by gender, age, disability, nationality and point of destination (if known) with a view to supporting short- and long-term planning of appropriate services and facilities; calls on the Commission to ensure that Roma women fleeing Ukraine are not being discriminated against and are able to move within the EU; calls on Member States to guarantee of their protection in the implementation of the TPD;

23. Welcomes the EU funding provided for refugees fleeing Ukraine, including via the Recovery Assistance for Cohesion and the Territories of Europe (REACT-EU) programme, the Asylum, Migration and Integration Fund (AMIF) and the Cohesion’s Action for Refugees in Europe (CARE), which would allow EU countries and regions to provide emergency support to people fleeing from Russia’s invasion of Ukraine; asks for these funds to be gender-sensitive; insists that this Parliament should supervise how the funds are spent, particularly in countries with ongoing rule of law violations such as Poland and Hungary; reiterates that the principle of gender mainstreaming and gender budgeting is a core principle of the EU;

24. Points out that civil society organisations need greater direct financial and material support from the EU and its Member States to facilitate coordination on the ground and to ensure a better distribution of the various responsibilities; calls on the Commission and the Member States to improve the coordination of humanitarian assistance in cooperation with civil society and international organisations, including UNHCR, UN Women, the United Nations Population Fund, the World Health Organization and other UN agencies, as well as the International Organization for Migration and the International Committee of the Red Cross, and to ensure immediate and direct access to funding for civil society organisations providing assistance to Ukrainian refugees, in particular to gender equality, SRHR and women’s rights organisations and women human rights defenders, in all transit and refugee hosting Member States, and particularly in countries that impose restrictions on SRHR; urges the Commission and the Member States to involve civil society organisations and to consult them and local authorities on the availability of the funding and the way it is spent and allocated;

25. Calls on the EU institutions and the Member States to closely consult with organisations fighting for the rights of women, girls and marginalised groups, especially on the ground, but also when making policy decisions related to this war; calls for particular support for and protection of women human rights defenders who are still active in Ukraine;

26. Stresses the tremendous work done by NGOs and activist groups to aid women with access to SRHR and the fact that their members are putting their own freedom on the line, such as Justyna Wydrzyńska, who has been charged under Poland’s draconian anti-abortion law for having provided medical abortion pills to another woman; calls on the Commission to protect and support these women human rights defenders against any persecution they might face;
27. Highlights the specific difficulty faced by LGBTIQ+ families when crossing borders; stresses that children of same-sex couples risk being separated from one or both parents; invites Member States to take account of de facto partnerships and families in the implementation of the Temporary Protection Directive.

28. Recalls the difficult situation of and obstacles to transgender persons including trans women or transgender and intersex women with the male gender marker in their passports, who are prevented from fleeing Ukraine; recalls that transgender people whose identity documents do not correspond with their identity cannot pass through internal checkpoints and may be excluded from civil protection measures; points out that reception camps set up for them by volunteers and civil society lack the capacity to house everyone; stresses that transgender persons have difficulties to access hormonal treatments; recalls that such treatments and other specific medicines for transgender and intersex people are classified as essential by the WHO and thus should be included in humanitarian aid packages; calls on the Commission, therefore, for EU financial support and coordination help in this regard; calls on the EU to ask Ukraine to simplify the procedures to allow these women to flee Ukraine; calls on EU Member States to provide appropriate medicines and medication after these women have crossed the border.

29. Considers that proper support for the municipalities in Ukraine hosting internally displaced people needs to be established in order to allow the internally displaced to stay in their country before the situation allows for their return home; welcomes the efforts of the Commission with regard to the needs of internally displaced women and girls.

30. Recalls UN Security Council Resolution 1325 on Women, Peace and Security and all its subsequent resolutions and calls for their implementation; insists on the inclusion of women in all their diversity and marginalised groups in conflict prevention, resolution, mediation, and peace negotiations, across all tracks and calls therefore on the EU institutions to set up a task force in which women and civil society on the ground are included; calls for the Neighbourhood, Development and International Cooperation Instrument (NDICI) to provide assistance in the form of training funds for women and NGOs in Ukraine in order to enable them to participate in conflict resolution and post-conflict rebuilding efforts; calls for the EU institutions and the Member States to pay specific attention to gender equality in their efforts to end this war.

31. Highlights the difficult situation faced by Moldova with regard to its strained infrastructure and services; welcomes the relocation pledges under the Solidarity Platform to help Moldova in its efforts to host refugees fleeing Ukraine; calls on the Member States and the Commission to continue their efforts to further assist Moldova by sharing responsibility and providing specific assistance to meet the needs of refugee women and girls.

32. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the United Nations, the Council of Europe and the President, Government and Parliament of Ukraine.
Impact of Russian illegal war of aggression against Ukraine on the EU transport and tourism sectors

European Parliament resolution of 5 May 2022 on the impact of the Russian illegal war of aggression against Ukraine on the EU transport and tourism sectors (2022/2643(RSP))

The European Parliament,

— having regard to Council Regulation (EU) 2022/334 of 28 February 2022 (1),
— having regard to the ‘Strategic Compass for Security and Defence — For a European Union that protects its citizens, values and interests and contributes to international peace and security’ action plan, which was approved by the Council on 21 March 2022 and endorsed by the European Council on 25 March 2022,
— having regard to the 8 April 2022 Informal meeting of transport ministers,
— having regard to the 2018 Global Compact on Refugees,
— having regard to the Versailles Declaration of the EU Heads of State or Government of 11 March 2022,
— having regard to its resolution of 1 March 2022 on the Russian aggression against Ukraine (2),
— having regard to its resolution of 24 March 2022 on the need for an urgent EU action plan to ensure food security inside and outside the EU in light of the Russian invasion of Ukraine (3),
— having regard to its resolution of 7 April 2022 on the Conclusions of the European Council meeting of 24 to 25 March 2022: including the latest developments of the war against Ukraine and the EU sanctions against Russia and their implementation (4),
— having regard to its resolution of 7 April 2022 on EU Protection of children and young people fleeing the war against Ukraine (5),
— having regard to the International Energy Agency’s 10-Point Plan to Cut Oil Use,
— having regard to Rule 132(2) of its Rules of Procedure,
— having regard to the motion for a resolution of the Committee on Transport and Tourism,

A. whereas the EU has adopted five packages of sanctions in response to Russia’s illegal, unprovoked and unjustified war of aggression against Ukraine:
B. whereas a new wave of sanctions is expected to hit Russia harder in the road and maritime transport sectors;
C. whereas on 28 February 2022, Russia announced, as retaliation, prohibitions on the use of Russian airspace, affecting aircraft from 36 countries, including the EU states;
D. whereas the European Council cut the draft budget line for military mobility under the Connecting Europe Facility from EUR 6.5 to 1.69 billion as part of the 2021 to 2027 Multiannual Financial Framework;

(2) Texts adopted, P9_TA(2022)0052.
(3) Texts adopted, P9_TA(2022)0099.
(4) Texts adopted, P9_TA(2022)0121.
E. whereas, with Ukrainian airspace closed, roughly 3.3% of air passenger traffic movements by air in Europe have stopped, in addition to the passenger flights between Russia and Europe, which accounted for 5.7% of total European traffic in 2021;

F. whereas in 2020 there were some 8,848 port calls by some 535 Russian-flagged vessels at EU Member States’ ports;

G. whereas the situation in the Black Sea and Azov Sea has deteriorated as the Russian navy is blockading the region and parts of those seas have been declared a war zone, in recognition of security risk to passing maritime traffic;

H. whereas, in that area, the Russian navy has attacked vessels with EU owners or EU operators;

I. whereas Ukrainian and Russian seafarers make up 14.5% of the global shipping workforce, and EU fleets rely on them heavily;

J. whereas concerns are growing in relation to the overall security and operability of rail and maritime transport to and from Ukraine;

K. whereas the trend in the price of fuel has been upward in the past months, and that situation has been worsened due to Russia’s illegal war of aggression against Ukraine, and whereas fuel represents one of the highest costs for transport operators and users;

L. whereas tourism destinations in many EU countries will take a further brutal hit following two years of the pandemic that have already had a destructive effect on the sector;

1. Reiterates its strongest possible condemnation of the Russian Federation’s war of aggression against Ukraine, as well as the involvement of Belarus in that war, and demands that Russia immediately terminates all military activities in Ukraine and unconditionally withdraws all forces and military equipment from the entire internationally recognised territory of Ukraine;

2. Welcomes the EU’s unprecedented and evolving sanctions against Russia in response to Russia’s aggression against Ukraine and calls on the EU to continue evaluating and adopting further, effective sanctions in the transport sector in order to undermine the financing of Putin’s war machine; stresses that this is the first time that the transport sector has been explicitly targeted in EU sanctions against Russia;

3. Recalls that transport is a strategic means for the EU to provide solidarity and support to Ukraine and its suffering people, in terms of logistics, humanitarian aid and refugee evacuation and mobility;

4. Strongly condemns the deliberate targeting of transport infrastructure in Ukraine by Russian forces, which hinders the ability of Ukrainian authorities to evacuate civilians and transport essential goods and supplies to people in need; urges the EU to deliver financial assistance to Ukraine to help it rebuild its transport infrastructure;

5. Welcomes measures adopted by the Commission to help Member States, transport operators and workers continue transport operations and support the transport of refugees from Ukraine and of humanitarian aid; recognises the bravery of transport workers in Ukraine, risking their lives while continuing to work to transport people and goods;

6. Welcomes the operational guidelines adopted by the Commission to ensure the transit of Ukraine people without valid documents on board EU transport operators;

7. Applauds European transport operators for offering free travel by train, bus, ship and plane to Ukrainian citizens and the countless initiatives of associations and individuals, throughout the EU, providing free transport of goods and persons to and from the Ukrainian border; stresses that many Ukrainians willing to return to their country or trying to reach accommodation in another Member State cannot afford the price of the ticket; calls for train operators to continue to allow Ukrainians to have free access to trains without reservation as well as to unreserved seats;
8. Points out that ongoing conflict as well as Russia’s retaliation against EU’s sanctions have an impact also on the EU transport sector, which is severely disrupted regardless of the mode of transport;

9. Highlights the fact that rising fuel prices and the disruption in the logistic and supply chains are among the main consequences affecting all modes of transport and creating great uncertainty in the markets;

10. Believes that EU-based and EU-owned transport operators with links to the Russian market should be supported as they reorient their transport operations away from Russia;

11. Calls on the Commission to urgently carry out an economic and social assessment of the consequences of the war on all modes of transport in the EU market and to swiftly present, where necessary, support, including through further legislative and/or financial measures, to mitigate the negative effects and to ensure the well-functioning, level playing field and the fair completion for the European transport sectors;

12. Stresses that the crisis should not lead to any temporary or permanent undermining of transport workers’ rights;

Aviation

13. Expresses concerns over the severe impact that the conflict is having on the aviation sector when it comes to operating costs, making both passenger and freight more expensive; stresses that the combination of the sanctions and the air bans has forced airline companies to suspend or reroute their flights; points out, moreover, that the maximum necessary route extensions in order for aircraft to avoid Russian and Belarusian airspace varies between three and four hours each way leading to refuelling issues (extra stops, therefore extra costs), and longer crew working hours than those provided for in EU regulations;

14. Points out that Ukraine and Russia are among the leading producers of titanium, the key metal used in the manufacturing of aircraft, and the ongoing conflict could impact supply in the near term;

15. Calls on the Commission to evaluate and, where necessary, to present a support strategy for EU airlines and their workforces, which have been severely hit, first by the COVID-19 pandemic and now by overflight bans for Russia and Belarus, high fuel prices and dropping demand; stresses, however, the need to ensure a level playing field and fair competition between airlines, in particular when providing financial support;

16. Deplores the fact that Russia, in clear breach of international civil aviation rules (Chicago Convention) has approved a law to force a re-registration of airplanes leased from foreign companies in Russia’s aircraft register; insists that such a theft cannot be tolerated and demands the immediate return to the airplanes in question to their lawful owners; welcomes the Commission decision to include in the Air Safety List the Russian carriers operating aircraft covered by this re-registration, given that the Russian authorities lack the airworthiness safety oversight capacity for the hundreds of re-registered aircraft; stresses that the Russian authorities will be solely responsible for putting the lives of their own citizens at risk when putting these stolen aircraft into operation over Russian skies without being able to fulfil the necessary security requirements;

17. Requests continued EU action to stop mercenaries from the Wagner Group and foreign fighters from Syria etc. to effectively join the battlefield in Ukraine in order to commit atrocities against the civilian population; requests therefore that the High Representative demand in particular that the governments of Turkey, Georgia, Azerbaijan and Iraq, as well as the governments of the Central Asian republics, to close their airspace to any Russian, Iranian or Syrian military or charter planes, or to any regular airlines, that transport such mercenaries; requests that the EU blacklist any airline that may participate in such transports;

Maritime

18. Welcomes the Commission’s third pillar of the fifth package of sanctions against Russia related to the ban on Russian flagged vessels and Russian operated vessels from accessing EU ports; believes that the European Maritime Safety Agency could in this respect play an important role in providing a clear list of Russian vessels to be banned from EU ports, taking into account those vessels that have re-flagged or re-registered since 24 February 2022;
19. Requests, however, to go beyond those measures in order to prevent their circumvention and to refuse the call at EU ports to all ships, irrespective of who owns or operates them, if they also call at Russian ports along their route, except when necessary justified humanitarian reasons require the call; welcomes already the voluntary decision of several of the world's largest shipping companies based in Europe, to halt all cargo bookings to and from Russia until further notice;

20. Requests that all ships that want to make an EU port call be forbidden to bunker fuel in Russian ports or from Russian bunkering ships at sea;

21. Believes that the European Maritime Safety Agency should, in that respect, provide guidance on the uniform application of such sanctions, maintaining a level playing field for EU ports;

22. Asks the governments and the competent public authorities, both at national and EU level, to take up their responsibilities and plan enough staff and resources to ensure a smooth application of the measures, avoiding further delays in an already disrupted supply chain;

23. Takes note of the fact that a great number of ships are currently blocked in the regions; echoes calls by the Commission and the Member States for safety and security for international shipping in the area as a matter of urgency, and for the safety of seafarers in particular to be ensured; calls for the urgent reprioritizing of the ships concerned with the vital supplies needed by their seafarers, and for the implementation of a blue safe maritime corridor to allow the safe evacuation of seafarers and ships from the high-risk and affected areas in the Black Sea and the Sea of Azov;

24. Deplores that a number of free floating sea mines have recently been threatening the lives of seafarers and passengers, as well as international trade flows in the Black Sea, and requests international support for the demining efforts of littoral countries;

25. Expresses concerns over the impact of international shipping, logistics, supply chains and fuels prices, especially in freight rates, in the maritime sector;

**Rail**

26. Regrets that there is no direct ban on rail transport operations with Russian Railways for the time being; notes, however, that Russian Railways has been added to the list of legal entities and bodies subject to financial restrictions;

27. Points out that trains can still travel through Russia, in particular the freight trains that operate between Europe and China; notes, however, that the conflict is having a dramatic impact on rail freight flows between Asia and Europe, creating uncertainty for businesses operating trains and shipping freight;

28. Stresses that cargo on freight trains are running up against physical barriers, with thousands of wagons stuck in queues at the border of Ukraine and EU countries; calls on the Commission to support Ukraine in its efforts to diverge the traffic flows, to establish new connections and to set fast-track trade routes, which is something particularly urgent for the transport of perishable goods such as wheat; welcomes, in this regard, the ‘Getreidebrücke’ initiative, whereby Ukrainian and EU rail operators are collaborating to ensure agricultural goods and machinery can enter and leave Ukraine; similarly, welcomes efforts by Romania to revive disused railway lines that connect Romania with Ukraine and which could further alleviate the pressure on transport routes in and out of Ukraine; believes the EU should encourage and facilitate such initiatives;

29. Calls on the Commission to support Ukraine and its efforts to strengthen rail connections between Ukraine and the EU;

30. Applauds the heroism of Ukrainian railway workers who, despite the constant threat to their lives, are committed to evacuating the population of Ukraine from war zones, continuing to deliver post, pension payments, medicine and humanitarian and food goods, transporting the property of national companies, institutions and organisations to safe regions of Ukraine, and ensuring that international trade and active diplomatic contacts at the highest level can continue;

31. Considers that the Russian attack on Ukraine and the resulting transport needs within the EU have underlined the necessity for the EU railway system to accommodate higher volumes of passengers and freight; calls therefore on Member States accelerate the standardisation, harmonisation and interoperability of the railway systems across all Member States and on the Commission to continue monitoring the implementation and for the remaining shortcomings;
32. Calls on the Commission to immediately launch negotiations with Ukraine on the liberalisation of international rail and inland waterway freight transportation to secure transport routes and guarantee uninterrupted supply chains for agricultural products and other commodities to Europe and the rest of the world;

33. Underlines the heroism of some Belarusian railway workers that have sabotaged the deployment of Russian forces attacking Ukraine and calls on all citizens in Russia and Belarus to follow their example of civil resistance to this atrocious war of aggression;

Road

34. Welcomes the Commission’s action to ensure the return of European truck drivers from the conflict zone, and the carriage of goods by road to Ukraine and Moldova;

35. Welcomes the recent sanctions prohibiting road transport undertakings established in Russia and Belarus from carrying goods by road within the territory of the European Union, as they will drastically limit the options of the Russian industry to obtain key goods;

36. Points out that transport of goods to Ukraine and bordering Member States with major refugee inflows risks hitting regulatory obstacles; welcomes the steps taken by the Commission to clarify, and to encourage Member States to apply, certain measures facilitating the road transport operations carried out in the exceptional circumstances created by Russia’s aggression against Ukraine such as granting temporary drivers cards to Ukrainian drivers operating in the EU who are unable to return to Ukraine to renew their cards expire, adopting temporary exemptions from rules on driving and rest times while ensuring driver well-being and safety, exempting from the payment of tolls for transport considered as an emergency service and exemptions from transport authorisation for the carriage of all products required for medical care; highlights the fact that Ukrainian truck drivers in Europe are under great tension because of the war in their country; calls on the Commission to implement a strategy for helping truck drivers from Ukraine to re-join their families displaced in the European Union and to ensure that Member States provide assistance to drivers in need;

37. Calls on the Commission to continue exploring ways to support the transport of passengers or any kinds of goods towards/from Ukraine and its neighbouring EU countries as humanitarian aid and to provide for the necessary relief in terms of road tolls, infrastructure charges, access during weekends, taxation, etc.;

38. Supports the immediate conclusion of the agreement on the carriage of goods by road between the European Union and Ukraine and calls on the Commission and the Member States to immediately start applying the agreement on a provisional basis;

39. Supports the Commission’s proposal to conclude transport agreements with Ukraine and Moldova, by partly liberalising road transport for their hauliers, which will allow to shift important export goods from sea routes — currently unavailable due to the Russian military aggression — and to make increased use of EU sea ports for the export and import goods to and from Ukraine; strongly supports in this respect the rapid rehabilitation of formerly abandoned rail and waterway links between Ukraine and Romania in particular;

40. Emphasises the vital importance of opening green transport corridors to and from Ukraine so as to provide Ukraine with all necessary inputs to increase its agricultural production (e.g. pesticides, fertilisers and seeds) and to allow agricultural exchanges with Ukraine to continue;

TEN-T and military mobility

41. Welcomes the Commission’s communication on the extension of the trans-European transport network (TEN-T) to neighbouring third countries and urges to use the ongoing TEN-T review to focus on much increased transport infrastructure connections investment with Western Balkans, Moldova, Georgia and Ukraine; requests moreover the Commission, the Council and the Parliament to take jointly the ongoing TEN-T revision as an opportunity to review the new TEN-T maps as proposed in December 2021 and to propose an addendum for Ukraine, Moldova and Georgia in particular in order to adapt to the completely new transport needs situation caused by Russia's illegal war of aggression against Ukraine; requests also the Commission to propose an EU-‘Eastern Europe’ or ‘Eastern Partnership’ Transport Community, including an Eastern Europe Investment Framework, that could be partly modelled on the Western Balkans Transport Community;
42. Stresses the need to put much more ambition on the EU’s project for military mobility and in this respect welcomes EU Member States’ engagement to accelerate ongoing efforts to enhance military mobility thought the EU;

43. Reiterates its strong regret over the decision of the European Council to drastically cut the final envelope on the newly created military mobility budget line under the Connecting Europe Facility (CEF II) programme 2021-2027, when adopting the figures under the Multianual Financial Framework 2021-2027 and deplores that this mistake is now undermining our common European security; calls on the Commission to find and present solutions to significantly increase the military mobility budget line under the CEF II programme and suggests the mobilisation of unused funds under the Recovery and Resilience Facility (RRF) in this regard; empahsis the importance of ensuring that military mobility aspects are thoroughly assessed and addressed both in terms of infrastructure and funding, with a view to ensure optimal cross-border cooperation and mobility within the Union; in this respect, calls on the Commission to propose targeted support of major infrastructure projects better connecting all Member States and to increase transport infrastructure connections with the Western Balkans, Moldova, Georgia and Ukraine; asks in particular for a strengthening of all major dual use infrastructure leading to the Union’s Eastern border;

44. Calls on the Commission to provide the necessary funding in the EU Member States for developing of the dual use infrastructure with strategic role required in meeting present and future needs; emphasises the necessity to improve the EU capacity to assess and control the ownership and the investments in the field of strategic infrastructure, as a key aspect for guaranteeing the security of the EU and our citizens;

45. Calls on the Commission to further spell out the ‘Global Gateway’ initiative, to foster joint infrastructure investments in particular in those countries which are sharing universal values with us. Instead of leaving the field to autocracies, Europe has to offer a both economically attractive and value based alternative for infrastructure investments in poorer third countries. In this endeavour, Europe should join forces with other major democracies such as the USA, UK, Canada, Australia, Japan or South Korea;

Rise of energy prices on transport

46. Stresses that a combination of higher energy and transport prices would impact all citizens, and in particular low-income households, with increased risk of transport poverty; furthermore, highlights the fact that higher fuel cost for aviation, road and maritime transport is having a direct impact on final goods and services prices and that the increase of fuel prices is affecting the recovery of tourism from the pandemic;

47. Welcomes the Commission communication on ‘REPowEU: joint European Action for more affordable, secure and sustainable energy’ and supports the need of swiftly making Europe energy independent from Russian energy sources, which can become at the same time an opportunity to accelerate the energy transition; regrets, however, that the Commission has not yet addressed the fuel price increase for transport operators; calls on the Commission to analyse in depth the economic impact of fuel prices on EU transport and mobility, and to adopt further measures to respond to rising prices in transport in line with the European Green Deal;

48. Welcomes the extraordinary measures adopted by several Member States aiming at mitigating the increase of fuel prices such as temporary tax cut and calls on the Commission to come up with an EU coordinated and common criteria and facilitate the adoption of these measures by national authorities;

49. Calls on the Commission, and in particular on national, regional and local governments, to implement measures along the International Energy Agency’s 10-point plan to cut oil use, including extended use of home office possibilities, car-free Sundays in cities, further promotion of public transport, micro-mobility, walking and cycling, increased car-sharing, promoting efficient driving for freight trucks and delivery of goods, using high-speed and night trains instead of planes, where possible, avoid business air travel, where alternative options exist, reinforce the adoption of electric and more efficient vehicles;
50. Underlines the urgent need to significantly increase the Union domestic production, supply and storage of renewable fuels/energy and to further increase the diversification of the European Union's energy supplies, also through imports of alternative fuels in the short-term, including through EU port terminals for LNG as a transitional fuel, whilst carefully avoiding lock-in affects and stranded assets, and in alignment with EU climate goals; further underlines the need to strengthen energy interconnections between Member States, notably between the Iberian peninsula and the rest of Europe;

51. Considers that the synergies and complementarities of the TEN-T and TEN-E should be promoted, while fully ensuring existing and future funding opportunities and levels of funding for the development of the TEN-T;

**Tourism**

52. Stresses that the Russia's ongoing criminal aggression against Ukraine has left its tremendous mark on the tourism industries, especially in border areas. Tourists are refusing to travel to certain EU Member States, such as Poland, Romania, Slovakia, Bulgaria or the Baltic States, due to the proximity of the border with Ukraine, and in the fear of the war. Despite its own problems, the above mentioned countries' tourism industries are helping refugees from Ukraine; calls therefore for a common European tourism policy and in particular an action plan with effective financial support to help the sector and the destinations that have taken the greatest hit to overcome the most recent crises of Covid-19 and Russia's criminal aggression against Ukraine;

53. Reiterates its strong support for the establishment of a European Crisis Management Mechanism for the EU tourism sector in order to respond adequately and swiftly to crises of great magnitude, such as pandemics, wars, humanitarian crisis impact of climate change; stresses the importance of including funding solutions for short-term financial shortages that arise from such crises and also providing for medium- and long-term frameworks and strategies;

54. Highlights that rising energy and foodstuff costs, which are being exacerbated by the war, will multiply costs for tourism enterprises, and the whole value chain, and especially SMEs that are already struggling to survive after two years of pandemic; calls, therefore, on Member States to provide the necessary relief through tax policies and specifically tax reliefs, as well as on the Commission to utilise EU funds in order to improve liquidity of SMEs; stresses in this regard that the recovery of the sector will be further delayed and calls on the Commission and the Member States to maintain existing public support, including by postponing repayments of arising obligations;

55. Highlights that the COVID pandemic and the current war crisis in Ukraine have shown the urgent need for the establishment of an 'EU Agency for tourism'; believes that the coordination is an imperative for the recovery of EU tourism industry as a short term solution, and that a special department for tourism within the one of existing agencies should be swiftly set up and it should be responsible to create a new 'EU tourism brand' promoting Europe as a safe, sustainable and smart destination for all; calls for a common EU campaign to promote Europe as a destination with a view to attracting tourists to destinations most heavily reliant on Russian and Ukrainian tourists;

56. Calls on Member States to support EU hotels and short term rental services hosting Ukrainian refugees;

57. Welcomes the fact that Tourism enterprises are already hiring Ukrainian refugees and ask the Commission to support those actions by establishing an EU temporary financial programme to answering the shortage of tourism working force, which is a pertinent problem in the tourism sector after the pandemic;

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

(Preparatory acts)

EUROPEAN PARLIAMENT

P9_TA(2022)0129

Election of the Members of the European Parliament by direct universal suffrage

European Parliament legislative resolution of 3 May 2022 on the proposal for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage, repealing Council Decision (76/787/ECSC, EEC, Euratom) and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision (2020/2220(INL) — 2022/0902(APP)) (2022/C 465/17)

The European Parliament,

— having regard to the Declaration of 9 May 1950 that proposed the creation of the European Coal and Steel Community (ECSC) as a first step in the federation of Europe,


— having regard to the Treaties and in particular to Articles 2, 3, 9, 10, 14 and 17(7) of the Treaty on European Union (TEU) and to Articles 8, 20, 22, 223(1) and 225 of the Treaty on the Functioning of the European Union (TFEU), and to Article 2 of Protocol No 1 on the role of national parliaments in the European Union,

— having regard to Protocol No 7 on the Privileges and Immunities of the European Union,

— having regard 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 its previous resolutions on the European Parliament’s electoral procedure, and in particular its resolution of 15 July 1998 on a draft electoral procedure incorporating common principles for the election of Members of the European Parliament (4), its resolution of 22 November 2012 on the elections to the European Parliament in 2014 (5), its resolution of 4 July 2013 on improving the practical arrangements for the holding of the European elections in 2014 (6), and its resolution of 11 November 2015 on the Reform of the electoral law of the EU (7),

— having regard to its resolutions of 13 March 2013 (8) and 7 February 2018 (9) on the composition of the European Parliament,

— having regard to its resolution of 26 November 2020 on stocktaking of European elections (10),

— having regard to Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations (11), and in particular Articles 13, 21 and 31 thereof,

— having regard to the Framework Agreement of 20 October 2010 on relations between the European Parliament and the European Commission,

— having regard to the European Economic and Social Committee information report on real rights of persons with disabilities to vote in European Parliament elections adopted in its plenary session on 20 March 2019 (12) and its additional opinion on the need to guarantee real rights for persons with disabilities to vote in European Parliament elections adopted on 2 December 2020 (13),

— having regard to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), ratified by the EU in 2010, and by all Member States, and Article 29 thereof on participation in political and public life,


— having regard to Commission Communication of 3 December 2020 on the European democracy action plan (COM(2020)0790),

— having regard to the Charter of Fundamental Rights of the European Union (Charter), and in particular Articles 11, 21, 23 and 39 thereof,

— having regard to the European Pillar of Social Rights, and in particular its principle 1,

— having regard to the International Covenant on Civil and Political Rights, and in particular Article 25 thereof,

— having regard to the work of the Inter-Parliamentary Union (IPU) on gender equality, in particular its action plan for gender-sensitive parliaments,

— having regard to the State of the Union 2021 speech in which Ursula von der Leyen announced that the year 2022 will be the year of youth,

— having regard to the Commission’s proposal for the European Year of Youth 2022,

— having regard to Rules 46 and 54 of its Rules of Procedure,

— having regard to the report of the Committee on Constitutional Affairs (A9-0083/2022),

A. whereas since 1976, when the Electoral Act paved the way for the election of the representatives of the European Parliament by direct universal suffrage for the first time, the European Parliament has continuously requested the reform of European electoral law and moves towards a more genuine, uniform and European electoral procedure;

B. whereas the Lisbon Treaty has offered a positive step forward by confirming the right of the European Parliament to initiate a proposal on the Electoral Act as well as on its composition;

C. whereas other important changes in the Lisbon Treaty concerned in particular the wording of Article 14 TEU, stating that the Parliament is to be composed of representatives of the citizens of the Union and not peoples of the Member States, as well as the reference to the Parliament’s role in the election of the President of the Commission, who should be elected taking into account the results of the European Parliament elections;

D. whereas the procedure for the 2014 elections set a precedent for the role of the Parliament in the selection of the President of the Commission; whereas it was not possible for that procedure to become part of an overall reform of European electoral law, which contributed to creating the political background for the unexpected disapplication of the lead candidate principle following the European elections of 2019; whereas the lead candidate whose European political entity has received the overall highest number of seats should be tasked first with forming a coalition majority in the newly elected Parliament as regards the nomination of a candidate for President of the Commission; whereas in case a coalition majority cannot be reached, the task should be assigned to the next lead candidate; whereas Parliament expects the President of the European Council to consult the said leaders of the European political entities and parliamentary groups in order to inform the nomination process, and considers that this lead candidate process could be formalised by a political agreement between the European political entities and by an Interinstitutional Agreement between Parliament and European Council;

E. whereas some existing common provisions in the current European Electoral Act show the way towards necessary improvements, including those which provide for candidates to be elected by proportional representation using a list system or a single transferable vote system; for the freedom to establish constituencies at national level; for the introduction of a maximum electoral threshold of 5% in the national constituencies as a means of guaranteeing that the Parliament is able to function; and for the prohibition of MEPs to hold a dual mandate in national and European Parliament;

F. whereas, despite some steps forward in defining common standards of electoral procedures for the European Parliament, today European elections are still mostly governed by national laws and therefore more improvements are needed to establish a genuinely uniform procedure for European elections;

G. whereas the turnout registered in the 2019 European elections was the highest of any elections to the European Parliament in the last 20 years; whereas the participation rate hides wide disparities between Member States; whereas increased turnout is a positive signal and shows that citizens, and in particular the youngest generations of the Union are taking an increasing interest in the development of the European integration, as indicated also by the results of the special Eurobarometer of 9 March 2021; whereas this rate still means that only half of the Union citizens took part; whereas increased interest in European elections signals that Union citizens demand swift action from the Union in the field of climate change, economic recovery, the protection of human rights and rule of law, migration, and the role of the European Union in international relations; whereas communication efforts must be made to increase citizen's interest in European issues and the role of European political parties and foundations in that regard;

H. whereas the trend of a growing voter turnout can be improved if the connection and accountability between voters and candidates are strengthened and the Union-wide dimension is fostered;

I. whereas a functioning electoral system builds trust and support among the population and increases the confidence of citizens of the Union in their capacity to change society democratically by voting;

J. whereas the approval by Member States of Council Decision (EU, Euratom) 2018/994 of 13 July 2018 is still pending but does not preclude the necessary changes in the Union’s electoral systems;

K. whereas growing political momentum across Europe could offer the possibility of introducing elements and provisions that strengthen the European dimension of the elections;

L. whereas an appropriate approach to reforming the European electoral law should be based on respect for the principles of subsidiarity and proportionality and the introduction of common minimum standards;

M. whereas the reform of the European Parliament’s electoral procedure should aim to enhance the democratic and transnational public debate and dimension of the European elections and the democratic legitimacy of the Union decision-making process, reinforce citizenship in the Union, improve the functioning of the European Parliament and
the governance of the Union, make the work of the European Parliament more legitimate and legislative by giving it a genuine right of initiative, strengthen the principles of electoral equality and equal opportunities, especially between women and men, enhance the effectiveness of the system for conducting European elections, and bring Members of the European Parliament closer to their voters, and in particular the youngest amongst them;

N. whereas Recommendation 16 of the European Citizens’ Panel 2 on European democracy / Values and rights, rule of law, security of the Conference on the Future of Europe calls for an electoral law for the European Parliament that harmonizes electoral conditions (voting age, election date, requirements for electoral districts, candidates, political parties and their financing), and for European citizens to have the right to vote for different European Union level parties that each consist of candidates from multiple Member States, and that during a sufficient transition period, citizens could still vote for both national and transnational parties;

O. whereas the Youth Ideas Report released as the outcome of the European Youth Event (EYE) from 22 to 23 October 2021 suggests using transnational lists, where voters would be given a list of national candidates, and an additional list with candidates from all Member States; whereas that report also supports the enforcement of the lead candidate process;

P. whereas the Third Interim Report of the multilingual digital platform of the Conference on the Future of Europe, considers that one of the more frequently discussed proposals, and a widely endorsed idea, concerns the creation of EU-wide transnational electoral lists;

Q. whereas the midterm political agreement ‘Our priorities for Europeans’ endorsed on 17 January 2022 by the leaders of the EPP, S&D and Renew Groups, called for a ‘lead candidate process combined with transnational lists with a sufficient number of seats to be in place for the next European elections’;

R. whereas the principles of proportionality and equal opportunities have to be considered in regards to minorities, which are underrepresented in the European Parliament; whereas approximately 20 MEPs out of 705 declare that they belong to a minority (≈2.8 %) (14); whereas the Venice Commission acknowledges the role of guaranteed reserved seats for members of national minorities, lower electoral thresholds in proportional electoral systems for parties representing national minorities or the designation of electoral districts with the purpose to enhance the minorities’ participation in the decision-making process (15);

S. whereas the possibility of developing a uniform electoral procedure based on direct universal suffrage has been enshrined in the Treaties since 1957;

T. whereas the right of all citizens of the Union to participate, on an equal basis, in the democratic life of the Union would be promoted by an increasing harmonisation of the procedure for elections to the European Parliament in all the Member States, which would also strengthen the political dimension of European integration;

U. whereas European political parties contribute to forming European political awareness and should therefore play a stronger role in the campaigns for elections to the European Parliament in order to improve their visibility and to make clear the link between a vote for a particular national party and the impact it has on the size of a European political group in the European Parliament and on the nomination of the President of the Commission;

V. whereas associations of voters or electoral entities which do not belong to a European political party are called to play a role in the campaigns for elections to the European Parliament in order to increase the involvement of citizens in the election process;

(14) Based on data from the European Parliament’s Intergroup for Traditional Minorities, National Communities and Languages.
W. whereas the procedure for nominating candidates for elections to the European Parliament varies considerably from Member State to Member State and from party to party, in particular as regards transparency, democratic and gender equality standards; whereas, however, open, transparent and democratic procedures respecting gender equality for the selection of candidates are essential for building trust in the political system;

X. whereas the deadlines for finalising electoral lists ahead of European elections vary greatly among Member States, currently ranging from 17 days to 83 days; whereas this puts candidates and voters across the Union in an unequal position when it comes to the time they have to campaign or to reflect on their voting choice;

Y. whereas the deadlines for finalising the electoral roll ahead of European elections vary greatly among Member States and could render the exchange of information between Member States on voters (which is aimed at the avoidance of double voting) difficult, if not impossible;

Z. whereas the establishment of a Union-wide constituency in which lists are headed by each political family's candidate for the post of President of the Commission would strengthen European democracy and further legitimise the election of the President of the Commission and his or her accountability; whereas this could contribute to the construction of a European political space and to make the elections to the European Parliament truly based on European issues and not on issues of exclusively national interest;

AA. whereas at their informal meeting on 23 February 2018, the Heads of State and Government decided to continue their reflections, as well as the technical, legal and political work, on the issue of the transnational lists being set up for the 2024 elections;

AB. whereas not all Member States give their citizens the possibility of voting from abroad, and among those that do, the conditions for granting them the right to vote vary greatly; whereas granting all citizens of the Union residing outside the Union the right to participate in elections would contribute to electoral equality; whereas, however, Member States need to coordinate their administrative systems better in order to prevent voters from voting in two different Member States;

AC. whereas many people with disabilities want to vote at a polling station; whereas in 12 Member States national rules do not make it possible to switch from the polling station assigned on the basis of place of residence to another which is more suitable in the light of the voter's disability; whereas Article 29 of the UNCRPD explicitly stipulates that the States Parties undertake to ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others; whereas any barriers to the right to vote and to stand as candidate for persons with disabilities, especially legal barriers for adults with disabilities declared legally incapacitated should be removed, guaranteeing accessibility throughout the election process, including by providing additional participation systems to exercise the right to vote, in particular through postal voting;

AD. whereas an electoral authority, acting as an independent body and ensuring the correct implementation of the European electoral law should be set up at Union level as a network of Member States' single contact authorities, as this would facilitate access to information on the rules governing the European elections, as well as streamlining the process, managing in particular the Union-wide constituency and enhancing the European character of those elections;

AE. whereas postal voting could enable more voters to participate and make the conduct of European elections more efficient and more appealing for voters, whilst ensuring the highest possible standards of data protection and maintaining vote at polling stations as the norm; whereas Member States may provide complementary voting tools to enhance participation such as proxy voting, electronic or internet voting, in accordance with their national traditions; whereas many national bodies for the protection of digital freedoms have expressed reservations about online voting; whereas online voting presents increased difficulties with regard to the fundamental principles governing electoral operations (the secrecy of the ballot, the personal and free nature of the vote, the sincerity of electoral operations, effective monitoring of the vote and a posteriori control by the election judge); whereas those difficulties can be overcome by a common regulatory framework and procedure in which the highest standards of data protection, election integrity, transparency, reliability, secrecy of the vote are guaranteed;
AF. whereas Article 7(1) of the Act concerning the election of members of the European Parliament by direct universal suffrage of 20 September 1976 establishes that 'the office of member of the European Parliament shall be incompatible with that of member of the Commission';

1. Suggests the reform of its electoral procedure with the goal of shaping, in a concrete way, a European public sphere, by suggesting common minimum standards and legislative changes ahead of the 2024 European elections;

2. Considers it essential to improve the transparency and democratic accountability of the Parliament, by strengthening the European dimension of the elections, notably by transforming the European elections into a single European election, especially through the establishment of a Union-wide constituency, as opposed to the collection of 27 separate national elections, which is the way that European elections are organised today;

3. Believes that European political parties, associations of voters and other European electoral entities should play a more central role in the European elections process, should become clearly visible for voters, and should be given adequate support and funding allowing them to fulfil their role;

4. Reminds that diverging electoral cultures have resulted in a range of different electoral systems and different voting rights across the Union; considers that common minimum democratic standards in the European electoral law can promote a genuine public European debate and ensure equality of the Union citizens, including as regards: the right to vote, the right to register a party, an association of voters or other electoral entities and to stand for elections; access to ballots; the fielding of candidates, including gender equality; accessibility of voting for all citizens, especially for persons with disabilities; or what happens on the day of the elections;

5. Calls for the establishment of a common framework, with benchmarks and minimum standards for election rules across the Union, and suggests focusing on a strong coordination with national measures for implementing the core of its proposals;

6. Calls on the Union institutions to take into account the priorities identified by Union citizens in the context of the Conference on the Future of Europe;

7. Notes the role of the Commission as facilitator in the institutional talks between the European Parliament and the Council on the reform of the European electoral law; considers it essential to engage in a constructive dialogue with the Commission inter alia in order to evaluate and take inspiration from the results of the European Cooperation Network on Elections, as established in 2019;


— the way in which elections are governed, namely by rules applicable only within a particular jurisdiction or that might not have been formulated taking into consideration the borderless online space,

— the cooperation between regulatory authorities of the Member States, which needs to be strengthened,

— transparency in political advertising and communication, which should also be reflected in the provisions of the Electoral Law;

9. Considers gender equality to be a key element for improving representation in elections; welcomes the overall improvement in gender equality in the last elections, but stresses that there are significant differences between Member States, with some not having elected to Parliament a single woman; calls for the introduction of measures that ensure equal opportunities for women and men to be elected without infringing the rights of non-binary people, through the use of zipped lists or quotas;

10. Regrets that most national and linguistic minorities are not usually represented in the European Parliament; points out in this regard the effective barrier that electoral thresholds represent for parties representing minority communities running in single national constituencies or in large, densely populated constituencies; considers therefore that the European electoral law should provide for the possibility of exemptions from nationally provided thresholds for entities representing recognised national and linguistic minorities;
11. Considers it essential that both European and national political parties and associations of voters and other European electoral entities adopt democratic, informed and transparent procedures for the selection of candidates to the European Parliament, including the lead candidate, ensuring the direct involvement of individual citizens who are party members, including, but not limited to, the election of delegates; considers that such democratic selection should be accompanied by the necessary information as regards the capacities and performance of the aspiring candidates;

12. Believes that all European voters should be allowed to vote for their preferred candidate for the President of the Commission, and that lead candidates should be able to stand in all Member States on Union-wide lists, nominated by a European political party, by a European association of voters or by other European electoral entity, putting forward a common electoral programme;

13. Calls on European political parties, European associations of voters and European electoral entities to nominate their candidates for the position of President of the Commission at least 12 weeks before the election day; considers that binding democratic procedures and transparency in the selection should be ensured; expects candidates to be placed in the first position of the corresponding list of the Union-wide constituency;

14. Calls for enhancing the visibility of European political parties, European associations of voters and other European electoral entities through media campaigns and on ballot papers and all electoral materials; determines that national parties and associations of voters should indicate, where applicable, their affiliation to the European political parties, or other European electoral entities and to the corresponding lead candidate during the electoral campaign;

15. Notes that a coordinated media strategy at European level to ensure coverage and monitoring of the European elections would help to increase citizens’ interest in them;

16. Expects the leaders of the European political parties and parliamentary groups to agree on a common indication to the European Council on the basis of the outcome of the European elections as well as on a majority in the newly elected Parliament as regards the nomination of a candidate for President of the Commission; expects the President of the European Council to consult the said leaders of the European political entities and parliamentary groups in order to inform the nomination process; considers that this lead candidate process could be formalised by a political agreement between the European political entities and by an Interinstitutional Agreement between Parliament and European Council;

17. Proposes establishing the practice for interested parliamentary groups to conclude a ‘legislature agreement’ in order to ensure a political follow-up to the European elections and as a way to secure a majority within the Parliament ahead of the appointment of the Commission;

18. Considers that the introduction of a Union-wide constituency, from which twenty-eight Members of the European Parliament are to be elected without affecting the number of representatives in the European Parliament elected in each Member State and in which lists are headed by each political family’s candidate for the post of President of the Commission, offers an opportunity to enhance the democratic and transnational dimension of the European elections; believes that the goal of establishing a Union-wide constituency is achievable if gender equality is ensured as well as geographical balance, by guaranteeing that smaller Member States are not put at a competitive disadvantage compared to the larger Member States; suggests in this respect introducing binding geographical representation in the lists for the Union-wide constituency, and encourages European political parties, European associations of voters and other European electoral entities to appoint candidates in the Union-wide lists coming from all Member States;

19. Emphasises that the establishment of a Union-wide constituency in which Members are elected on the basis of transnational lists is compatible with the Treaties, and in particular with Article 14(2) TEU; considers that support for a uniform European electoral law with Union-wide lists, and a binding system of lead candidates has been gaining political momentum;

20. Believes that Union-wide lists are a lever that can be used to bring about representativeness and the formation of effective European political parties and associations of voters;

21. Suggests including common provisions governing expenditure linked to the European electoral campaign for each entity admitted for the purpose of tabling a list of candidates for Members of the European Parliament in the Union-wide constituency; calls for strong coordination with the upcoming revision of Regulation (EU, Euratom) No 1141/2014 on this matter;
22. Considers that funding of European political parties and other European electoral entities from the general budget of the European Union or from any other source may be used to finance campaigns conducted by the European electoral entities in the context of elections to the European Parliament in the Union-wide constituency in which they or their members participate; considers that funding and limitation of election expenses in the national constituencies, are to be governed in each Member State by its national provisions;

23. Recalls that the minimum age for eligibility to stand as a candidate across the 27 Member States varies between 18 and 25 and the minimum age for eligibility to vote varies between 16 to 18; calls for the introduction of a single, harmonised age for, respectively, passive and active voting rights across Member States and recommends them to introduce a minimum voting age of 16, without prejudice to existing constitutional orders establishing a minimum voting age of 18 or 17 years of age; is of the opinion that giving the right to vote at the age of 16 would reflect current rights and duties that the European young people already have in some Member States;

24. Proposes to introduce the possibility for temporary replacement of Members on maternity, paternity, parental and long sick leave;

25. Considers transparency of the electoral process and access to reliable information to be essential elements for raising European political awareness and securing an election turnout that is high enough to constitute a mandate from the electorate; highlights that citizens should be informed well in advance — notably 12 weeks before the elections — about the candidates standing in the European elections and about the affiliation of national political parties or electoral associations to a European political party or European electoral association;

26. Suggests that measures be taken and safeguards be put in place to avoid foreign interference in the electoral process;

27. Highlights that the deadlines for finalising the electoral roll ahead of European elections vary greatly among Member States; suggests establishing a European electoral roll and setting a common standard for the establishment and finalisation of the national electoral roll no later than fourteen weeks before the election day, in order to render the information on voters more accurate and to make its exchange between Member States easier, as well as to facilitate the prevention of double voting, ensuring that such double voting, whether the result of an administrative mistake or of breaches of electoral law is subject to effective, proportionate and dissuasive penalties at national level, and results in corrective measures by the Member States;

28. Proposes establishing a European Electoral Authority in charge of coordinating information on the European elections, monitoring the implementation of and resolving disputes on the common standards of the European electoral law, managing the European electoral roll, proclaiming the electoral results, and supervising the exchange of information on voting by citizens of the Union outside their home country; considers that such a body could facilitate an efficient exchange of information, and in particular the sharing of best practices, between national bodies; suggests that an essential task of the European Electoral Authority be the management of the register of electoral lists for the Union-wide constituency; calls on the budgetary authorities to ensure that the European Electoral Authority will have sufficient resources to fulfil its tasks;

29. Suggests that common minimum standards should be defined to introduce uniform requirements for the establishment of electoral lists;

30. Considers it essential to facilitate access to voting in European elections and to guarantee that all those who have the right to vote, including citizens of the Union living outside their country of origin, those without a permanent residence, those living in closed residential settings, those experiencing homelessness and prisoners, are able to exercise that right; calls on Member States to ensure access to information and voting on an equal basis for all citizens, including for persons with disabilities by allowing for instance the renting of adapted premises when public structures are not adapted;

31. Calls on Member States to introduce measures to maximise the accessibility of the elections for citizens with disabilities covering, among others and where appropriate, voting information and registration, polling stations, voting booths and devices and ballot papers; recommends to implement appropriate arrangements tailored to national voting procedures to facilitate the vote of citizens with disabilities such as the possibility to choose polling stations, closed polling stations in key locations, and the use of assistive technologies, formats and techniques like Braille, large print, audio-based information, tactile stencils, easy to read information and sign language communication; calls on Member States to allow persons with disabilities to be assisted in voting by a person of their own choice, where necessary and at their request;
32. Calls on Member States to introduce common requirements allowing all citizens of the Union living or working in a third country to be granted the right to cast their vote in elections to the European Parliament;

33. Believes that the introduction of postal voting is needed for voters who are unable to go to the polling stations on Election day, and that this could make the conduct of European elections more efficient and more appealing for voters in specific or exceptional circumstances; calls on Member States to consider the possible introduction of complementary enhancing tools such as advance physical voting and proxy voting, as well as electronic and online voting, in accordance with their own national traditions, taking into account the Council of Europe’s recommendations in those areas and with appropriate safeguards to ensure the reliability, the integrity, the secrecy of the vote, the accessibility for persons with disabilities, transparency in the design and deployment of electronic and internet systems, the possibility for manual or electronic recounts without compromising the secrecy of the vote, and the protection of personal data in accordance with applicable Union law;

34. Believes that establishing a common European voting day would create a more coherent pan-European election and therefore suggests fixing 9 May as the European Election day, regardless of the day of the week on which it falls, with the possibility of that day becoming a public holiday; considers it important that the first official projections of the electoral results are announced simultaneously in all Member States on the election day at 21:00 hours CET;

35. Considers it important to ensure that, following each election, an implementation report is drawn up with the aim of evaluating the functioning of the European elections as well as suggesting improvements, if needed;

36. Suggests a reform of the Treaties to make the office of member of the European Commission and the office of Member of the European Parliament compatible in the period between the constitution of the Parliament and the election of the Commission;

37. Calls for a reform of the Treaties, and in particular of Article 223 TFEU on the provisions necessary for the election of the Members of the European Parliament by direct universal suffrage, moving from Council’s unanimity and national ratifications to qualified majority decision-making in the Council;

38. Adopts the annexed proposal and submits it to the Council;

39. Instructs its President to forward this legislative resolution as well as the annexed proposal to the European Council, the Council, the Commission and the parliaments and governments of the Member States.
ANNEX TO THE LEGISLATIVE RESOLUTION

Proposal for a

COUNCIL REGULATION

on the election of the Members of the European Parliament by direct universal suffrage, repealing Council Decision 76/787/ECSC, EEC, Euratom and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 223(1) thereof,

Having regard to the proposal from the European Parliament,

After transmission of the draft legislative act to the national parliaments,

Having regard to the consent of the European Parliament,

Acting in accordance with a special legislative procedure,

Whereas:


(2) According to Article 223(1) of the Treaty on the Functioning of the European Union (TFEU), the provisions necessary for the election of the Members of the European Parliament by direct universal suffrage are laid down by the Council acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament upon a proposal drawn up by the European Parliament.

(3) Article 8 TFEU establishes the principle of gender mainstreaming by which the Union should aim to eliminate gender inequalities and to promote gender equality in all its activities.

(4) The Treaty of Lisbon has not only conferred on the European Parliament the power of initiative regarding the provisions on the election of its Members, but has also changed the nature of the mandate of the Members of the European Parliament, making them direct representatives of the citizens of the Union. These constitute fundamental changes that should be reflected in a modernised European electoral law by inserting new elements that aim to enhance democratic legitimacy and to more accurately reflect the breadth of the role and competences of the European Parliament.

(5) In spite of the provisions of the Electoral Act, elections to the European Parliament are largely organised in accordance with national rules, which differ considerably across Member States, resulting in a range of different electoral systems. Elections to the European Parliament take place on different days, and votes are cast for national parties with national candidates on the basis of national programmes. Approximation of those different electoral systems through the adoption of a more unified European electoral law based on clear common principles and rules would ensure equality for all citizens of the Union, and would strengthen the European public sphere.

(6) Electoral thresholds are part of the political system in many Member States and contribute to the development of stable government and opposition dynamics within Parliaments. In order to safeguard fair political competition, such thresholds should not exceed 5%.

(7) Electoral thresholds should not affect the chances of recognised national and linguistic minorities to participate in the political life of the Union and to be represented in the European Parliament. Recognised national or linguistic minorities should benefit from exemptions from any thresholds that are provided for at national level. Exemptions from national thresholds should also apply to political parties or associations of voters running in European elections in a quarter of Member States that include in their ballot papers the names and logos of the European entities to which they are affiliated.

(8) According to Article 17(7) of the Treaty on European Union (TEU), the candidate for President of the Commission is to be proposed by the European Council, taking into account the European elections, and is then to be elected by the European Parliament. In order to give that right its appropriate expression, the European public sphere should be developed in such a way that all European voters are allowed to indicate their preferred candidate for the President of the Commission. For this to happen, the lead candidates nominated by European political parties, by European associations of voters or by other European electoral entities, need to be able to stand behind a common electoral programme in all Member States. With a view to securing a majority within the Parliament ahead of the appointment of the Commission, interested parliamentary groups should establish a practice of concluding 'legislature agreements' ensuring a political follow-up of the European elections. Through a process that should be formalised on the basis of a political agreement between the European political entities, the lead candidate whose European political entity has received the overall highest number of seats should be tasked first with forming a coalition majority in the newly elected Parliament as regards the nomination of a candidate for President of the Commission. In the event that a coalition majority cannot be reached, the task should be assigned to the next lead candidate. In order to inform the nomination process, the President of the European Council should consult the said leaders of the European political entities and parliamentary groups. The lead candidate process could be formalised by a political agreement between the European political entities and by an Interinstitutional Agreement between Parliament and European Council.

(9) A Union-wide constituency, in which lists are headed by each political family's candidate for President of the Commission, should be created in addition to the national constituencies, in order to enhance the democratic and pan-European dimension of the European elections. That Union-wide constituency should be subject to detailed and clear rules that ensure that the list of candidates respects the principles of gender equality and geographical proportionality and representativeness, and in particular that the interests of small and medium-sized Member States are fully taken into account.

(10) European political parties, European associations of voters and other European electoral entities have a key role to play in fostering a truly European political debate. According to Article 10(4) TEU, '[p]olitical parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union'. European political parties, European associations of voters and other European electoral entities should therefore play a more central role in the European elections' process. They should therefore be given the possibility of fully participating in European election campaigns, and of tabling Union-wide lists, so that they become known by and more visible to electors, both on ballot papers and in campaign materials and publications.

(11) The conditions for the selection of candidates and for submitting candidacies should be reasonable, fair, democratic, proportionate and should respect the principles laid down by the Code of Good Practice in Electoral Matters of the Council of Europe's European Commission for Democracy through Law (the Venice Commission). Furthermore, in the European democracy action plan (¹), the Commission has committed itself to promoting access to democratic participation, which entails inclusiveness and equality in democratic participation, as well as gender balance in politics and decision-making. In its 2020-2025 gender equality strategy (²), the Commission stated that 'equal opportunity in participation is essential for representative democracy at all levels'. Gender equality as well as democratic and transparent procedures and informed decisions for the selection of candidates to the elections to the

(¹) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the European democracy action plan (COM(2020)0790).
European Parliament, including the lead candidate, are key elements for ensuring a level playing field for all European electoral entities and for reinforcing representativeness and democracy. For reasons of equality, those principles should apply to all lists of candidates in the elections to the European Parliament both in the national constituencies and in the Union-wide constituency.

(12) Transparency of the electoral process and access to reliable and timely information on voters and on candidates are important for ensuring the reliability of the electoral process, for raising European political awareness and for securing a strong election turnout. It is important to facilitate the exchange of information between Member States on voters in order to avoid double voting. Moreover, citizens of the Union should be informed about the candidates standing in the elections to the European Parliament, and where applicable about the affiliation of national political parties to a European political party, well in advance of those elections. It is therefore necessary to establish a European electoral roll and mandatory time-limits for the establishment of the electoral roll at European and national level and of the lists of candidates.

(13) A European Electoral Authority exercising an independent mandate and composed of members with the necessary expertise and experience is essential in order to manage the Union-wide constituency. The key tasks of the European Electoral Authority should include monitoring the implementation of this Regulation and resolving disputes in respect of the common standards of the European electoral law; managing the European electoral roll; proclaiming the electoral results; and ensuring an efficient exchange of information and best practices between national bodies.

(14) In order to ensure that the European electoral entities have the sufficient funds to convey their messages and their political programmes to the Union citizens, the electoral campaign in the Union-wide constituency should receive adequate funding.

(15) In order to encourage voter participation in elections to the European Parliament, Member States should provide for postal voting and could also allow advance physical and proxy voting. Taking into account the Council recommendations in that respect, and in order to take full advantage of the possibilities offered by technological developments, Member States could also permit electronic and internet voting, while ensuring the accessibility of the electronic and internet systems, the reliability of the results through a possibility for recounts, the secrecy of the vote, the protection of personal data, in accordance with applicable Union law, and full transparency in the design and deployment of the electronic and internet systems; as well as ensuring the accessibility for persons with disabilities and for all citizens.

(16) Citizens of the Union have the right to participate in its democratic life, in particular by voting or standing as candidates in elections to the European Parliament. The right to vote and to stand as candidate, and access to information and voting should also be ensured on an equal basis for all citizens, including for persons with disabilities. Member States should take the measures necessary to allow all Union citizens to exercise the right to vote in elections to the European Parliament, including those who are residing or working in countries outside the Union, who are without a permanent residence, who are experiencing homelessness, who are serving a prison sentence in the Union or those who are living in closed residential settings such as hospitals, psychiatric institutions and other healthcare settings, retirement and nursing homes for old people or residential settings for persons with disabilities. In particular, Member States should introduce appropriate measures, so that people living in closed residential settings are able to exercise their right to vote. The special needs of persons with disabilities should be taken into account when ensuring access to information, voting materials and voting facilities.

(17) The minimum age for the exercise of the right to vote and the right to stand as a candidate varies across the 27 Member States from 16 to 18. A single harmonised age for voting and for standing as a candidate should be introduced across the Union in order to ensure equality and to avoid discrimination in access to those most fundamental civic and political rights. Without prejudice to existing constitutional orders establishing a minimum voting age at 18 or 17 years of age, the minimum age for voting should be set at 16. The minimum age for standing as a candidate should be set at 18. Regardless of their legal capacity, all the persons with disabilities, should enjoy political rights on an equal basis with others.
The deadlines for tabling the lists of candidates for elections to the European Parliament and for establishing the electoral rolls before European elections vary greatly between Member States. In order to ensure that candidates and voters across the Union have the same time available for campaigning or for reflection, and to facilitate the exchange of information between Member States on voters, the deadlines for tabling the lists of candidates and for establishing the electoral rolls should be the same throughout the Union.

In order to ensure that European political parties, European associations of voters and other European electoral entities are sufficiently visible, clear and transparent rules on campaigning and on official electoral materials are needed. Such rules should enable European political parties, European associations of voters and other European electoral entities to use any forms of public communication and electoral campaign materials. Such rules should enable European political parties, European associations of voters and other European electoral entities to indicate their affiliations in any forms of public communication, electoral campaign materials and official electoral materials such as ballot papers. Member States should ensure that European political parties, European association of voters and other European electoral entities are given equal treatment and opportunities regarding the electoral campaign related to the Union-wide constituency.

The 1976 Electoral act established a common electoral period, giving the Member States the power to set the exact date and the time for the elections within that period. A truly pan-European election requires a common European voting day. The elections to the European Parliament should be held on 9 May, Europe Day, marking the anniversary of the Schuman Declaration of 9 May 1950. The election results should be proclaimed by the European Electoral Authority and published in the Official Journal of the European Union.

In the event that a member of the European Parliament elected from the national constituencies, resigns, dies, or has his or her mandate withdrawn, the resulting vacancy should be filled in accordance with national legislation. Vacancies of seats of Members of the European Parliament elected in the Union-wide constituency should be filled by the next candidate in the relevant lists. Temporary replacements in cases of maternity, paternity, parental leave and severe illness of Members of the European Parliament should also be possible.

In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in respect of the technical requirements, including the format and data to be provided, for the establishment of the European electoral roll. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council (7).

Since the objective of this Regulation, namely to establish the provisions necessary for the election of Members of the European Parliament by direct universal suffrage in accordance with a uniform electoral procedure as regards the Union-wide constituency and with principles common to all Member States, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, 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.

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes the provisions necessary for the election of Members of the European Parliament by direct universal suffrage in accordance with a uniform electoral procedure as regards the Union-wide constituency referred to in Article 15 and with principles common to all Member States.

Article 2
Definitions

For the purposes of this Regulation, the following definitions apply:

(1) ‘political party’ means an association of citizens which pursues political objectives and which is either recognised by, or established in accordance with, the legal order of at least one Member State in accordance with Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council (8), including those which intend to form or to join a European coalition of national political parties and/or national associations of voters in order to table a list of candidates for, and campaign in, the Union-wide constituency;

(2) ‘association of voters’ means an association of citizens which pursues political objectives and which, rather than being established as a political party, is registered as an association of citizens in accordance with applicable national provisions, including those which intend to form or to join a European coalition of national political parties and/or associations of voters in order to table a list of candidates for, and campaign in, the Union-wide constituency;

(3) ‘European coalition of national political parties and/or associations of voters’ means an electoral alliance of national political parties and/or national associations of voters which are registered in at least one quarter of the Member States, where necessary rounded up to the nearest whole number, that tables a list of candidates to, and campaigns in, the Union-wide constituency;

(4) ‘European political party’ means a political alliance of national political parties which pursues political objectives and is registered with the Authority for European political parties and European political foundations in accordance with Regulation (EU, Euratom) No 1141/2014 for the purposes of tabling a list of candidates for, and campaigning in, the Union-wide constituency;

(5) ‘European association of voters’ means a transnational association of citizens registered in at least a quarter of the Member States, representing at least a number equal to 0.02 % of the voting population in the relevant Member States, which pursues political objectives, but is not established as a European political party, and is recognised for the purposes of tabling a list of candidates for, and campaigning in, the Union-wide constituency;

(6) ‘European electoral coalition’ means an electoral alliance of two or more European political parties and/or European associations of voters that fields a list of candidates for and campaign in the Union-wide constituency which may be joined by national political parties and/or national associations of voters, provided that they are not affiliated to a European political party;

(7) ‘Political alliance’ means structured cooperation between political parties and/or citizens in accordance with Regulation (EU, Euratom) No 1141/2014;

(8) ‘European electoral entity’ means a European coalition of national political parties and/or associations of voters, a European political party, a European association of voters, a European electoral coalition or a political alliance;

(9) ‘Union-wide list’ means the list of candidates fielded in the Union-wide constituency by a European electoral entity.

Article 3
National provisions

The electoral procedure for the election of the Members of the European Parliament shall be governed by this Regulation. Matters not covered by this Regulation shall be governed in each Member State by its national provisions.

Those national provisions shall not affect the proportional nature of the voting system.

They shall in any event ensure respect for democratic standards, leading to democratic and proportionate requirements for registering a political party or an association of voters and for submitting a list of candidates for the national constituencies and the Union-wide constituency.

Article 4

The right to vote

1. Every Union citizen from 16 years of age, including persons with disabilities regardless of their legal capacity, shall have the right to vote in elections to the European Parliament without prejudice to existing constitutional orders establishing a minimum voting age of 18 or 17 years of age.

2. No Union citizen entitled to vote shall vote more than once in any election of Members of the European Parliament in the national constituencies or in the Union-wide constituency.

3. Member States shall take measures necessary to ensure that double voting in elections to the European Parliament is subject to effective, proportionate and dissuasive penalties.

Article 5

The right to stand as a candidate

1. Every Union citizen from 18 years of age shall have the right to stand as a candidate for the elections to the European Parliament in either a national constituency or in the Union-wide constituency, or in both.

2. No Union citizen entitled to stand as a candidate shall stand as a candidate in more than one national constituency nor appear on more than one list for a national constituency or on more than one Union-wide list in any election to the European Parliament.

Article 6

Exercise of the right to vote

1. Member States shall ensure that all Union citizens, including those living or working in a third country, those without a permanent residence, those living in closed residential settings, those experiencing homelessness or those serving a prison sentence in the Union, are able to exercise their right to vote in elections to the European Parliament.

2. With regard to those citizens serving a prison sentence in the Union, the paragraph 1 shall be without prejudice to national law or court decisions handed down in accordance with national law.

Article 7

Accessibility

1. Member States shall ensure that all citizens, including persons with disabilities, have equal access to relevant materials, to voting facilities and to polling stations.

2. Based on their national voting systems, Member States shall put in place appropriate arrangements with the aim of facilitating the exercise of the right to vote by persons with disabilities, independently and in secret.

3. Member States shall ensure that persons with disabilities receive, at their request, assistance in voting by a person of their choice.

Article 8

Postal voting

1. Member States shall provide for postal voting in elections to the European Parliament, including for citizens living in a third country, and shall adopt measures that ensure that postal voting is accessible, in particular for persons with disabilities. Member States shall adopt all necessary measures to ensure the reliability and secrecy of the vote, and the protection of personal data in accordance with applicable Union law.

2. Member States may provide additional possibilities of voting by way of advance physical voting, proxy voting and voting by electronic and internet systems.

In the event of electronic, internet and proxy voting, Member States shall adopt all necessary measures to ensure the reliability, the integrity, the secrecy of the vote, transparency in the design and deployment of electronic and internet systems, the possibility for manual or electronic recounts without compromising the secrecy of the vote and the protection of personal data in accordance with applicable Union law.
Article 9

Establishment of the national electoral rolls and European electoral roll

1. For the purpose of detecting and avoiding double voting in the elections to the European Parliament, the deadline for the establishment of the electoral roll in each Member State shall be no later than fourteen weeks before the Election day as referred to in Article 19(1). Errors in the electoral roll may be corrected until Election day.

2. For the purpose of establishing the European electoral roll, the competent national authorities shall provide the European Electoral Authority with all necessary data in accordance with Article 18. The criteria to be registered in the national electoral roll shall be regulated by national provisions.

3. The Commission shall adopt implementing acts laying down the technical requirements, including the format and data to be provided for the establishment of the European electoral roll for the implementation of paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29.

Article 10

Principles of selection of candidates

1. All political parties, associations of voters, electoral alliances and European electoral entities participating in elections to the European Parliament shall observe democratic procedures, transparency and gender equality, through measures that aim to ensure that all eligible persons have an equal opportunity to be elected, and a composition of the European Parliament that reflects the diversity of the European Union, when selecting their candidates for election to the European Parliament. Gender equality shall be reached depending on the Member States electoral systems and in any event in the Union-wide constituency by the use of zipped lists or quotas, without infringing the rights of non-binary people.

2. A member of a political party, an association of voters or a European electoral entity may file a reasoned complaint of non-compliance with the democratic procedures, transparency and gender equality criteria laid down in this Article with the responsible national authority or the European Electoral Authority.

Article 11

Tabling of the lists of candidates

1. The deadline for tabling the lists of candidates for elections to the European Parliament shall be twelve weeks before the Election day referred to in Article 19(1).

2. No later than 12 weeks before the Election day, the European electoral entities shall provide the European Electoral Authority with a document establishing that all the candidates consent to their inclusion in the Union-wide list. That document shall include the candidates’ full names and their identity card or passport numbers. It shall be signed by the candidates and shall indicate the date and place of signature.

Article 12

Electoral system

1. Elections shall be by direct universal suffrage and shall be equal, free and secret. Each voter shall have two votes, one to elect the Members of the European Parliament in the national constituencies and one to elect Members of the European Parliament in the Union-wide constituency.

2. Members of the European Parliament shall be elected as representatives of the Union citizens on the basis of proportional representation, in the national constituencies and in the Union-wide constituency.

3. In the national constituencies, Members of the European Parliament shall be elected using any national system of proportional representation commonly used by the Member States.

4. In the Union-wide constituency, Members of the European Parliament shall be elected using the closed list system.
Article 13
Electoral threshold

1. Member States may set a minimum threshold for the allocation of seats. At national level, that threshold shall not exceed 5% of the valid votes cast.

2. For national constituencies, which comprise more than 60 seats, a threshold shall be set and shall not be lower than 3.5% of the valid votes cast in the constituency concerned.

3. The thresholds referred to in paragraphs 1 and 2 shall be without prejudice to exemptions made in national law for political parties or associations of voters that represent recognised national or linguistic minorities.

4. An exemption from national thresholds set in paragraph 2 shall be made for political parties or associations of voters, registered in a quarter of Member States and obtaining at least one million votes across the Union, which include in their national ballot paper the single name and logo of the European electoral entity to which they are affiliated, and where appropriate, adapted to the languages of the Member States concerned.

5. There shall be no minimum threshold for the allocation of seats in the Union-wide constituency referred to in Article 15.

Article 14
National constituencies

In accordance with its specific national situation and without prejudice to Article 15, each Member State may establish single constituencies for elections to the European Parliament or subdivide its electoral area in a different way, without affecting the proportional nature of the voting system in general.

Member States may form single-member constituencies representing linguistic or ethnic minorities, overseas nationals, outermost regions or overseas territories in accordance with national regulations, without affecting the proportional nature of the voting system.

Article 15
Union-wide constituency

1. There shall be one constituency formed of the entire territory of the European Union from which 28 Members of the European Parliament shall be elected at the first election of Members of the European Parliament following the entry into force of this Regulation.

For elections of Members of the European Parliament thereafter, the size of the Union-wide constituency shall be determined by the European Council Decision establishing the composition of the European Parliament.

2. The election in respect of the Union-wide constituency shall be without prejudice to the Members of the European Parliament elected in each Member State.

3. All European electoral entities in accordance with Article 2 may submit to the European Electoral Authority Union-wide lists.

4. No European electoral entity may submit more than one Union-wide list. National parties and national associations of voters may only support one Union-wide list.

5. The ballots comprising the Union-wide lists shall bear the name and logo of the respective European electoral entity.

6. For candidates living in a third country, the candidate’s place of residence for the purposes of drawing up the Union-wide list shall be their last one before leaving the European Union. For candidates born and resident in a third country, the place of residence for the purposes of drawing up the Union-wide list shall correspond to that of the candidate’s Member State of nationality.
7. The Union-wide lists shall include a number of candidates equal to the number of mandates referred to in paragraph 1.

8. The Union-wide lists shall be drawn up by the European electoral entities in accordance with the principles as laid down in Article 10(1).

9. In order to ensure geographical balance, the Union-wide lists are divided in sections of three slots. Each of these three slots is to be filled with one candidate coming from each of the three groups of Member States as defined in Annex I and exemplified in Annex II.

10. The order of candidates resident in any of the Member States in each of the three groups of Member States included in Annex I shall vary in each list section of three slots up to the list slot corresponding to the number resulting from dividing the total number of seats by two, where necessary rounding up to the next whole number.

11. The total population of the Member States shall be calculated by the Commission (Eurostat) on the basis of the most recent data provided by the Member States, in accordance with a method established by means of Regulation (EU) No 1260/2013 of the European Parliament and of the Council (*).

12. The apportionment of seats to the Union-wide lists based on the aggregated results in the Union-wide constituency shall be carried out in accordance with the D'Hondt system, as follows:

   (a) the numbers of votes obtained by the candidates are ordered from highest to lowest, in a column;

   (b) the number of votes obtained by each candidacy is divided by 1, 2, 3, etc., up to a number equal to the number of seats corresponding to the constituency, forming a table similar to the one that appears in Annex III. The seats are attributed to the candidates that obtain the highest ratios in the table, attending to a decreasing order;

   (c) when two seats corresponding to different candidacies coincide in the list of quotients, the seat is allocated to the list with the highest total number of votes obtained. If there are two candidates with the same number of votes, the first tie is resolved by lottery and the successive ones alternatively.

13. European and national public broadcasters shall provide broadcasting time in proportion to the results of the preceding election to the Union-wide constituency, ensuring minimum broadcasting time for every Union-wide list.

Article 16

Financing of electoral campaigns of European electoral entities

The provisions of Chapters IV and V of Regulation (EU, Euratom) No 1141/2014 shall apply mutatis mutandis to the financing of the electoral campaigns of European electoral entities.

Article 17

Common provisions related to electoral campaigns

1. Electoral campaigning shall not start until eight weeks before the Election day.

2. Electoral campaigning consists of asking voters for their votes in an election to the European Parliament by means of print or digital material and other formats of public communication, media advertising, and public events. Electoral campaign materials shall include the logo and a reference to the manifesto or programme of the European electoral entity to which the national party is affiliated.

3. Electoral campaign materials shall be accessible to persons with disabilities.

4. In the national constituencies, the ballot papers used in elections to the European Parliament shall be uniform, give equal visibility to the names, acronyms, symbols and logos, if any, of national political parties and/or national associations of voters, and to those of the European electoral entities when affiliated to any of them, and shall feature the list of names of the candidates and, where appropriate of the substitutes, in the order in which they appear on the relevant electoral lists.

5. The rules concerning the posting of electoral materials to voters in elections to the European Parliament shall be the same as those applied for national, regional and local elections in the Member State concerned.

6. Member States shall ensure that European electoral entities are given equal treatment and opportunities as national political parties and national associations of voters regarding the electoral campaign related to the Union-wide constituency.

7. Member States shall implement a European electoral reserve period of 48 hours before the Election day, during which it shall not be permitted to ask electors about their voting intentions.

**Article 18**

**Contact authorities**

1. Each Member State shall designate a contact authority responsible for exchanging, with its counterparts in the other Member States and with the European Electoral Authority established in accordance with Article 28, data on voters necessary for establishing the European electoral roll in accordance with Article 9(2), and on candidates.

2. The contact authority referred to in paragraph 1 shall, in accordance with the applicable Union law concerning the protection of personal data, begin transmitting to those counterparts and to the European Electoral Authority, no later than six weeks before the Election day the data indicated in Articles 9 and 10 of Council Directive 93/109/EC (10) concerning citizens of the Union who have been entered on the national electoral rolls and European electoral roll or are standing as candidates, in a Member State of which they are not nationals.

**Article 19**

**Election day**

1. Elections to the European Parliament shall be held on 9 May of the last year of a parliamentary term, as referred to in Article 20 (the 'Election day').

2. During the opening hours of the polling stations and from half an hour before polling stations open, any political activities at the polling stations or in their proximity shall be prohibited, without prejudice to any activity organised to celebrate Europe Day in the Member States.

3. The elections shall end in all Member States by 21:00 local time on Election day. To take into account the time difference, elections to the European Parliament may be held on 8 May of the last year of a parliamentary term in the Union's overseas countries and territories.

4. Member States shall not make public the results of their count officially or on a provisional basis until after the close of polling, in accordance with paragraph 3, in the Member State whose electors are the last to vote.

5. Member States may declare Election day a national holiday.

**Article 20**

**Determination and publication of the election results**

1. The election results in the Union-wide constituency and in the national constituencies shall be proclaimed, in that order, by the European Electoral Authority, on the basis of the information provided by the contact authorities.

2. The official election results shall be published in the *Official Journal of the European Union*.

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Article 21
Parliamentary term and mandate

1. The five-year term for which Members of the European Parliament are elected shall begin at the opening of the first session following each election (the ‘parliamentary term’).

2. The term of office of each Member of the European Parliament shall begin and end in accordance with the parliamentary term (the ‘mandate’).

Article 22
Convening of Parliament

In addition to the obligation set out in Article 229 of the Treaty on the Functioning of the European Union, the European Parliament shall meet, without requiring to be convened, on the first Tuesday after expiry of an interval of one month from Election day.

Article 23
Verification of credentials

The European Parliament shall verify the credentials of Members of the European Parliament.

For this purpose, it shall take note of the results declared officially by the Member States and proclaimed by the European Electoral Authority.

Article 24
Incompatibilities

1. The office of Member of the European Parliament shall be incompatible with the following offices:

— member of the government of a Member State,
— member of a national or regional parliament or assembly vested with legislative powers,
— member of the European Commission,
— Judge, Advocate-General or Registrar of the Court of Justice of the European Union,
— member of the Executive Board of the European Central Bank,
— member of the Court of Auditors,
— European Ombudsman,
— member of the Economic and Social Committee,
— member of the Committee of the Regions,
— member of committees or other bodies set up pursuant to the Treaty on the Functioning of the European Union or the Treaty establishing the European Atomic Energy Community for the purposes of managing the Union’s funds or carrying out a permanent direct administrative task,
— member of the Board of Directors, Management Committee or staff of the European Investment Bank,
— active official or servant of the institutions of the European Union or of the specialised bodies attached to them or of the European Central Bank.

2. Each Member State may adopt additional national rules concerning incompatibility with the office of Member of the European Parliament.

3. Members of the European Parliament to whom paragraphs 1 and 2 become applicable in the course of the parliamentary term, shall be replaced in accordance with Article 27.
Article 25

External parliamentary activities

Upon election, Members of the European Parliament shall designate the municipality and, where applicable, region, within their Member State of residence, from which they will conduct external parliamentary activities.

Article 26

Personal and independent vote

1. Members of the European Parliament shall vote on an individual and personal basis. They shall not be bound by any instructions and shall not receive a binding mandate.

2. Members of the European Parliament shall enjoy the privileges and immunities applicable to them by virtue of Protocol No 7 on the privileges and immunities of the European Union, annexed to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community, from the moment when their election to the European Parliament is officially declared.

Article 27

Vacancies

1. A seat shall fall vacant when the mandate of a Member of the European Parliament ends as a result of that Member’s resignation or death, or due to the withdrawal of his or her mandate.

2. In the event of death, resignation, or withdrawal of the mandate of a Member of the European Parliament elected in the Union-wide constituency, the President of the European Parliament shall immediately inform the European Electoral Authority.

The vacancy shall be filled by the next candidate in the list of candidates in which the Member who has died, resigned or withdrawn was originally elected.

3. Subject to the other provisions of this Regulation, each Member State shall lay down appropriate procedures for filling any seat which falls vacant during the parliamentary term, for the remainder of that period.

4. Where the law of a Member State makes explicit provision for the withdrawal of the mandate of a Member of the European Parliament, that mandate shall end pursuant to those legal provisions. The competent national authorities shall inform the European Parliament thereof.

5. Where a seat falls vacant as a result of resignation or death, the President of the European Parliament shall immediately inform the competent authorities of the Member State concerned and the European Electoral Authority thereof.

6. Where Parliament declares a vacancy of a seat of a member elected from the Union-wide constituency, the President shall inform the European Electoral Authority thereof and invite it to fill the seat for the remainder of the mandate without delay.

Vacancies of seats of members of the European Parliament elected from the Union-wide constituency shall be filled by the next candidate in the relevant list, according to the order of precedence.

7. The Parliament may, at the request of the Member concerned, and with the agreement of the Member State concerned or the European Electoral Authority, propose a temporary replacement of the Member concerned in case of maternity, paternity or parental leave or in case of leave due to a severe illness.

When a seat falls temporarily vacant for any of the reasons set out in the first subparagraph the Member concerned shall be temporarily replaced for a period of sixteen weeks by the next candidate on the relevant list, who may decide whether or not to fill the vacancy. A refusal to fill the vacancy does not entail the loss of the position in the relevant list for future vacancies. The sixteen-week period may be renewed.
Article 28

European Electoral Authority

1. A European Electoral Authority (the ‘European Electoral Authority’) is hereby established for the purpose of:

(a) ensuring the correct implementation of this Regulation as well as conducting and monitoring the electoral process in the Union-wide constituency;

(b) defining the procedure applicable to complaints under Article 10(2) as regards the Union-wide constituency;

(c) exercising all the functions related to the electoral process in the Union-wide constituency and liaise with the contact authorities referred to in Article 18;

(d) verifying that the European electoral entities meet the conditions for submitting Union-wide lists in accordance with Article 15;

(e) managing the European electoral roll established in Article 9;

(f) proclaiming the electoral results in accordance with Article 20;

(g) ruling on any disputes which may arise out of the provisions of this Regulation other than those arising out of the national provisions to which this Regulation refers.

The European Electoral Authority may also provide assistance in case of difficulties related to the interpretation of the lists submitted by the national authorities.

2. The European Electoral Authority shall be independent and shall exercise its functions in full compliance with this Regulation.

3. The European Electoral Authority shall proclaim the Union-wide lists eleven weeks before Election day.

It shall establish and manage a Register of the different Union-wide lists submitted by the European electoral entities. The information on the Register shall be made public.

In its decisions, the European Electoral Authority shall give full consideration to the fundamental rights to vote and to stand as a candidate.

4. Each Member State shall appoint one member of the European Electoral Authority, selected from professors of law or political science and other experts in electoral systems on the basis of their professional qualities and respecting gender balance. The members of the European Electoral Authority shall elect its president, vice-president, and secretary by simple majority, in separate votes. The European Electoral Authority shall endeavour to take decisions by consensus. If it is not possible to take a decision by consensus, the European Electoral Authority shall decide by a simple majority vote.

All members of the European Electoral Authority shall be independent in the performance of their duties. They shall neither seek nor take instructions from any institution or government or from any other body, office or agency. They shall not be members or former members of the European Parliament, national parliaments or national governments. In addition, they shall not hold any electoral mandate, or be officials or other servants of any Union institution or of any European political party or European association of voters, or of any European political foundation.

The members of the European Electoral Authority shall be appointed for a five-year term renewable once.

5. The European Electoral Authority shall be represented by its president who shall ensure the implementation of all decisions of the European Electoral Authority on its behalf.

The president of the European Electoral Authority shall refrain from any act which is incompatible with the nature of his or her duties.

If a member of the European Electoral Authority, including the president no longer fulfils the conditions required for the performance of his or her duties, he or she may be dismissed by a vote supported by at least three fifths of the members of the European Electoral Authority on the basis of a report setting out a reasoned proposal of dismissal.
The five-year term of the European Electoral Authority shall begin two and a half years after the beginning of the parliamentary term. The European Electoral Authority’s first mandate shall begin as soon as possible after the entry into force of this Regulation.

A vacancy in the European Electoral Authority caused by resignation, retirement, dismissal or death shall be filled in accordance with the same procedure as that applicable to the initial appointment.

6. The European Electoral Authority shall enjoy legal personality and shall have the necessary offices, staff, services and administrative support facilities to carry out its functions.

7. The European Electoral Authority shall submit a report to the European Parliament on the organisation of the European elections and on the implementation of this Regulation and the attainment of its aims, within nine months after the European elections.

8. The costs of the European Electoral Authority, including the remuneration of its members, shall be financed by appropriations from the general budget of the Union.

Budget appropriations shall be sufficient to ensure the full and independent operation of the European Electoral Authority. A draft budgetary plan for the European Electoral Authority shall be submitted to the European Parliament by its president, and shall be made public. The European Parliament shall delegate the duties of Authorising Officer with respect to those appropriations to the president of the European Electoral Authority.

Article 29

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

Article 30

Repeal

1. The Act concerning the election of the members of the European Parliament by direct universal suffrage, as well as Council Decision 76/787/ECSC, EEC, Euratom laying down that Act, is repealed.

2. References to the repealed Act shall be construed as references to this Regulation.

Article 31

Review Clause

No later than one year after each European election, the European Parliament shall, after consultation with the European Electoral Authority, present a report on the overall functioning of this Regulation accompanied, if appropriate, by a legislative proposal to amend this Regulation.

Article 32

Entry into force

1. This Regulation shall take effect on the first day of the month following that of its approval by the Member States, in accordance with their respective constitutional requirements.

2. Member States shall notify the General Secretariat of the Council of the completion of their national procedures.
## ANNEX I

### TABLE — 27 EU MEMBER STATES BY POPULATION CATEGORIES

<table>
<thead>
<tr>
<th>Categories</th>
<th>Member State</th>
<th>Total population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group A (37.9 million — 83.1 million)</td>
<td>Germany</td>
<td>83 166 711</td>
</tr>
<tr>
<td></td>
<td>France</td>
<td>67 320 216</td>
</tr>
<tr>
<td></td>
<td>Italy</td>
<td>59 641 488</td>
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<tr>
<td></td>
<td>Spain</td>
<td>47 332 614</td>
</tr>
<tr>
<td></td>
<td>Poland</td>
<td>37 958 138</td>
</tr>
<tr>
<td>Group B (6.9 million — 19.3 million)</td>
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<td>19 328 838</td>
</tr>
<tr>
<td></td>
<td>Netherlands</td>
<td>17 407 585</td>
</tr>
<tr>
<td></td>
<td>Belgium</td>
<td>11 522 440</td>
</tr>
<tr>
<td></td>
<td>Greece</td>
<td>10 718 565</td>
</tr>
<tr>
<td></td>
<td>Czechia</td>
<td>10 693 939</td>
</tr>
<tr>
<td></td>
<td>Sweden</td>
<td>10 327 589</td>
</tr>
<tr>
<td></td>
<td>Portugal</td>
<td>10 295 909</td>
</tr>
<tr>
<td></td>
<td>Hungary</td>
<td>9 769 526</td>
</tr>
<tr>
<td></td>
<td>Austria</td>
<td>8 901 064</td>
</tr>
<tr>
<td></td>
<td>Bulgaria</td>
<td>6 951 482</td>
</tr>
<tr>
<td>Categories</td>
<td>Member State</td>
<td>Total population</td>
</tr>
<tr>
<td>----------------------</td>
<td>--------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Group C (0.5 million — 5.8 million)</td>
<td>Denmark</td>
<td>5 822 763</td>
</tr>
<tr>
<td></td>
<td>Finland</td>
<td>5 525 292</td>
</tr>
<tr>
<td></td>
<td>Slovakia</td>
<td>5 457 873</td>
</tr>
<tr>
<td></td>
<td>Ireland</td>
<td>4 964 440</td>
</tr>
<tr>
<td></td>
<td>Croatia</td>
<td>4 058 165</td>
</tr>
<tr>
<td></td>
<td>Lithuania</td>
<td>2 794 090</td>
</tr>
<tr>
<td></td>
<td>Slovenia</td>
<td>2 095 861</td>
</tr>
<tr>
<td></td>
<td>Latvia</td>
<td>1 907 675</td>
</tr>
<tr>
<td></td>
<td>Estonia</td>
<td>1 328 976</td>
</tr>
<tr>
<td></td>
<td>Cyprus</td>
<td>888 005</td>
</tr>
<tr>
<td></td>
<td>Luxembourg</td>
<td>626 108</td>
</tr>
<tr>
<td></td>
<td>Malta</td>
<td>514 564</td>
</tr>
</tbody>
</table>

ANNEX II

Practical example of Union-wide list using the three categories group with 28 seats.

A1, A2, A3, A4, A5, B1, B2, B3, B4, B5, B7, B8, B9, B10, C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, C11, C12 are examples of candidates from the Member States by population category.

<table>
<thead>
<tr>
<th>Sections</th>
<th>Slot number</th>
<th>Candidates from</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1</td>
<td>1</td>
<td>A1</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>B7</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>C7</td>
</tr>
<tr>
<td>Section 2</td>
<td>4</td>
<td>B10</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>C5</td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>A3</td>
</tr>
<tr>
<td></td>
<td>7</td>
<td>A2</td>
</tr>
<tr>
<td>Section 3</td>
<td>8</td>
<td>C3</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>B7</td>
</tr>
<tr>
<td>Section 4</td>
<td>10</td>
<td>B5</td>
</tr>
<tr>
<td></td>
<td>11</td>
<td>C3</td>
</tr>
<tr>
<td></td>
<td>12</td>
<td>A4</td>
</tr>
<tr>
<td>Section 5</td>
<td>13</td>
<td>A5</td>
</tr>
<tr>
<td></td>
<td>14</td>
<td>C12</td>
</tr>
<tr>
<td></td>
<td>15</td>
<td>B9</td>
</tr>
<tr>
<td>Section 6</td>
<td>16</td>
<td>A4</td>
</tr>
<tr>
<td></td>
<td>17</td>
<td>A2</td>
</tr>
<tr>
<td></td>
<td>18</td>
<td>B2</td>
</tr>
<tr>
<td>Section 7</td>
<td>19</td>
<td>B3</td>
</tr>
<tr>
<td></td>
<td>20</td>
<td>A1</td>
</tr>
<tr>
<td></td>
<td>21</td>
<td>B8</td>
</tr>
</tbody>
</table>
### Example of Union-wide list

<table>
<thead>
<tr>
<th>Sections</th>
<th>Slot number</th>
<th>Candidates from</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 8</td>
<td>22</td>
<td>C1</td>
</tr>
<tr>
<td></td>
<td>23</td>
<td>C2</td>
</tr>
<tr>
<td></td>
<td>24</td>
<td>B4</td>
</tr>
<tr>
<td>Section 9</td>
<td>25</td>
<td>A5</td>
</tr>
<tr>
<td></td>
<td>26</td>
<td>C8</td>
</tr>
<tr>
<td></td>
<td>27</td>
<td>B1</td>
</tr>
<tr>
<td>Section 10</td>
<td>28</td>
<td>B7</td>
</tr>
</tbody>
</table>
ANNEX III

Practical example — D’Hondt Method

Practical example: 1 000 000 valid votes cast in a constituency that elects 5 Members.

A (350 000 votes), B (300 000 votes), C (150 000 votes), D (100 000 votes), E (70 000 votes), F (30 000 votes)

<table>
<thead>
<tr>
<th>Division</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>350 000</td>
<td>175 000</td>
<td>116 666</td>
<td>87 500</td>
<td>70 000</td>
</tr>
<tr>
<td>B</td>
<td>300 000</td>
<td>150 000</td>
<td>100 000</td>
<td>75 000</td>
<td>60 000</td>
</tr>
<tr>
<td>C</td>
<td>150 000</td>
<td>75 000</td>
<td>50 000</td>
<td>37 500</td>
<td>30 000</td>
</tr>
<tr>
<td>D</td>
<td>100 000</td>
<td>50 000</td>
<td>33 333</td>
<td>25 000</td>
<td>20 000</td>
</tr>
<tr>
<td>E</td>
<td>70 000</td>
<td>35 000</td>
<td>23 333</td>
<td>17 500</td>
<td>14 000</td>
</tr>
<tr>
<td>F</td>
<td>30 000</td>
<td>15 000</td>
<td>10 000</td>
<td>7 500</td>
<td>6 000</td>
</tr>
</tbody>
</table>

In consequence, A obtains 2 seats, B obtains 2 seats and C obtains 1 seat.
Amending Annexes IV and V to Regulation (EU) 2019/1021 on persistent organic pollutants


(Ordinary legislative procedure: first reading)

(2022/C 465/18)

Amendment 1
Proposal for a regulation
Recital 2

Text proposed by the Commission

At the seventh meeting of the Conference of the Parties to the Convention, held from 4 to 15 May 2015, it was agreed to include pentachlorophenol, its salts and esters ('pentachlorophenol') in Annex A to the Convention. At the ninth meeting of the Conference of the Parties to the Convention, held from 29 April to 10 May 2019, it was agreed to include dicofol as well as perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds in Annex A to the Convention. In view of those amendments to the Convention and to ensure that waste containing those substances is managed in accordance with the provisions of the Convention, it is necessary to also amend Annexes IV and V to Regulation (EU) 2019/1021 by including pentachlorophenol, dicofol and perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds in the Annexes and indicating their corresponding concentration limits.

Amendment

At the seventh meeting of the Conference of the Parties to the Convention, held from 4 to 15 May 2015, it was agreed to include pentachlorophenol, its salts and esters ('pentachlorophenol') in Annex A to the Convention. At the ninth meeting of the Conference of the Parties to the Convention, held from 29 April to 10 May 2019, it was agreed to include dicofol as well as perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds in Annex A to the Convention. In view of those amendments to the Convention and to ensure that waste containing those substances is managed in accordance with the provisions of the Convention, it is necessary to also amend Annexes IV and V to Regulation (EU) 2019/1021 by including pentachlorophenol, dicofol and perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds in the Annexes and also indicating their corresponding concentration limits.

(1) The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0092/2022).
Amendment 2
Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Pentachlorophenol had been previously listed in Annexes IV and V to Regulation (EC) No 850/2004 of the European Parliament and of the Council (23) by Commission Regulation (EU) 2019/636 (24), with an Annex IV value of 100 mg/kg and an Annex V value of 1 000 mg/kg. Regulation (EC) No 850/2004 was repealed by Regulation (EU) 2019/1021, but pentachlorophenol was unintentionally omitted from that Regulation. It is therefore necessary to amend Annexes IV and V to Regulation (EU) 2019/1021 to include pentachlorophenol.


Amendment

(3) Pentachlorophenol had been previously listed in Annexes IV and V to Regulation (EC) No 850/2004 of the European Parliament and of the Council (23) by Commission Regulation (EU) 2019/636 (24), with an Annex IV value of 100 mg/kg and an Annex V value of 1 000 mg/kg. Regulation (EC) No 850/2004 was repealed by Regulation (EU) 2019/1021, but pentachlorophenol was unintentionally omitted from that Regulation. It is therefore necessary to amend Annexes IV and V to Regulation (EU) 2019/1021 to now include pentachlorophenol.


Amendment 3
Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Annexes IV and V to Regulation (EU) 2019/1021 already contain concentration limits for the following substances or substance groups: a) the sum of the concentrations of tetra bromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ether and decabromodiphenyl ether (with the exception of the latter, which is not listed in Annex V to that Regulation); b) Hexabromocyclododecane; c) Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs); and d) Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF). Pursuant to Article 15(2) of Regulation (EU) 2019/1021, it is appropriate to amend the concentration limits in Annex IV for those substances to adapt their limit values to scientific and technical progress. To be consistent with the list of polybrominated diphenyl ethers (PBDEs) listed in Annex IV to Regulation (EU) 2019/1021, the substance decabromodiphenyl ether should be included among the PBDEs listed in the third column of Annex V to that Regulation.

Amendment

(4) Annexes IV and V to Regulation (EU) 2019/1021 already contain concentration limits for the following substances or substance groups: a) the sum of the concentrations of tetra bromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ether and decabromodiphenyl ether (with the exception of the latter, which is not listed in Annex V to that Regulation); b) Hexabromocyclododecane; c) Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs); and d) Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF). Pursuant to Article 15(2) of Regulation (EU) 2019/1021, it is appropriate to amend the concentration limits in Annex IV for those substances to adapt their limit values according to scientific and technical progress. To be consistent with the list of polybrominated diphenyl ethers (PBDEs) listed in Annex IV to Regulation (EU) 2019/1021, the substance decabromodiphenyl ether should be included among the PBDEs listed in the third column of Annex V to that Regulation.
Amendment 4
Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds have been proposed by the Persistent Organic Pollutants Review Committee (POPRC) for listing under Annex A of the Convention without specific exemptions (5a) after completing the risk profile and risk management evaluation for those substances. A decision to include PFHxS, its salts and PFHxS-related compounds is envisaged to take place in Stockholm Convention COP-10, which was initially scheduled in July 2021, and is now scheduled to take place in June 2022 as a result of the negative evolution in many European countries of the COVID-19 pandemic. With respect to the objectives of the Convention, it is therefore appropriate, based on the current impact assessment (5b) and to ensure that waste containing those substances is managed in accordance with the provisions of the Convention, to already amend Annexes IV and V to Regulation (EU) 2019/1021 by including perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds in the Annexes and indicating their corresponding concentration limits. The Commission should reflect those amendments to Annex IV and V in other Annexes of the Regulation (EU) 2019/1021 to ensure consistency.

(5a) POPRC-15/1
(5b) SWD(2021)0300
The proposed concentration limits in Annexes IV and V to Regulation (EU) 2019/1021 have been set applying the same methodology that was used to establish the concentration limits in previous amendments of Annexes IV and V to Regulation (EC) No 850/2004. The proposed concentration limits should achieve the objective of a high level of protection of human health and the environment associated to the destruction or irreversible transformation of the substances concerned. Those limits should also take into consideration the broader policy objective of achieving a climate-neutral and circular economy, enshrined in the European Green Deal (26).

The proposed concentration limits in Annexes IV and V to Regulation (EU) 2019/1021 have been set applying the same methodology that was used to establish the concentration limits in previous amendments of Annexes IV and V to Regulation (EC) No 850/2004. The proposed concentration limits should be underpinned by the precautionary principle as set forth in the Treaty on the Functioning of the European Union (TFEU) and aim to eliminate, where feasible, the release of POPs into the environment, in order to achieve the objective of a high level of protection of human health and the environment associated to the destruction or irreversible transformation of the substances concerned. Those limits should also take into consideration the broader policy objective of achieving the zero-pollution ambition for a toxic-free environment, increasing recycling, reducing greenhouse gas emissions, developing non-toxic material cycles where banned substances should not be reintroduced on the EU market through recycling activities, and a circular economy, enshrined in the European Green Deal (26).

The concentration limits specified in Annexes IV and V to Regulation (EU) 2019/1021 should be coherent and contribute to the implementation of the communication of the Commission of 14 October 2020 entitled ‘Chemicals Strategy for Sustainability — Towards a Toxic-Free Environment’ that proposes a comprehensive set of actions to address the use of and contamination with per- and polyfluoroalkoxy alkyl substances.
Amendment 7
Proposal for a regulation
Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) To prevent mixing of contaminated waste with other waste or materials and to ensure better traceability and effective treatment of waste containing persistent organic pollutants, there is a need to avoid inconsistency between the provisions regarding waste which contains persistent organic pollutants originally set out in Regulation (EC) No 850/2004, now repealed by Regulation (EU) 2019/1021, and those set out thereafter. The Commission should therefore assess whether it is be appropriate to recognise that waste which contains any persistent organic pollutants exceeding the concentration limits specified in Annex IV to Regulation (EU) 2019/1021 is to be classified as hazardous and put forward, if appropriate, a legislative proposal to amend Directive 2009/98/EC or Decision 2014/955/EU, or both, accordingly.

Amendment 8
Proposal for a regulation
Article 1 a (new)

Text proposed by the Commission

Amendment

Article 1a

The Commission shall assess whether it would be appropriate to amend the Directive 2008/98/EC on waste or Commission Decision 2014/955/EU (14), or both, to recognize that waste containing any persistent organic pollutants exceeding the concentration limits indicated in Annex IV to Regulation (EU) 2019/1021 is to be classified as hazardous, and, if appropriate, based on that assessment and not later than 18 months after entry into force of this legislation, put forward a legislative proposal to amend the Directive or the Decision, or both, accordingly.

### Amendment 9

**Proposal for a regulation**

**Annex I — paragraph 1 — point 1 — point a — table**

Regulation (EU) 2019/1021

Annex IV — table

---

**Text proposed by the Commission**

<table>
<thead>
<tr>
<th>Compound</th>
<th>CAS number</th>
<th>EC number</th>
<th>Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pentachlorophenol, its salts and esters</td>
<td>87-86-5 and others</td>
<td>201-778-6 and others</td>
<td>100 mg/kg</td>
</tr>
<tr>
<td>Dicofol</td>
<td>115-32-2</td>
<td>204-082-0</td>
<td>50 mg/kg</td>
</tr>
<tr>
<td>Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds</td>
<td>335-67-1 and others</td>
<td>206-397-9 and others</td>
<td>1 mg/kg</td>
</tr>
</tbody>
</table>

---

**Amendment**

<table>
<thead>
<tr>
<th>Compound</th>
<th>CAS number</th>
<th>EC number</th>
<th>Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pentachlorophenol (PCP), its salts and esters</td>
<td>87-86-5 and others</td>
<td>201-778-6 and others</td>
<td>100 mg/kg</td>
</tr>
<tr>
<td>Dicofol</td>
<td>115-32-2</td>
<td>204-082-0</td>
<td>50 mg/kg</td>
</tr>
<tr>
<td>Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds</td>
<td>335-67-1 and others</td>
<td>206-397-9 and others</td>
<td>0,1 mg/kg</td>
</tr>
</tbody>
</table>

---

(PFOA and its salts),

20 mg/kg

(sum of PFOA-related compounds)
### Amendment 10

**Proposal for a regulation**

**Annex I — paragraph 1 — point 1 — point b — table**

Regulation (EU) 2019/1021

Annex IV — table

**Text proposed by the Commission**

<table>
<thead>
<tr>
<th>Substance</th>
<th>Code</th>
<th>Code</th>
<th>Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perfluorhexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds</td>
<td>355-46-4 and others</td>
<td>355-46-4 and others</td>
<td>0.1 mg/kg</td>
</tr>
<tr>
<td>(PFHxS and its salts),</td>
<td></td>
<td></td>
<td>(PFHxS and its salts)</td>
</tr>
<tr>
<td>20 mg/kg</td>
<td></td>
<td></td>
<td>(PFHxS-related compounds)</td>
</tr>
</tbody>
</table>

### Amendment

**Proposal for a regulation**

**Annex I — paragraph 1 — point 1 — point c — table**

Regulation (EU) 2019/1021

Annex IV — table

**Text proposed by the Commission**

<table>
<thead>
<tr>
<th>Substance</th>
<th>Code</th>
<th>Code</th>
<th>Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>'Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs)</td>
<td>85535-84-8</td>
<td>287-476-5</td>
<td>1 500 mg/kg'</td>
</tr>
</tbody>
</table>

### Amendment 11

**Proposal for a regulation**

**Annex I — paragraph 1 — point 1 — point c — table**

Regulation (EU) 2019/1021

Annex IV — table

**Text proposed by the Commission**

<table>
<thead>
<tr>
<th>Substance</th>
<th>Code</th>
<th>Code</th>
<th>Concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tetabromodiphenyl ether C12H6Br4O</td>
<td>40088-47-9</td>
<td>254-787-2 and others</td>
<td>Sum of the concentrations of tetabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ether and decabromodiphenyl ether:</td>
</tr>
<tr>
<td>Pentabromodiphenyl ether C12H5Br5O</td>
<td>32534-81-9</td>
<td>251-084-2 and others</td>
<td></td>
</tr>
<tr>
<td>Hexabromodiphenyl ether C12H4Br6O</td>
<td>36483-60-0</td>
<td>253-058-6 and others</td>
<td></td>
</tr>
</tbody>
</table>
### Heptabromodiphenyl ether
- **C12H3Br7O**
- **68928-80-3 and others**
- **273-031-2 and others**

### Bis(pentabromophenyl) ether (deca-bromodiphenyl ether; decaBDE)
- **C12Br10O**
- **1163-19-5 and others**
- **214-604-9 and others**

(a) until [OP, please introduce the date of the day before the date in the following point]. 500 mg/kg

(b) from [OP, please introduce the date of 5 years after the date of entry into force of this Regulation], 200 mg/kg or, if higher, the sum of the concentration of those substances where they are present in mixtures or articles, as set out in Annex I, fourth column, point 2 for the substances tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ether and decabromodiphenyl ether.’

### Amendment
<table>
<thead>
<tr>
<th>Substance</th>
<th>CAS Number</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tetra- and penta- and heptabromodiphenyl ether</td>
<td>254-787-2 and others</td>
<td></td>
</tr>
<tr>
<td>Sum of the concentrations of tetra- and penta- and heptabromodiphenyl ether</td>
<td>251-084-2 and others</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Substance</th>
<th>CAS Number</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pentabromodiphenyl ether</td>
<td>253-058-6 and others</td>
<td></td>
</tr>
</tbody>
</table>

C 465/206  
EN  
Official Journal of the European Union  
6.12.2022

Tuesday 3 May 2022
(a) until [OP, please introduce the date of the day before the date in the following point]. \(200\) mg/kg

The Commission shall review that concentration limit and shall, where appropriate and in accordance with the Treaties, adopt a legislative proposal to lower that value no later than [OP, please introduce the date of 5 years after the date of entry into force of this Regulation].

(b) deleted'

Amendment 12
Proposal for a regulation
Annex I — paragraph 1 — point 1 — point d — table
Regulation (EU) 2019/1021
Annex IV — table

Text proposed by the Commission

‘Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) and dioxin-like polychlorinated biphenyls (dl-PCBs)’ 5 \(\mu\)g/kg \(^{(2)}\)

\(^{(2)}\) The limit is calculated as the sum of PCDD, PCDF and dl-PCBs according to the toxic equivalency factors (TEFs) set out in Part 2, in the third subparagraph, in the table, of Annex V.’

Amendment

‘Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) and dioxin-like polychlorinated biphenyls (dl-PCBs)’ 1 \(\mu\)g/kg \(^{(2)}\)

\(^{(2)}\) The limit is calculated as the sum of PCDD, PCDF and dl-PCBs according to the toxic equivalency factors (TEFs) set out in Part 2, in the third subparagraph, in the table, of Annex V.’
Amendment 13
Proposal for a regulation
Annex I — paragraph 1 — point 1 — point e — table
Regulation (EU) 2019/1021
Annex IV — table

Text proposed by the Commission

<table>
<thead>
<tr>
<th>Hexabromocyclododecane&lt;sub&gt;6&lt;/sub&gt;</th>
<th>25637-99-4, 3194-55-6, 134237-50-6, 134237-51-7, 134237-52-8</th>
<th>247-148-4 221-695-9</th>
<th>500 mg/kg’</th>
</tr>
</thead>
</table>

Amendment

<table>
<thead>
<tr>
<th>Hexabromocyclododecane&lt;sub&gt;6&lt;/sub&gt;</th>
<th>25637-99-4, 3194-55-6, 134237-50-6, 134237-51-7, 134237-52-8</th>
<th>247-148-4 221-695-9</th>
<th>(a) until [OP, please introduce the date of the day before the date in the following point], 200 mg/kg</th>
</tr>
</thead>
</table>

The Commission shall review that concentration limit and shall, where appropriate and in accordance with the Treaties, adopt a legislative proposal to lower that value to 100 mg/kg no later than [OP, please introduce the date of 5 years after the date of entry into force of this Regulation].’

Amendment 14
Proposal for a regulation
Annex I — paragraph 1 — point 2 — point a — point iv (new)
Regulation (EU) 2019/1021
Annex V — Part 2 — Table

Text proposed by the Commission

Perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds: 50 mg/kg (PFHxS and its salts), 2000 mg/kg (PFHxS-related compounds).
P9_TA(2022)0131

Common system of value added tax (VAT): extension of the application period of the optional reverse charge mechanism in relation to supplies of certain goods and services susceptible to fraud and of the Quick Reaction Mechanism against VAT fraud *

European Parliament legislative resolution of 3 May 2022 on the proposal for a Council directive amending Directive 2006/112/EC as regards the extension of the application period of the optional reverse charge mechanism in relation to supplies of certain goods and services susceptible to fraud and of the Quick Reaction Mechanism against VAT fraud (COM(2022)0039 — C9-0053/2022 — 2022/0027(CNS))

(Special legislative procedure — consultation)

(2022/C 465/19)

The European Parliament,
— having regard to the Commission proposal to the Council (COM(2022)0039),
— having regard to Article 113 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0053/2022),
— having regard to Rule 82 of its Rules of Procedure,
— having regard to the report of the Committee on Economic and Monetary Affairs (A9-0128/2022),

1. Approves the Commission proposal;
2. Asks the Commission to carry out an assessment of the effects of the reverse charge mechanism before any further extension of its application period;
3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
4. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
Application of the provisions of the Schengen acquis in the area of the Schengen Information System in Cyprus *


(Consultation)

(2022/C 465/20)

The European Parliament,
— having regard to the Commission proposal to the Council (COM(2021)0472),
— having regard to Article 3(2) of the 2003 Act of Accession, pursuant to which the Council consulted Parliament (C9-0350/2021),
— having regard to Rule 82 of its Rules of Procedure,
— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0082/2022),
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 and the Commission.
The European Parliament,

— having regard to Article 286(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0042/2022),
— having regard to Rule 129 of its Rules of Procedure,
— having regard to the report of the Committee on Budgetary Control (A9-0132/2022),

A. whereas, by letter of 10 February 2022, the Council consulted Parliament on the nomination of Lefteris Christoforou as a Member of the Court of Auditors;

B. whereas Parliament’s Committee on Budgetary Control then proceeded to evaluate the credentials of the nominee, in particular in view of the requirements laid down in Article 286(1) of the Treaty on the Functioning of the European Union; whereas in carrying out that evaluation, the committee received a curriculum vitae from the nominee as well as the nominee’s replies to the written questionnaire that he had been sent;

C. whereas the committee subsequently held a hearing with the nominee on 21 April 2022, at which the nominee made an opening statement and then answered questions put by the members of the committee;

1. Delivers a favourable opinion on the Council’s nomination of Lefteris Christoforou as a Member of the Court of Auditors;

2. Instructs its President to forward this decision to the Council and, for information, to the Court of Auditors, the other institutions of the European Union and the audit institutions of the Member States.
The European Parliament,

— having regard to Article 286(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C9-0043/2022),
— having regard to Rule 129 of its Rules of Procedure,
— having regard to the report of the Committee on Budgetary Control (A9-0130/2022),

A. whereas, by letter of 10 February 2022, the Council consulted Parliament on the nomination of George Marius Hyzler as a Member of the Court of Auditors;

B. whereas Parliament’s Committee on Budgetary Control then proceeded to evaluate the credentials of the nominee, in particular in view of the requirements laid down in Article 286(1) of the Treaty on the Functioning of the European Union; whereas in carrying out that evaluation, the committee received a curriculum vitae from the nominee as well as the nominee’s replies to the written questionnaire that he had been sent;

C. whereas the committee subsequently held a hearing with the nominee on 21 April 2022, at which the nominee made an opening statement and then answered questions put by the members of the committee;

1. Delivers a favourable opinion on the Council’s nomination of George Marius Hyzler as a Member of the Court of Auditors;

2. Instructs its President to forward this decision to the Council and, for information, to the Court of Auditors, the other institutions of the European Union and the audit institutions of the Member States.
Strengthening Europol's mandate: cooperation with private parties, processing of personal data, and support for research and innovation ***I

European Parliament legislative resolution of 4 May 2022 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role on research and innovation (COM(2020)0796 — C9-0401/2020 — 2020/0349(COD))

(Ordinary legislative procedure: first reading)

(2022/C 465/23)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2020)0796),

— having regard to Article 294(2) and Article 88 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0401/2020),

— 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 11 February 2022 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rule 59 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0290/2021),

1. Adopts its position at first reading hereinafter set out;

2. Takes note of the statements by the Commission annexed to this resolution, which will be published in the C series of the Official Journal of the European Union;

3. Takes note of the statement by the Council annexed to this resolution, which will be published in the C series of the Official Journal of the European Union;

4. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
Position of the European Parliament adopted at first reading on 4 May 2022 with a view to the adoption of Regulation (EU) 2022/... of the European Parliament and of the Council amending Regulation (EU) 2016/794, as regards Europol’s cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol’s role in research and innovation

(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) 2022/991.)
ANNEX TO THE LEGISLATIVE RESOLUTION

Commission statements on Regulation (EU) 2022/991 of the European Parliament and of the Council (1)

Commission statement on the implementation of the mechanism for Europol to propose the issuing of alerts in the Schengen Information System

As part of the evaluation that the Commission will carry out under Article 68(3) of Regulation (EU) 2016/794, three years after the entry into force of this Regulation amending Regulation (EU) 2016/794, the Commission will report on the operational impact of the new mechanism established in Article 4(1)(r) of Regulation (EU) 2016/794. Under this mechanism, Europol may propose to Member States, based on data that Europol received from third countries or international organisations, to enter information alerts in the interest of the Union into the Schengen Information System on persons involved in terrorism or in serious and organised crime. The Commission will carry out this evaluation on the basis of reports that Europol will provide on the proposals made for alerts in the Schengen Information System and on the subsequent alerts inserted by Member States in the Schengen Information System.

Commission statement on the relations between Europol and the European Public Prosecutor’s Office

In the Commission’s view, the provisions on the relations between Europol and the European Public Prosecutor’s Office (the EPPO), as set out in Article 20a of Regulation (EU) 2016/794, cannot limit the obligations on Europol stemming from Article 24(1) of Council Regulation (EU) 2017/1939, and shall therefore be interpreted and applied in accordance with the latter Article.

Commission statement on the provisions for Europol’s cooperation with third countries

As regards rules for Europol’s cooperation with third countries, the Commission notes that any transfer of personal data from Europol to a third country on the basis of a ‘legally binding instrument’ requires an international agreement under Article 218 of the Treaty, as already provided for in Article 25(1)(b) of Regulation (EU) 2016/794. The Commission also notes that any transfer of personal data from Europol to a third country on the basis of an assessment of appropriate safeguards by Europol must meet the requirements as set by the case law (2) of the Court of Justice of the European Union, thus requiring Europol to conclude that the level of data protection in the third country provides essential equivalence in terms of data protection. Allowing for data transfers based on such an assessment without the need for prior agreement by the European Data Protection Supervisor as provided for in Article 25(6) of Regulation (EU) 2016/794 will create risks of subsequent intervention by the European Data Protection Supervisor based on a divergent assessment of the data protection safeguards and might thus negatively affect law enforcement cooperation.

Commission statement on the strengthening of Europol-Interpol cooperation

The Commission recalls that in the on-going negotiations for a cooperation agreement between the European Union and the International Criminal Police Organization (ICPO-INTERPOL), and in line with the negotiating directives given by the Council (3), the Commission seeks to strengthen cooperation between Europol and Interpol, taking into account the latest developments in combating terrorism, cross-border and transnational serious organised crime, as well as current operational needs and Europol’s mandate. The Commission seeks to ensure, in line with the negotiating directives given by the Council (4), that the agreement provides the legal basis for authorising Europol to access relevant Interpol databases for the performance of its tasks.

(1) Regulation (EU) 2022/991 of the European Parliament and of the Council of 8 June 2022 amending Regulation (EU) 2016/794, as regards Europol’s cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol’s role in research and innovation (OJ L 169, 27.6.2022, p. 1).
Council statement on Interpol’s red notices, in the framework of the adoption of Regulation (EU) 2022/991 of the European Parliament and of the Council

In the context of the on-going cooperation between the EU and Interpol, the Council welcomes the progress made by Interpol in setting up internal mechanisms to assess, prior to the publication and diffusion of red notices, any violation of Interpol’s constitution. The Member States will continue to support Interpol in these efforts, and welcome that a representative of Interpol informed at working group level of the Council about these efforts undertaken at Interpol to prevent the abuse of red notices for political reasons or violation of human rights, and call for a continued and regular exchange on the matter between Interpol and its ‘National Central Bureaus’, to raise further awareness on the action to be taken by Member States in cooperation with Interpol. The Council will continue to support Interpol in the promotion of the existing INTERPOL standards and procedures for data quality and compliance and will invite Interpol on a regular basis to inform the Council at working group level.
Distortive foreign subsidies


(Ordinary legislative procedure: first reading)

(2022/C 465/24)

Amendment 1
Proposal for a regulation
Recital 2

Text proposed by the Commission

At the same time, undertakings might receive subsidies from third countries, that provide public funds which are then used, for instance, to finance economic activities in the internal market in any sector of the economy, such as participation in public procurement tenders, or acquisitions of undertakings, including those with strategic assets such as critical infrastructure and innovative technologies. Such subsidies are currently not subject to Union State aid rules.

Amendment

At the same time, undertakings might receive subsidies from third countries which are then used, for instance, to finance economic activities in the internal market in any sector of the economy, such as participation in public procurement tenders, or acquisitions of undertakings, including those with strategic assets such as critical infrastructure and innovative technologies. Such subsidies are currently not subject to Union State aid rules. Similar concerns apply in relation to state-owned enterprises.

Amendment 2
Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Although this Regulation should cover all economic sectors, the Commission should pay particular attention to sectors that are of strategic interest to the Union and critical infrastructures, such as those mentioned in Article 4(1), point (a), of Regulation (EU) 2019/452 of the European Parliament and of the Council.

Amendment

(2a) Although this Regulation should cover all economic sectors, the Commission should pay particular attention to sectors that are of strategic interest to the Union and critical infrastructures, such as those mentioned in Article 4(1), point (a), of Regulation (EU) 2019/452 of the European Parliament and of the Council.

(1) The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0135/2022).
Amendment 3
Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

This Regulation should be coherent and coordinated with existing instruments, such as Council Regulation (EC) No 139/2004 (\(^1a\)), Directive 2014/24/EU of the European Parliament and of the Council (\(^1b\)), Regulation (EU) 2019/452 of the European Parliament and of the Council (\(^1c\)) or Regulation (EU) 2022/… of the European Parliament and of the Council (\(^1d\)). In its application of the different instruments, the Commission should pay attention to ensure an efficient sharing of necessary information to safeguard a comprehensive approach.


\(^1d\) Regulation (EU) 2022/… of the European Parliament and of the Council on the access of third-country economic operators, goods and services to the public procurement markets of third countries (International Procurement Instrument — IPI) (OJ L …).
Amendment 4
Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Rules and procedures to investigate foreign subsidies that actually or potentially distort the internal market should be laid down and, where relevant, those distortions should be redressed. Foreign subsidies could distort the internal market if the undertaking benefiting from the foreign subsidy engages in an economic activity in the Union. This Regulation should therefore establish rules for all undertakings engaging in an economic activity in the Union. Given the significance of the economic activities pursued by SMEs, and their contribution to the fulfilment of the Union’s key policy goals, special attention is given to the impact of this Regulation on them.

Amendment

(6) Rules and procedures to investigate foreign subsidies that actually or potentially distort the internal market should be laid down and, where relevant, those distortions should be redressed. Foreign subsidies could distort the internal market if the undertaking benefiting from the foreign subsidy engages in an economic activity in the Union. The proper application and enforcement of this Regulation should contribute to the resilience of the internal market against distortions caused by foreign subsidies and thereby strengthen the Union’s open strategic autonomy. This Regulation should therefore establish rules for all undertakings engaging in an economic activity in the Union. Given the significance of the economic activities pursued by SMEs, and their contribution to the fulfilment of the Union’s key policy goals, special attention is given to the impact of this Regulation on them.

Amendment 5
Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

(7a) Given that the relevant Member State authorities are an integral part of the application of this Regulation, Member States should ensure that their authorities cooperate and coordinate effectively with the Commission in the application of this Regulation. For this purpose, the Commission should be able to set up structured cooperation to share information and coordinate.
Amendment 6
Proposal for a regulation
Recital 9

Text proposed by the Commission

There should be a financial contribution provided, directly or indirectly, by the public authorities of a third country. The financial contribution may be granted through public or private entities. Whether a public entity provides a financial contribution should be determined on a case-by-case basis with due regard to elements such as the characteristics of the relevant entity and the legal and economic environment prevailing in the country in which the entity operates including the government’s role in the economy. Financial contributions may also be granted through a private entity if its actions can be attributed to the third country.

Amendment

(9) There should be a financial contribution provided, directly or indirectly, by a third country. The financial contribution may be granted through public or private entities. Whether a public entity provides a financial contribution should be determined on a case-by-case basis with due regard to elements such as the characteristics of the relevant entity and the legal and economic environment prevailing in the country in which the entity operates including the government’s role in the economy of that third country. Financial contributions may also be granted through a private entity if its actions can be attributed to the third country. Support measures that are economically equivalent to a financial contribution should also be considered as a financial contribution. Such a financial contribution could include a situation where the beneficiary has privileged access to its domestic market, namely through exclusive or special rights as well as selective de jure or de facto exceptions to applicable rules or equivalent measures, for the provision of goods or services in the third country conferred by national law or the benefit of a domestic captive market due to the prevailing legal and economic conditions. This could lead to an artificial competitive advantage that could be leveraged in the internal market and thereby exacerbate the distortive effect of any subsidy.
### Amendment 7

**Proposal for a regulation**

**Recital 10**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
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<tbody>
<tr>
<td>(10) <strong>Such</strong> a financial contribution should confer a benefit to an undertaking engaging in an economic activity in the internal market. A financial contribution that benefits an entity engaging in non-economic activities does not constitute a foreign subsidy. The existence of a benefit should be determined on the basis of comparative benchmarks, such as the investment practice of private investors, rates for financing obtainable on the market, a comparable tax treatment, or the adequate remuneration for a given good or service. If no directly comparable benchmarks are available, existing benchmarks could be adjusted or alternative benchmarks could be established based on generally accepted assessment methods.</td>
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<tr>
<td>(10) A financial contribution should confer a benefit to an undertaking engaging in an economic activity in the internal market. A financial contribution that benefits an entity engaging in non-economic activities does not constitute a foreign subsidy. The existence of a benefit should be determined on the basis of comparative benchmarks, such as the investment practice of private investors, rates for financing obtainable on the market, a comparable tax treatment, or the adequate remuneration for a given good or service. If no directly comparable benchmarks are available, existing benchmarks could be adjusted or alternative benchmarks could be established based on generally accepted assessment methods. <strong>Transfer pricing may confer a benefit and be considered as equivalent to a financial contribution if not in line with normal market conditions.</strong></td>
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</table>

### Amendment 8

**Proposal for a regulation**

**Recital 11 a (new)**

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td></td>
<td>(11a) <strong>A foreign subsidy is considered granted from the moment the beneficiary has an entitlement to receive the subsidy. The actual payment of the subsidy is not a necessary condition for bringing a subsidy within the scope of this Regulation.</strong></td>
</tr>
</tbody>
</table>
Amendment 9  
Proposal for a regulation

Recital 14  

When applying these indicators, the Commission could take into account different elements such as the size of the subsidy in absolute terms or in relation to the size of the market or to the value of the investment. For instance, a concentration, in the context of which a foreign subsidy covers a substantial part of the purchase price of the target, is likely to be distortive. Similarly, foreign subsidies covering a substantial part of the estimated value of a contract to be awarded in a public procurement procedure are likely to cause distortions. If a foreign subsidy is granted for operating costs, it seems more likely to cause distortions than if it is granted for investment costs. Foreign subsidies to small and medium-sized undertakings may be considered less likely to cause distortions than foreign subsidies to large undertakings. Furthermore, the characteristics of the market, and in particular the competitive conditions on the market, such as barriers to entry, should be taken into account. Foreign subsidies leading to overcapacity by sustaining uneconomic assets or by encouraging investment in capacity expansions that would otherwise not have been built are likely to cause distortions. A foreign subsidy to a beneficiary that shows a low degree of activity in the internal market, measured for instance in terms of turnover achieved in the Union, is less likely to cause distortions than a foreign subsidy to a beneficiary that has a more significant level of activity in the internal market. Finally, foreign subsidies not exceeding EUR 5 million should be deemed, as a general rule, unlikely to distort the internal market within the meaning of this Regulation.

The evolution of the economic activity can also be taken into account to enable the Commission to take action when an undertaking’s level of activity is small, but is expected to grow strongly. The Commission should be able to consider in its assessment of a distortion whether a third country has an effective system for the control of subsidies in place which is at least equivalent to the system in the Union and which would make subsidies granted by such a third country less likely to distort the internal market within the meaning of this Regulation. The Commission should therefore encourage third countries to develop such systems of subsidy control, including by concluding and enforcing bilateral agreements which include substantive level playing field provisions and by encouraging third countries to comply with international subsidy obligations and align with the Union on initiatives with regard to improving international rules on subsidies and competitive neutrality, notably within the WTO.
Text proposed by the Commission

Foreign subsidies not exceeding EUR 4 million should be deemed, as a general rule, unlikely to distort the internal market within the meaning of this Regulation. The Commission should draft and publish guidelines with further details for assessing the distorting nature of a subsidy in order to provide legal certainty for all market participants. The guidelines should also provide examples and typical cases of distorting and non-distorting subsidies.

Amendment 10
Proposal for a regulation
Recital 16

The Commission should take into account the positive effects of the foreign subsidy on the development of the relevant subsidised economic activity. The Commission should weigh these positive effects against the negative effects of a foreign subsidy in terms of distortion on the internal market in order to determine, if applicable, the appropriate redressive measure or accept commitments. The balancing may also lead to the conclusion that no redressive measures should be imposed. Categories of foreign subsidies that are deemed most likely to distort the internal market are less likely to have more positive than negative effects.

The Commission should be able to take into account the positive effects of the foreign subsidy on the development of the relevant subsidised economic activity on the internal market and its contribution to the achievement of public policy objectives, including social and environmental objectives. The Commission should weigh these positive effects against the negative effects of a foreign subsidy in terms of distortion on the internal market in order to determine, if applicable, the appropriate redressive measure or accept commitments. The balancing should take account of both short- and long-term effects and follow the general objective of tackling distortions created by foreign subsidies. In its analysis, the Commission should take into account the general principles applied when assessing the compatibility of state aid with the single market. The balancing may also lead to the conclusion that no redressive measures should be imposed. Categories of foreign subsidies that are deemed most likely to distort the internal market are less likely to have more positive than negative effects. The Commission should also take into account the positive effects of subsidies granted to remedy serious national or global disturbances of the economy, such as those caused by global health crises. The Commission should develop guidelines on the application of the balancing test, including on the criteria to be used.
Amendment 11
Proposal for a regulation
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) The undertaking under investigation could offer or the Commission could require the undertakings concerned to notify the Commission of their participation in future public procurement procedures in the Union for an appropriate period of time. The submission of such notification, or the response or absence of a response from the Commission cannot give rise to legitimate expectations on the part of the undertaking that the Commission may not later start an investigation of possible foreign subsidies to the undertaking participating in the public procurement procedure.

Amendment 12
Proposal for a regulation
Recital 21

Text proposed by the Commission

Amendment

(21) The Commission should have the power, on its own initiative, to examine any information on foreign subsidies. To this end, it is necessary to establish a procedure consisting of two steps, namely a preliminary review and an in-depth investigation. The Commission should publish guidance on the criteria for opening such a procedure. The Commission should be able to act upon information received from any relevant source, including Member States and undertakings or EU-wide social partners. The Commission should establish a contact point to that end.
Amendment 13
Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) The Commission should be given *adequate* investigative powers to gather all necessary information. It should therefore have the power to request information from any undertaking or association of undertakings throughout the whole procedure. In addition, the Commission should have the power to impose fines and periodic penalty payments for failure to timely supply the requested information or for supplying incomplete, incorrect or misleading information. The Commission could also address questions to Member States or to third countries. Furthermore, the Commission should have the power to make fact-finding visits at the Union premises of the undertaking, or, subject to agreement by the undertaking and the third country concerned, at the premises of the undertaking in the third country. The Commission should also have the power to take decisions on the basis of facts available if the undertaking in question does not cooperate.

Amendment

(22) The Commission should be given *appropriate* investigative powers and resources to gather all necessary information. It should therefore have the power to request information from any undertaking or association of undertakings throughout the whole procedure. In addition, the Commission should have the power to impose fines and periodic penalty payments for failure to timely supply the requested information or for supplying incomplete, incorrect or misleading information. In order to reinforce the dissuasive character of this Regulation, there should be the possibility to apply redressive measures, commitments, fines and periodic penalty payments simultaneously if necessary. The Commission could also address questions to Member States or to third countries. Furthermore, the Commission should have the power to make fact-finding visits at the Union premises of the undertaking, or, subject to agreement by the third country concerned, at the premises of the undertaking in the third country. The Commission should also have the power to take decisions on the basis of facts available if the undertaking in question does not cooperate.

Amendment 14
Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) The Commission should have appropriate instruments to ensure the effectiveness of commitments and redressive measures. If the undertaking concerned does not comply with a decision with commitments, a decision imposing redressive measures, or a decision ordering interim measures, the Commission should have the power to impose fines and periodic penalty payments.

Amendment

(26) The Commission should have appropriate instruments to ensure the effectiveness of commitments and redressive measures. If the undertaking concerned does not comply with a decision with commitments, a decision imposing redressive measures, or a decision ordering interim measures, the Commission should have the power to impose fines and periodic penalty payments of a sufficiently dissuasive nature. The Commission should take into account cases of repeated non-compliance when imposing such fines and periodic penalty payments. The Commission should review the effectiveness of the measures.
Amendment 15
Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) Below the notification thresholds, the Commission could require the notification of potentially subsidised concentrations that were not yet implemented or the notification of potentially subsidised bids prior to the award of a public contract, if it considers that the concentration or the bid would merit ex-ante review given their impact in the Union. The Commission should also have the possibility to carry out a review on its own initiative of already implemented concentrations or awarded public contracts.

Amendment

(31) Below the notification thresholds, the Commission should require the notification of potentially subsidised concentrations that were not yet implemented or the notification of potentially subsidised bids prior to the award of a public contract, if it considers that the concentration or the bid would merit ex-ante review given their impact in the Union. The Commission should also have the possibility to carry out a review on its own initiative of already implemented concentrations or awarded public contracts.

Amendment 16
Proposal for a regulation
Recital 32 a (new)

Text proposed by the Commission

(32a) In the context of the ex ante review mechanism for concentrations, concerned undertakings should be able to request pre-notification consultations with the Commission based on good faith, with the exclusive aim of receiving guidance on whether or not the formal thresholds for notification are met.

Amendment

Amendment 17
Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) It should be ensured that the principles governing public procurement, notably proportionality, non-discrimination, equal treatment, and transparency, are respected as regards all undertakings involved in the public procurement procedure, regardless of investigations initiated and pending pursuant to this Regulation.

Amendment

(35) It should be ensured that the principles governing public procurement, notably proportionality, non-discrimination, equal treatment, and transparency, are respected as regards all undertakings involved in the public procurement procedure, regardless of investigations initiated and pending pursuant to this Regulation. This Regulation is without prejudice to Directives 2014/23/EU, 2014/24/EU and 2014/25/EU of the European Parliament and of the Council as regards the applicable obligations in the fields of environmental, social and labour law.
Amendment 18
Proposal for a regulation

Recital 36

Text proposed by the Commission

(36) Foreign subsidies that enable an undertaking to submit a tender which is unduly advantageous in relation to the works, supplies or services concerned should be deemed to actually or potentially create a distortion in a public procurement procedure. Those distortions should therefore be assessed on the basis of the non-exhaustive set of indicators described in recitals 13 and 14 as well as the notion of unduly advantageous tender. The indicators should allow to determine how the foreign subsidy distorts competition by improving the competitive position of an undertaking and enabling it to submit an unduly advantageous tender. The opportunity should be given to undertakings to justify that the tender is not unduly advantageous, including by adducing the elements referred to in Article 69(2) of Directive 2014/24/EU. The prohibition of the award should only apply where the advantageous nature of the tender benefiting from foreign subsidies cannot be justified, the tender would be awarded the contract and the undertaking submitting the tender did not offer commitments considered appropriate and sufficient to fully and effectively remove the distortion.

Amendment

(36) Foreign subsidies that enable an undertaking to submit a tender which is unduly advantageous in relation to the works, supplies or services concerned should be deemed to actually or potentially create a distortion in a public procurement procedure. Those distortions should therefore be assessed on the basis of the non-exhaustive set of indicators described in recitals 13 and 14 as well as the notion of unduly advantageous tender. The indicators should allow to determine how the foreign subsidy distorts competition by improving the competitive position of an undertaking and enabling it to submit an unduly advantageous tender. The opportunity should be given to undertakings to justify that the tender is not unduly advantageous, including by adducing the elements referred to in Article 69(2) of Directive 2014/24/EU. The prohibition of the award should only apply where the advantageous nature of the tender benefiting from foreign subsidies cannot be justified, the tender would be awarded the contract and the undertaking submitting the tender did not offer commitments considered appropriate and sufficient to fully and effectively remove the distortion. The adoption of a decision prohibiting the award of the contract results in the exclusion of the undertaking concerned from participation in the public procurement procedure.
Amendment 19
Proposal for a regulation
Recital 37

Text proposed by the Commission

(37) Taking into account the nature of the ex ante review mechanism for concentrations and public procurement awards, and the need for legal certainty regarding these specific transactions, a concentration or public procurement tender notified and assessed under the respective procedures cannot be reviewed again by the Commission on its own initiative. Financial contributions of which the Commission was informed through the notification procedure may however also be relevant outside the concentration or procurement procedure. In order to gather information on foreign subsidies, the Commission should have the possibility to launch investigations regarding specific sectors of the economy, particular types of economic activity or the use of particular foreign subsidy instruments.

Amendment

(37) Taking into account the nature of the ex ante review mechanism for concentrations and public procurement awards, and the need for legal certainty regarding these specific transactions, a concentration or public procurement tender notified and assessed under the respective procedures cannot be reviewed again by the Commission on its own initiative. Financial contributions of which the Commission was informed through the notification procedure may however also be relevant outside the concentration or procurement procedure. In order to gather information on foreign subsidies, the Commission should have the possibility to launch investigations regarding specific sectors of the economy, particular types of economic activity or the use of particular foreign subsidy instruments. The Commission should be able to use the information obtained from such market investigations to review certain transactions in the framework of the procedures under this Regulation.

Amendment 20
Proposal for a regulation
Recital 43

Text proposed by the Commission

(43) The implementation of this Regulation by the Union should comply with Union law, the WTO Agreement and be consistent with commitments made under other trade and investment agreements to which the Union or the Member States are parties.

Amendment

(43) The implementation of this Regulation by the Union should comply with Union law, the WTO Agreement and be consistent with commitments made under other trade and investment agreements to which the Union or the Member States are parties. This Regulation should be without prejudice to the development of multilateral rules to address distortive subsidies.
Amendment 21
Proposal for a regulation
Recital 43 a (new)

Text proposed by the Commission

(43a) In order to encourage the development of multilateral rules to address distortive subsidies and their root causes, it is necessary to set up a third-country dialogue. When the Commission discovers or suspects the existence of systemic distortive foreign subsidies, it should be able to engage in a dialogue with the third country in question to explore options aimed at obtaining the cessation or modification of the distortive subsidies with a view to eliminating their distortive effects in the internal market. Where a bilateral agreement between the Union and a third country provides for a consultation mechanism that covers systemic distortive foreign subsidies falling within the scope of this Regulation, this mechanism should be used to facilitate the third-country dialogue. The Commission should also be able to endeavour to obtain the cessation or modification of the distortive foreign subsidies by raising the matter in any relevant international forum or through cooperation with any other third country affected by the same systemic distortive subsidies, or with any interested third country. This dialogue should not preclude the Commission from opening or continuing investigations under this Regulation, nor should it constitute an alternative to redressive measures. The Commission should, without undue delay, inform the European Parliament and the Council of relevant developments.
Amendment 22
Proposal for a regulation
Recital 47

Text proposed by the Commission

(47) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in accordance with Article 291 of the Treaty. Those powers should be exercised to set out the form and content of notifications of concentrations as well as of financial contributions in the context of public procurement procedures, details of disclosure, form and content of transparency requirements, calculation of time-limits, conditions and time-limits for commitments and detailed rules on the procedural steps concerning investigations regarding public procurement procedures. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Amendment

(47) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised to set out the form and content of notifications of concentrations as well as of financial contributions in the context of public procurement procedures, details of disclosure, form and content of transparency requirements, calculation of time-limits, conditions and time-limits for commitments and detailed rules on the procedural steps concerning investigations regarding public procurement procedures. Those powers should be exercised in accordance with Regulation (EU) No 182/2011. The Commission should exercise those implementing powers for the first time no later than one year after the entry into force of this Regulation.

Amendment 23
Proposal for a regulation
Recital 47 a (new)

Text proposed by the Commission

(47a) The Commission should have the possibility to establish a simplified procedure under which it treats certain concentrations or public procurement procedures on the basis that they appear less likely to give rise to distortions of competition on the internal market due to foreign subsidies.
(48) In order to ensure a level playing field on the internal market also in the long term, with a view to ensuring adequate coverage of cases investigated both through notifications as well as ex officio, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amending the notification thresholds for concentrations and for public procurement procedures, exempting certain categories of undertakings from the notification obligations under this Regulation, as well as amending the time limits for the preliminary review and the in-depth investigations of notified concentrations or notified financial contributions in the context of a public procurement procedure. In relation to financial contributions in the context of a public procurement procedure, the power to adopt such acts should be exercised in a way that takes into account the interests of SMEs. It is of particular importance that the Commission carries out appropriate consultations during the preparations of those acts, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making (47). In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States’ experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.


(48) In order to ensure a level playing field on the internal market also in the long term, with a view to ensuring adequate coverage of cases investigated both through notifications as well as ex officio, the Commission should evaluate the functioning and effectiveness of this Regulation, including of the notification thresholds set out in Articles 18 and 27, at the latest two years after its entry into force, and every three years thereafter, and present that evaluation by means of a report to the European Parliament and the Council. That report should include an assessment of whether this Regulation should be amended. Where the report proposes amending the Regulation, it may be accompanied by a legislative proposal, in particular in respect of amending the notification thresholds for concentrations and for public procurement procedures, exempting certain categories of undertakings from the notification obligations under this Regulation, introducing lower notification thresholds specific to certain economic sectors or differentiated thresholds for different types of public procurement contracts, as well as amending the time limits for the preliminary review and the in-depth investigations of notified concentrations or notified financial contributions in the context of a public procurement procedure. In relation to financial contributions in the context of a public procurement procedure, the evaluation should be conducted in a way that takes into account the interests of SMEs. The Commission should also make use of quantified cost-benefit analysis and ex-ante analysis on the impact on investments and consumer welfare. During its evaluation, the Commission should consider to abrogate the present Regulation, if it considers that the development of multilateral rules to address distortive subsidies has rendered this Regulation fully redundant.
Amendment 25
Proposal for a regulation
Article 1 — paragraph 1

Text proposed by the Commission

Amendment

(1) This Regulation lays down rules and procedures for investigating foreign subsidies that distort the internal market and for redressing such distortions. Such distortions may arise with respect to any economic activity, and in particular in concentrations and public procurement procedures.

(1) This Regulation lays down rules and procedures for investigating foreign subsidies that distort the internal market and for redressing such distortions, with a view to ensuring a level-playing field. Such distortions may arise with respect to any economic activity, and in particular in concentrations and public procurement procedures.

Amendment 26
Proposal for a regulation
Article 2 — paragraph 2 — point a — introductory part

Text proposed by the Commission

Amendment

(a) a financial contribution shall include:

(a) a financial contribution shall include, inter alia:

Amendment 27
Proposal for a regulation
Article 2 — paragraph 2 — point a — point i

Text proposed by the Commission

Amendment

(i) the transfer of funds or liabilities, such as capital injections, grants, loans, loan guarantees, fiscal incentives, setting off of operating losses, compensation for financial burdens imposed by public authorities, debt forgiveness, debt to equity swaps or rescheduling:

(i) the transfer of funds or liabilities, such as capital injections, grants, loans, loan guarantees, fiscal incentives, tax exemptions, setting off of operating losses, compensation for financial burdens imposed by public authorities, debt forgiveness, debt to equity swaps or rescheduling:
### Amendment 28

**Proposal for a regulation**

**Article 2 — paragraph 2 — point a — point ii**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ii) the foregoing of revenue that is otherwise due; or</td>
<td>(ii) the foregoing of revenue that is otherwise due;</td>
</tr>
</tbody>
</table>

### Amendment 29

**Proposal for a regulation**

**Article 2 — paragraph 2 — point a — point ii a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(iiia) inadequately remunerated special or exclusive rights; or</td>
<td></td>
</tr>
</tbody>
</table>

### Amendment 30

**Proposal for a regulation**

**Article 2 — paragraph 2 — point a — point iii**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(iii) the provision of goods or services or the purchase of goods and services;</td>
<td>(iii) the provision of goods or services or the purchase of goods or services, unless such provision or purchase is carried out following a competitive, transparent, non-discriminatory and unconditional tender procedure;</td>
</tr>
</tbody>
</table>

### Amendment 31

**Proposal for a regulation**

**Article 3 — paragraph 1 — introductory part**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) A distortion on the internal market shall be deemed to exist where a foreign subsidy is liable to improve the competitive position of the undertaking concerned in the internal market and where, in doing so, it actually or potentially negatively affects competition on the internal market. Whether there is a distortion on the internal market shall be determined on the basis of indicators, which may include the following:</td>
<td>(1) A distortion on the internal market shall be deemed to exist where a foreign subsidy is liable to improve the competitive position of the undertaking concerned in the internal market and where, in doing so, it actually or potentially negatively affects competition on the internal market. Whether there is a distortion on the internal market shall be determined on the basis of indicators, which shall include, inter alia, the following:</td>
</tr>
</tbody>
</table>
Amendment 32
Proposal for a regulation
Article 3 — paragraph 1 — point c

Text proposed by the Commission

(c) the situation of the undertaking and the markets concerned;

Amendment

(c) the situation of the undertaking, including its size, and the markets concerned and in particular an assessment whether the undertaking concerned operates under the ownership, control or policy supervision or guidance of the authorities of the third country;

Amendment 33
Proposal for a regulation
Article 3 — paragraph 1 — point d

Text proposed by the Commission

(d) the level of economic activity of the undertaking concerned on the internal market;

Amendment

(d) the level and evolution of economic activity of the undertaking concerned on the internal market and on its domestic market;

Amendment 34
Proposal for a regulation
Article 3 — paragraph 2

Text proposed by the Commission

(2) A foreign subsidy is unlikely to distort the internal market if its total amount is below EUR 5 million over any consecutive period of three fiscal years.

Amendment

(2) A foreign subsidy is unlikely to distort the internal market if its total amount is below EUR 4 million over any consecutive period of three fiscal years.
Amendment 35
Proposal for a regulation
Article 3 — paragraph 2 a (new)

Text proposed by the Commission

(2a) The Commission may consider whether the third country has a system for the review of subsidies in place, which the Commission has found to provide guarantees, in law and in practice, that the level of protection against undue state intervention into market forces and unfair competition is at least equivalent to the level of protection within the Union, whether the subsidy has been cleared under that system and whether that clearance appears relevant also for the effects on the internal market.

Amendment 36
Proposal for a regulation
Article 3 — paragraph 2 b (new)

Text proposed by the Commission

(2b) In order to ensure efficiency and transparency, the Commission shall publish guidelines on the application of this Article at the latest 24 months after the entry into force of this Regulation, including explanations and examples of how each indicator shall be applied. The Commission shall, in close cooperation with Member States, regularly update those guidelines and keep the European Parliament and the Council informed.

Amendment 37
Proposal for a regulation
Article 4 — paragraph 1 — point 2 a (new)

Text proposed by the Commission

(2a) an export financing subsidy granted by a third country which is not a signatory to the OECD Arrangement on officially supported export credits;
Amendment 38
Proposal for a regulation
Article 4 — paragraph 1 — point 2 b (new)

Text proposed by the Commission

Amendment

(2b) a foreign subsidy to an undertaking active in a sector characterised by structural excess capacity;

Amendment 39
Proposal for a regulation
Article 5 — paragraph 1

Text proposed by the Commission

Amendment

(1) The Commission shall, where warranted, balance the negative effects of a foreign subsidy in terms of distortion on the internal market with positive effects on the development of the relevant economic activity.

Amendment 40
Proposal for a regulation
Article 5 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) At the latest 24 months after the entry into force of this Regulation, the Commission shall publish guidelines on the application of this Article, including on the criteria that are used in the balancing. The Commission shall, in close cooperation with Member States, regularly update those guidelines and keep the European Parliament and the Council informed.

Amendment 41
Proposal for a regulation
Article 6 — paragraph 1

Text proposed by the Commission

Amendment

(1) To remedy the distortion on the internal market actually or potentially caused by a foreign subsidy, the Commission may impose redressive measures. The undertaking concerned may also offer commitments.

(1) Without prejudice to Article 5, the Commission shall impose redressive measures in order to remedy the distortion on the internal market actually or potentially caused by a foreign subsidy, unless it has accepted commitments offered by the undertaking concerned pursuant to paragraph 1a.
Amendment 42
Proposal for a regulation
Article 6 — paragraph 1a (new)

Text proposed by the Commission

Amendment

(1a) The Commission may accept commitments offered by the undertaking concerned, where such commitments fully and effectively remedy the distortion on the internal market. By accepting such commitments, the Commission shall make them binding on the undertaking in a decision with commitments in accordance with Article 9(3). The Commission shall monitor the undertaking’s compliance with the commitments agreed upon.

Amendment 43
Proposal for a regulation
Article 6 — paragraph 2

Text proposed by the Commission

Amendment

(2) Commitments or redressive measures shall fully and effectively remedy the distortion caused by the foreign subsidy in the internal market.

Amendment 44
Proposal for a regulation
Article 6 — paragraph 3 — introductory part

Text proposed by the Commission

Amendment

(3) Commitments or redressive measures may consist of the following:

inter alia,

Amendment 45
Proposal for a regulation
Article 6 — paragraph 3 — point a

Text proposed by the Commission

Amendment

(a) offering access under fair and non-discriminatory conditions to an infrastructure that was acquired or supported by the distortive foreign subsidies unless such fair and non-discriminatory access is already provided for by legislation in force in the Union;
Amendment 46
Proposal for a regulation
Article 6 — paragraph 3 — point b

**Text proposed by the Commission**
(b) reducing capacity or market presence;

**Amendment**
(b) reducing capacity or market presence, including by means of a temporary commercial activity restriction on the internal market;

Amendment 47
Proposal for a regulation
Article 6 — paragraph 3 — point h a (new)

**Text proposed by the Commission**

**Amendment**
(ha) requiring the undertakings concerned to notify the Commission of any participation in future public procurement procedures in the Union for an appropriate period of time where the estimated value of the public contract is below the thresholds set out in Article 27.

Amendment 48
Proposal for a regulation
Article 6 — paragraph 3 — point h b (new)

**Text proposed by the Commission**

**Amendment**
(hb) requiring the undertakings concerned to adapt their governance structure.

Amendment 49
Proposal for a regulation
Article 6 — paragraph 4

**Text proposed by the Commission**
(4) The Commission may impose reporting and transparency requirements.

**Amendment**
(4) The Commission shall impose reporting and transparency requirements.
Amendment 50
Proposal for a regulation
Article 6 — paragraph 5

Text proposed by the Commission

If an undertaking offers commitments which fully and effectively remedy the distortion on the internal market, the Commission may accept them and make them binding on the undertaking in a decision with commitments according to Article 9(3). Amended

Amendment 51
Proposal for a regulation
Article 6 — paragraph 6

Text proposed by the Commission

Where the undertaking concerned proposes to repay the foreign subsidy including an appropriate interest rate, the Commission shall accept such repayment as commitment if it can ascertain that the repayment is transparent and effective, while taking into account the risk of circumvention. Amended

Amendment 52
Proposal for a regulation
Article 7 — paragraph 1

Text proposed by the Commission

The Commission may on its own initiative examine information from any source regarding alleged distortive foreign subsidies. The Commission shall establish a contact point through which this information can be confidentially reported. Amended

The Commission shall inform the public authority of any follow-up taken.

Competent public authorities shall collect and exchange data with the Commission.

The Commission shall publish guidelines on the criteria for opening an ex officio review by 24 months after the entry into force of this Regulation.
Amendment 53
Proposal for a regulation
Article 8 — paragraph 2 — point b

Text proposed by the Commission
(b) inform the undertaking concerned; and

Amendment
(b) inform the undertaking concerned and where appropriate also Member States; and

Amendment 54
Proposal for a regulation
Article 8 — paragraph 3

Text proposed by the Commission
(3) Where the Commission, after a preliminary assessment, concludes that there are no sufficient grounds to initiate the in-depth investigation, either because there is no foreign subsidy or because there are no indications of an actual or potential distortion on the internal market, it shall close the preliminary review and inform the undertaking concerned.

Amendment
(3) Where the Commission, after a preliminary assessment, concludes that there are no sufficient grounds to initiate the in-depth investigation, either because there is no foreign subsidy or because there are no indications of an actual or potential distortion on the internal market, it shall close the preliminary review and inform the undertaking concerned, and the European Parliament.

Amendment 55
Proposal for a regulation
Article 9 — paragraph 2

Text proposed by the Commission
(2) Where the Commission finds that a foreign subsidy distorts the internal market pursuant to Articles 3 to 5, it may impose redressive measures ('decision with redressive measures').

Amendment
(2) Where the Commission finds that a foreign subsidy distorts the internal market pursuant to Articles 3 and 4 and without prejudice to Article 5, it shall impose redressive measures ('decision with redressive measures'), unless it accepts commitments pursuant to paragraph 3.

Amendment 56
Proposal for a regulation
Article 10 — paragraph 1 — introductory part

Text proposed by the Commission
The Commission may take interim measures, where:

Amendment
The Commission may take interim measures, including during the preliminary review period, where:
### Amendment 57
**Proposal for a regulation**

**Article 10 — paragraph 1 a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim measures shall be limited in time and may be prolonged where an indication of distortive effects or a serious risk of substantial and irreparable damage to competition on the internal market continues to exist.</td>
<td></td>
</tr>
</tbody>
</table>

### Amendment 58
**Proposal for a regulation**

**Article 12 — paragraph 1**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The Commission may conduct the necessary inspections of undertakings.</td>
<td>(1) In order to carry out the duties assigned to it by this Regulation, the Commission shall, where necessary, conduct inspections of undertakings.</td>
</tr>
</tbody>
</table>

### Amendment 59
**Proposal for a regulation**

**Article 12 — paragraph 2 — point a**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) to enter any premises and land of the undertaking concerned;</td>
<td>(a) to enter any premises, land and means of transport of the undertaking concerned;</td>
</tr>
</tbody>
</table>

### Amendment 60
**Proposal for a regulation**

**Article 13 — paragraph 1**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>In order to carry out the duties assigned to it by this Regulation, the Commission may conduct inspections in the territory of a third country, provided that the undertaking concerned has given its consent and the government of the third country has been officially notified and has agreed to the inspection. Article 12(1), (2), and (3) points (a) and (b) shall apply by analogy.</td>
<td>In order to carry out the duties assigned to it by this Regulation, the Commission may conduct inspections in the territory of a third country, provided that the government of the third country has been officially notified and has agreed to the inspection. Article 12(1), (2), and (3) points (a) and (b) shall apply by analogy.</td>
</tr>
</tbody>
</table>
**Amendment 61**

Proposal for a regulation

Article 15 — paragraph 1 — introductory part

**Text proposed by the Commission**

(1) The Commission may impose by decision fines and periodic penalty payments where an undertaking concerned or an association of undertakings, intentionally or negligently:

**Amendment**

1. The Commission shall impose by decision fines and periodic penalty payments where an undertaking or an association of undertakings concerned, intentionally or negligently:

**Amendment 62**

Proposal for a regulation

Article 15 — paragraph 5 — introductory part

**Text proposed by the Commission**

(5) Where an undertaking concerned does not comply with a decision with commitments pursuant to Article 9(3), a decision ordering interim measures pursuant to Article 10 or a decision imposing redressive measures pursuant to Article 9(2), the Commission may impose by decision:

**Amendment**

5. Where an undertaking or association of undertakings concerned does not comply with a decision with commitments pursuant to Article 9(3), a decision ordering interim measures pursuant to Article 10 or a decision imposing redressive measures pursuant to Article 9(2), the Commission may impose by decision:

**Amendment 63**

Proposal for a regulation

Article 18 — paragraph 3 — point a

**Text proposed by the Commission**

(a) the acquired undertaking or at least one of the merging undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 500 million; and

**Amendment**

(a) the acquired undertaking or at least one of the merging undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 400 million; and

**Amendment 64**

Proposal for a regulation

Article 18 — paragraph 3 — point b

**Text proposed by the Commission**

(b) the undertakings concerned received from third countries an aggregate financial contribution in the three calendar years prior to notification of more than EUR 50 million.

**Amendment**

(b) all the undertakings concerned have been granted by third countries an aggregate financial contribution in the three calendar years prior to notification of more than EUR 50 million.
Amendment 65
Proposal for a regulation
Article 18 — paragraph 4 — point a

Text proposed by the Commission

(a) the joint venture itself or one of its parent undertakings is established in the Union and generates an aggregate turnover in the Union of at least EUR 500 million; and

Amendment

(a) the joint venture itself is established in the Union and generates an aggregate turnover in the Union of at least EUR 400 million; and

Amendment 66
Proposal for a regulation
Article 18 — paragraph 4 — point b

Text proposed by the Commission

(b) the joint venture itself and its parent undertakings received from third countries an aggregate financial contribution in the three calendar years prior to notification of more than EUR 50 million.

Amendment

(b) the joint venture itself and its parent undertakings have been granted by third countries an aggregate financial contribution in the three calendar years prior to notification of more than EUR 50 million.

Amendment 67
Proposal for a regulation
Article 19 — paragraph 4

Text proposed by the Commission

(4) If the undertakings concerned fail to meet their obligation to notify, the Commission may review a notifiable concentration in accordance with this Regulation by requesting the notification of that concentration. In that case the Commission shall not be bound by the time limits referred to in Article 23(1) and (4).

Amendment

(4) If the undertakings concerned fail to meet their obligation to notify, the Commission shall review a notifiable concentration in accordance with this Regulation by requesting the notification of that concentration. In that case the Commission shall not be bound by the time limits referred to in Article 23(1) and (4).

Amendment 68
Proposal for a regulation
Article 19 — paragraph 5

Text proposed by the Commission

(5) The Commission may request the prior notification of any concentration which is not a notifiable concentration within the meaning of Article 18 at any time prior to its implementation where the Commission suspects that the undertakings concerned may have benefitted from foreign subsidies in the three years prior to the concentration. That concentration shall be deemed to be a notifiable concentration for the purposes of this Regulation.

Amendment

(5) The Commission may request the prior notification of any concentration which is not a notifiable concentration within the meaning of Article 18 at any time prior to its implementation where the Commission suspects that the undertakings concerned may have been granted foreign subsidies in the three years prior to the concentration. That concentration shall be deemed to be a notifiable concentration for the purposes of this Regulation.
Amendment 69
Proposal for a regulation
Article 27 — paragraph 2

Text proposed by the Commission

(2) For the purpose of Article 28, a notifiable foreign financial contribution in an EU public procurement procedure shall be deemed to arise where the estimated value of that public procurement is equal or greater than EUR 250 million.

Amendment

(2) For the purpose of Article 28 of this Regulation, a notifiable foreign financial contribution in an EU public procurement procedure shall be deemed to arise where the estimated total value of that public procurement, calculated in accordance with the provisions laid down in Article 5 of Directive 2014/24/EU and Article 16 of Directive 2014/25/EU, is equal to or greater than EUR 200 million.

Amendment 70
Proposal for a regulation
Article 28 — paragraph 2

Text proposed by the Commission

(2) The obligation to notify foreign financial contributions under this paragraph shall extend to economic operators, groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU, Article 19(2) of Directive 2014/24/EU and Article 37(2) of Directive 2014/25/EU, main subcontractors and main suppliers. A subcontractor or supplier shall be deemed to be main where their participation ensures key elements of the contract performance and in any case where the economic share of their contribution exceeds 30% of the estimated value of the contract.

Amendment

(2) The obligation to notify foreign financial contributions under this paragraph shall extend to economic operators, groups of economic operators referred to in Article 26(2) of Directive 2014/23/EU, Article 19(2) of Directive 2014/24/EU and Article 37(2) of Directive 2014/25/EU, main subcontractors and main suppliers. A subcontractor or supplier shall be deemed to be main where the economic share of their contribution exceeds 20% of the estimated value of the contract.

Amendment 71
Proposal for a regulation
Article 28 — paragraph 3

Text proposed by the Commission

(3) For groups of economic operators, main subcontractors and main suppliers, the lead economic operator shall ensure notification.

Amendment

(3) For groups of economic operators, main subcontractors and main suppliers, the lead economic operator shall ensure notification. The lead economic operator shall not be liable for information provided by their main subcontractors or main suppliers.
Amendment 72
Proposal for a regulation
Article 28 — paragraph 6

Text proposed by the Commission

(6) Where the Commission suspects that an undertaking may have benefitted from foreign subsidies in the three years prior to the submission of the tender or request to participate in the public procurement procedure, it may request the notification of the foreign financial contributions received by that undertaking in any public procurement procedure which are not notifiable under Article 27(2) or fall within the scope of paragraph 5 of this Article, at any time before the award of the contract. Once the Commission has requested the notification of such a financial contribution, it is deemed to be a notifiable foreign financial contribution in a public procurement procedure.

Amendment

(6) Where the Commission suspects that an undertaking may have been granted foreign subsidies in the three years prior to the submission of the tender or request to participate in the public procurement procedure, it may request the notification of the foreign financial contributions received by that undertaking in any public procurement procedure which are not notifiable under Article 27(2) or fall within the scope of paragraph 5 of this Article, at any time before the award of the contract. Once the Commission has requested the notification of such a financial contribution, it is deemed to be a notifiable foreign financial contribution in a public procurement procedure.

Amendment 73
Proposal for a regulation
Article 29 — paragraph 2

Text proposed by the Commission

(2) The Commission shall carry out a preliminary review no later than 60 days after it received the notification.

Amendment

(2) The Commission shall complete a preliminary review no later than 40 days after it received the notification.

Amendment 74
Proposal for a regulation
Article 29 — paragraph 4

Text proposed by the Commission

(4) The Commission may adopt a decision closing the in-depth investigation no later than 200 days after it received the notification. In exceptional circumstances, this time limit may be extended after consultation with the concerned contracting authority or contracting entity.

Amendment

(4) The Commission may adopt a decision closing the in-depth investigation no later than 120 days after it received the notification. In exceptional circumstances, this time limit may be extended by 20 days after consultation with the concerned contracting authority or contracting entity.
Amendment 75
Proposal for a regulation
Article 31 — paragraph 3

Text proposed by the Commission

(3) The contract may be awarded to an undertaking submitting a declaration under Article 28 before the Commission takes any of the decisions referred to in Article 30 or before the time limit laid down in Article 29(4) elapses only if the tender evaluation has established that the undertaking in question has in any case submitted the most economically advantageous tender.

Amendment

(3) The contract may be awarded to an undertaking submitting a declaration under Article 28 before the Commission takes any of the decisions referred to in Article 30 or before the time limit laid down in Article 29(4) elapses only if the tender evaluation has established that the undertaking in question has in any case submitted the most economically advantageous tender, as defined in Article 67(2) of Directive 2014/24/EU and Article 82(2) of Directive 2014/25/EU. Information relating to distortive foreign subsidies, including any suspicion that a false declaration has been made, may be reported to the Commission.

Amendment 76
Proposal for a regulation
Article 31 — paragraph 6

Text proposed by the Commission

(6) In all cases, the contracting authority or the contracting entity shall inform the Commission of any decision relating to the outcome of the public procurement procedure.

Amendment

(6) In all cases, the contracting authority or the contracting entity shall inform the Commission without undue delay of any decision relating to the outcome of the public procurement procedure.

Amendment 77
Proposal for a regulation
Article 31 — paragraph 7

Text proposed by the Commission

(7) The principles governing public procurement, including proportionality, non-discrimination, equal treatment, and transparency, shall be observed as regards all undertakings involved in the public procurement procedure. The investigation of foreign subsidies pursuant to this Regulation shall not result in the contracting authority or the contracting entity treating the undertaking concerned in a way that is contrary to those principles.

Amendment

(7) The principles governing public procurement procedures, including proportionality, non-discrimination, equal treatment and transparency as well as compliance with obligations relating to applicable environmental, social and labour law and standards in the performance of the contract, shall be observed as regards all undertakings involved in the public procurement procedure. The investigation of foreign subsidies pursuant to this Regulation shall not result in the contracting authority or the contracting entity treating the undertaking concerned in a way that is contrary to those principles.
Amendment 78
Proposal for a regulation
Article 32 — paragraph 2

Text proposed by the Commission

(2) In addition, the Commission may impose by decision on the undertakings concerned fines not exceeding 1% of their aggregate turnover in the preceding business year, where they intentionally or negligently supply incorrect or misleading information in a notification pursuant to Article 28 or supplement thereto;

Amendment

2. In addition, the Commission may impose by decision on the undertakings concerned fines not exceeding 1% of their aggregate turnover in the preceding business year, where they intentionally or negligently supply incorrect or misleading information in a notification and declarations pursuant to Article 28 or supplement thereto;

Amendment 79
Proposal for a regulation
Article 33 — paragraph 1

Text proposed by the Commission

(1) A financial contribution notified in the context of a concentration under Article 19 may be relevant and assessed again in relation to another economic activity.

Amendment

1. A financial contribution notified in the context of a concentration under Article 19 may be relevant and assessed again under this Regulation in relation to another economic activity.

Amendment 80
Proposal for a regulation
Article 33 — paragraph 2

Text proposed by the Commission

(2) A financial contribution notified in the context of a public procurement procedure under Article 28 may be relevant and assessed again in relation to another economic activity.

Amendment

2. A financial contribution notified in the context of a public procurement procedure under Article 28 may be relevant and assessed again under this Regulation in relation to another economic activity.
Amendment 81
Proposal for a regulation
Article 34 — paragraph 1

(1) Where the information available substantiates a reasonable suspicion that foreign subsidies in a particular sector, for a particular type of economic activity or based on a particular subsidy instrument may distort the internal market, the Commission may conduct a market investigation into the particular sector, the particular type of economic activity or into the use of the subsidy instrument concerned. In the course of that market investigation, the Commission may request the undertakings or associations of undertakings concerned to supply the necessary information and may carry out the necessary inspections. The Commission may also request the Member State or third country concerned to supply information.

Amendment 82
Proposal for a regulation
Article 34 — paragraph 2

(2) The Commission may publish a report on the results of its market investigation into particular sectors, particular types of economic activity or particular subsidy instruments and invite comments from interested parties.
Amendment 83
Proposal for a regulation
Article 34 a (new)

Text proposed by the Commission

Amendment

Article 34a

Third-country dialogue

1. Where, following a market investigation pursuant to Article 34, the Commission discovers the existence of systemic distortive foreign subsidies, or where other information available substantiates a reasonable suspicion as to the existence of such subsidies, the Commission, on behalf of the Union, may engage in a dialogue with the third country in question to explore options aimed at obtaining the cessation or modification of the subsidies with a view to eliminating their distortive effects on the internal market.

2. That dialogue shall not prevent the Commission from taking further action under this Regulation, including the opening or continuation of investigations or the application of interim or redressive measures.

3. The Commission may seek to obtain the cessation or modification of the systemic distortive subsidies also by raising the matter in any relevant international forum.

4. The Commission may enter into consultations or cooperation, on behalf of the Union, with any other third country affected by the same systemic distortive subsidies or with any interested third country, with a view to obtaining the cessation or modification of the subsidies. This may involve, where appropriate, coordination in relevant international fora and coordination in response to the systemic distortive subsidies.


Amendment 84
Proposal for a regulation
Article 35 — paragraph 1

Text proposed by the Commission

(1) The powers of the Commission under Article 9 shall be subject to a limitation period of ten years, starting on the day on which a foreign subsidy is granted to the undertaking concerned. Any action taken by the Commission under Articles 8, 11, 12 or 13 with respect to a foreign subsidy shall interrupt the limitation period. After each interruption, the limitation period shall start to run afresh.

Amendment

(1) The powers of the Commission under Article 9 shall be subject to a limitation period of ten years, starting on the day on which a foreign subsidy is granted to the undertaking concerned. Any action taken by the Commission under Articles 8, 11, 12, 13 or 34 with respect to a foreign subsidy shall interrupt the limitation period. After each interruption, the limitation period shall start to run afresh.
Amendment 85
Proposal for a regulation
Article 40 — paragraph 3 a (new)

Text proposed by the Commission
(3a) This Regulation is without prejudice to the application of Regulation (EU) 2022/… of the European Parliament and of the Council (4a).

Amendment
(3a) This Regulation is without prejudice to the application of Regulation (EU) 2022/… of the European Parliament and of the Council (4a).

(4a) Regulation (EU) 2022/… of the European Parliament and of the Council on the access of third-country economic operators, goods and services to the Union’s public procurement market and procedures supporting negotiations on access of Union economic operators, goods and services to the public procurement markets of third countries (International Procurement Instrument — IPI) (OJ L …).

Amendment 86
Proposal for a regulation
Article 40 — paragraph 7

Text proposed by the Commission
(7) An investigation pursuant to this Regulation shall not be carried out and measures shall not be imposed or maintained where such investigation or measures would be contrary to the Union's obligations emanating from any relevant international agreement it has entered into. In particular, no action shall be taken under this Regulation which would amount to a specific action against a subsidy within the meaning of Article 32.1 of the Agreement on Subsidies and Countervailing Measures. This Regulation shall not prevent the Union from exercising its rights or fulfilling its obligations under international agreements.

Amendment
(7) An investigation pursuant to this Regulation shall not be carried out and measures shall not be imposed or maintained where such investigation or measures would be contrary to the Union's obligations emanating from any relevant international agreement it has entered into. In particular, no action shall be taken under this Regulation which would amount to a specific action against a subsidy within the meaning of Article 32.1 of the Agreement on Subsidies and Countervailing Measures and granted by a third country which is a member of the World Trade Organisation. This Regulation shall not prevent the Union from exercising its rights or fulfilling its obligations under international agreements.

Amendment 87
Proposal for a regulation
Article 42 — paragraph 1 — point a

Text proposed by the Commission
(a) the form, content and procedural details of notifications of concentrations pursuant to Article 19;

Amendment
(a) the form, content and procedural details of notifications of concentrations pursuant to Article 19, including a possible simplified procedure;
Amendment 88
Proposal for a regulation
Article 42 — paragraph 1 — point b

Text proposed by the Commission

(b) the form, content and procedural details of notifications of foreign financial contributions in public procurement procedures pursuant to Article 28;

Amendment

(b) the form, content and procedural details of notifications of foreign financial contributions in public procurement procedures pursuant to Article 28, including a possible simplified procedure;

Amendment 89
Proposal for a regulation
Article 42 — paragraph 1 a (new)

Text proposed by the Commission

(1a) The first implementing act or acts, covering all of the elements mentioned in paragraph 1, shall be adopted no later than one year after the entry into force of this Regulation.

Amendment

Amendment 90
Proposal for a regulation
Article 44

Text proposed by the Commission

Article 44

Amendment

deleted

Delegated acts

(1) The Commission is empowered to adopt delegated acts for the purposes of:

(a) amending the thresholds for notifications as set out in Articles 18 and 27, in the light of the practice of the Commission during the first five years of application of this Regulation, and taking into account the effectiveness of application;
(b) exempting certain categories of undertakings concerned from the obligation to notify pursuant to Articles 19 and 28, in light of the practice of the Commission in the first five years of application of this Regulation, in case this practice allows to identify economic activities where foreign subsidies are unlikely to distort the internal market;

(c) amending the timelines for review and in-depth investigations as set out in Articles 24 and 29.

(2) Delegated acts referred to in paragraph 1 shall be adopted in accordance with Article 45.

Amendment 91
Proposal for a regulation
Article 45

Exercise of the delegation

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

(2) The power to adopt delegated acts referred to in Article 44 shall be conferred on the Commission for an indeterminate period of time starting two years after the date of entry into force of this Regulation.

(3) The delegation of power referred to in Article 44 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

(4) Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
(5) As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

(6) A delegated act adopted pursuant to Article 44 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 92
Proposal for a regulation
Article 46 — paragraph 1

Text proposed by the Commission

Within five years after the entry into force of this Regulation at the latest, the Commission shall present a report to the European Parliament and the Council on the application of this Regulation, accompanied, where the Commission considers it appropriate, by relevant legislative proposals.

Amendment

1. Within two years after the entry into force of this Regulation at the latest, and every three years thereafter, the Commission shall review and evaluate the functioning and effectiveness of this Regulation and present a report to the European Parliament and the Council on its application. This review shall include an assessment of the notification thresholds set out in Articles 18 and 27 and their effects on the Commission’s capacity to implement this Regulation in an effective manner.

Amendment 93
Proposal for a regulation
Article 46 — paragraph 1 a (new)

Text proposed by the Commission

1a. Where the report recommends amendments to this Regulation and where the Commission considers it appropriate in light of its practice during the application of this Regulation and taking into account the effectiveness of application, the report may be accompanied by relevant legislative proposals, including:
(a) to amend the thresholds for notifications as set out in Articles 18 and 27;

(b) to exempt certain categories of undertakings concerned, such as good-faith sovereign wealth or pension funds, from the obligation to notify pursuant to Articles 19 and 28, especially where the practice of the Commission enables the identification of economic activities where foreign subsidies are unlikely to distort the internal market;

(c) to establish specific thresholds for notifications for certain economic sectors or differentiated thresholds for different types of public procurement contracts, especially where the practice of the Commission enables the identification of economic activities where foreign subsidies are more likely to distort the internal market, including as regards strategic sectors and critical infrastructure;

(d) to amend the timelines for review and in-depth investigations as set out in Articles 24 and 29;

(e) to abrogate the present Regulation, if the Commission considers that multilateral rules to address distortive subsidies have rendered this Regulation fully redundant.

Amendment 94
Proposal for a regulation
Article 47 — paragraph 1

(1) This Regulation shall apply to foreign subsidies granted in the ten years prior to the date of application of this Regulation where such foreign subsidies distort the internal market after the start of application of this Regulation.

(1) This Regulation shall apply to foreign subsidies granted in the seven years prior to the date of application of this Regulation where such foreign subsidies distort the internal market after the start of application of this Regulation.
**Non-objection to a delegated act: transitional provisions for certificates of inspection issued in Ukraine**

European Parliament decision to raise no objections to the Commission delegated regulation of 8 April 2022 amending Delegated Regulation (EU) 2021/2306 as regards the transitional provisions for certificates of inspection issued in Ukraine (C(2022)02164 — 2022/2637(DEA))

(2022/C 465/25)

The European Parliament,

— having regard to the Commission delegated regulation (C(2022)02164),

— having regard to the Commission’s letter of 11 April 2022 asking Parliament to declare that it will raise no objections to the delegated regulation,

— having regard to the letter from the Committee on Agriculture and Rural Development to the Chair of the Conference of Committee Chairs of 20 April 2022,

— having regard to Article 290 of the Treaty on the Functioning of the European Union,

— having regard to Regulation (EU) 2018/848 of the European Parliament and of the Council (1), and in particular Article 38(8), point (a)(ii), Article 46(7), point (b), and Article 57(3) thereof,

— having regard to Rule 111(6) of its Rules of Procedure,

— having regard to the recommendation for a decision of the Committee on Agriculture and Rural Development,

— having regard to the fact that no objections have been raised within the period laid down in Rule 111(6), third and fourth indents, of its Rules of Procedure, which expired on 3 May 2022,

A. whereas Russia’s invasion of Ukraine on 24 February 2022 constitutes an exceptional and unprecedented challenge for the control authorities and control bodies that have been recognised for the purpose of the export of organic products from Ukraine to the Union, and whereas, in Ukraine, the postal services are also disrupted;

B. whereas certain control authorities and control bodies recognised in Ukraine for exporting organic products to the Union cannot issue certificates of inspection (COI) with a qualified electronic seal (e-Seal), as required by Article 5(3) of Commission Delegated Regulation (EU) 2021/2306 (2), because not all such control authorities and control bodies are equipped with an e-Seal;

C. whereas the control authorities and control bodies cannot make use of the possibility to issue the certificate of inspection on paper, in accordance with the transitional provision in Article 11(1) of Delegated Regulation (EU) 2021/2306 either, given that the postal services in Ukraine are currently disrupted;

D. whereas in view of the importance of ensuring that organic products leaving Ukraine can continue to be exported to the Union, the Commission proposed in Delegated Regulation (EU) 2021/2306 to allow, until 30 June 2022, control authorities and control bodies in Ukraine to produce and submit the COI in TRACES in electronic format without the application of an e-Seal;


E. whereas, due to Russia’s invasion of Ukraine and the immediate reaction necessary, this Regulation should apply retroactively from 24 February 2022;

1. Declares that it has no objections to the delegated regulation;

2. Instructs its President to forward this decision to the Council and the Commission.
The European Parliament,
— having regard to the Commission proposal to Parliament and the Council (COM(2022)0076),
— having regard to Article 294(2) and Article 114 and Article 168(4), point (b), of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0054/2022),
— 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 23 March 2022 (1),
— after consulting the Committee of the Regions,
— having regard to the undertaking given by the Council representative by letter of 27 April 2022 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
— having regard to Rules 59 and 163 of its Rules of Procedure,
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.

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(As an agreement was reached between Parliament and Council, Parliament’s position corresponds to the final legislative act, Regulation (EU) 2022/839.)

(1) Not yet published in the Official Journal.