



**2017/2188(DEC)**

1.3.2018

# **AMENDMENTS**

## **1 - 28**

**Draft report**

**Joachim Zeller**

2016 discharge: Special reports of the European Court of Auditors  
(2017/2188(DEC))



**Amendment 1**  
**Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 41 a (new)**

*Motion for a resolution*

*Amendment*

41a. *Notes with great concern the serious incidents that occurred in Honduras following the elections held on 26 November 2017; points out that European and international human rights and media networks have condemned the disproportionate and sometimes deadly use of force by the state security forces against demonstrators, as well as other attacks on human rights defenders in the post-election crisis, with human rights organisations registering 30 killings (21 at the hands of the military police (PMOP)), 232 people injured and 1 085 detained; points out that the Office of the UN High Commissioner in Honduras has documented more than 50 cases of intimidation and harassment against human rights defenders, community leaders and journalists; notes that in response to the situation the Honduran Government has announced the establishment of a Ministry for Human Rights, to operate independently of the current Ministry for Human Rights, Justice, Governance and Decentralisation, which became operational on 27 January 2018; calls on the EEAS to step up EU support for human rights defenders and promotion of political dialogue, and to insist that the Honduran Government fulfil its responsibilities and obligation to keep the peace and guarantee the security of its citizens;*

Or. es

**Amendment 2**  
**Inés Ayala Sender**

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**Motion for a resolution**  
**Paragraph 44**

*Motion for a resolution*

44. **Welcomes the fact** that the government of Honduras **is open to** international scrutiny and **is willing** to cooperate with international organisations (establishment of the Office of the UN High Commissioner for Human Rights, the recent opening of the Mission to Support the Fight against Corruption and Impunity in Honduras, auditing of State accounts by Transparency International, etc.); points out, nevertheless, how important it is to take on board and apply lessons and best practices that have been learned, and not to depend indefinitely on those organisations in order to exercise key responsibilities of the State;

*Amendment*

44. **Notes** that the government of Honduras **has stated that it is willing to accept** international scrutiny and to cooperate with international organisations (establishment of the Office of the UN High Commissioner for Human Rights, the recent opening of the Mission to Support the Fight against Corruption and Impunity in Honduras, auditing of State accounts by Transparency International, etc.); points out, nevertheless, how important it is to take on board and apply lessons and best practices that have been learned, and not to depend indefinitely on those organisations in order to exercise key responsibilities of the State; **notes with grave concern the fact that, on 18 February 2018, the head of the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) resigned because the Organization of American States (OAS) had not given him sufficient backing to pursue the task it conferred on him two years ago to combat corruption in Honduras (lack of resources, wastage on the organisational side, failure to provide suitable facilities, etc.), and notes that despite this lack of support the MACCIH has achieved significant results in the fight against corruption since 2017, with major cases against government officials involved in serious corruption and investigations involving Honduras' political class; is concerned that these circumstances will thwart the first major regional efforts to combat corruption and impunity in one of the countries most in need of such action, calls on the Honduran Government and the OAS to provide unconditional support and facilitation for MACCIH's work, and calls on the EEAS to continue working with the MACCIH with a view to achieving shared goals;**

**Amendment 3**  
**Georgi Pirinski, Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 159**

*Motion for a resolution*

159. ***Expects that the Commission will implement in practice its obligation to present its proposal for the post-2020 MFF before 1 January 2018 and that it will present a proposal for a legislative framework for post-2020 cohesion policy immediately after that;***

*Amendment*

159. ***Regrets the delay in the presentation by the Commission of its proposal for the post-2020 MFF which creates the prospect of a significant delay in the negotiations and adoption of the corresponding legislation on the MFF and the financial programmes and instruments, thus endangering their timely implementation in the post-2020 period;***

Or. en

**Amendment 4**  
**Tamás Deutsch**

**Motion for a resolution**  
**Paragraph 215**

*Motion for a resolution*

215. Calls therefore on the Commission and the Council to step up their efforts for supporting the hotspots ***through more effective relocation and***, if there are no grounds for admission, return procedures;

*Amendment*

215. Calls therefore on the Commission and the Council to step up their efforts for supporting the hotspots, if there are no grounds for admission, return procedures;

Or. en

**Amendment 5**  
**Tamás Deutsch**

**Motion for a resolution**  
**Paragraph 219**

*Motion for a resolution*

219. Calls upon the Commission and the Council to ensure the quality of the examination of asylum applications in the hotspots; recognises the difficult circumstances under which the applications have to be processed but emphasises need to avoid accelerated procedures resulting in mistakes being made; further stresses that the frontline Member States should be responsible only for the registration and taking the fingerprints of all migrants, but that follow-up procedures should be a common responsibility of all Member States *in a spirit of solidarity; calls for asylum seekers to be adequately informed about the relocation procedure as such, about their rights and about possible countries of destination;*

*Amendment*

219. Calls upon the Commission and the Council to ensure the quality of the examination of asylum applications in the hotspots; recognises the difficult circumstances under which the applications have to be processed but emphasises need to avoid accelerated procedures resulting in mistakes being made; further stresses that the frontline Member States should be responsible only for the registration and taking the fingerprints of all migrants, but that follow-up procedures should be a common responsibility of all Member States;

Or. en

**Amendment 6**  
**Tamás Deutsch**

**Motion for a resolution**  
**Paragraph 223**

*Motion for a resolution*

223. Recommends that the Court consider a quick follow-up report on the functioning of the hotspots, adopting a broader scope by including also an analysis of the follow-up procedures, *i.e. the asylum, relocation and return procedures;*

*Amendment*

223. Recommends that the Court consider a quick follow-up report on the functioning of the hotspots, adopting a broader scope by including also an analysis of the follow-up procedures;

Or. en

**Amendment 7**  
**Karin Kadenbach, Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 243 a (new)**

*Motion for a resolution*

*Amendment*

**243 a. *Highlights that many of the shortcomings identified by the Court were raised and addressed by the Commission in its 2018 guideline; welcomes the constant progress made by certification bodies;***

Or. en

## **Amendment 8**

**Louis-Joseph Manscour, Inés Ayala Sender**

### **Motion for a resolution**

#### **Paragraph 246 – introductory part**

*Motion for a resolution*

246. In the context of any future amendment to the Control Regulation, and in order to improve the monitoring of activities of small fishing vessels, calls on the Commission to include in its legislative proposal:

*Amendment*

246. In the context of any future amendment to the Control Regulation, and in order to improve the monitoring of activities of small fishing vessels, calls on the Commission to include in its legislative proposal ***the requirement of an adapted, small and cheap localisation systems for small vessels.***  
***As provided for Electronic recording and reporting system (ERS), supporting measures for such monitoring systems (VMS) should be foreseen through the Union budget;***

Or. en

## **Amendment 9**

**Louis-Joseph Manscour, Inés Ayala Sender**

### **Motion for a resolution**

#### **Paragraph 246 – point a**

*Motion for a resolution*

**(a) *the removal of the VMS exemptions for vessels between 12 and 15 metres long;***

*Amendment*

***deleted***

**Amendment 10**  
**Louis-Joseph Manscour, Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 246 – point b**

*Motion for a resolution*

*Amendment*

*(b) the requirement for the installation of smaller and cheaper localisation systems for vessels under 12 metres long;*

*deleted*

Or. en

**Amendment 11**  
**Karin Kadenbach, Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 283**

*Motion for a resolution*

*Amendment*

283. Emphasizes the crucial fact that water pricing policies must foster efficiency and recover the costs of water use;

283. Emphasizes the crucial fact that water pricing policies must foster efficiency and recover the costs of water use; *notes that it is in the responsibility of the Member States to provide affordable and high quality drinking water for all its citizens, in the understanding that water is a common good and human right;*

Or. en

**Amendment 12**  
**Karin Kadenbach, Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 283 a (new)**

*Motion for a resolution*

*Amendment*

*283 a. Reminds the Commission that ongoing discussions and growing trends*



*towards liberalisation and privatisation of water services in several Member States have become a major issue of concern to citizens;*

Or. en

**Amendment 13**  
**Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 285**

*Motion for a resolution*

285. Notes that the Commission did not *assess* properly the impact of the legislative packages that it has launched since 2000 on the rail sector; regrets that the Union funds invested in *the several projects cannot be considered cost-effective*;

*Amendment*

285. Notes that the Commission did not properly *assess* the impact of the *initial measures under the* legislative packages that it has launched since 2000 on the rail sector; regrets that the Union funds invested in *several projects have not yet achieved the expected results*; *welcomes the fact that the Commission has undertaken to provide an estimate of the costs based on the submission of national implementation plans for national cost-benefit analysis and on the work done on ERTMS business models*;

Or. es

**Amendment 14**  
**Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 287**

*Motion for a resolution*

287. Notes that the interest of Member States to enhance interoperability *is not* accompanied by a necessary estimation of costs and required funding; encourages Member States to set realistic targets when allocating Union financial support to the system ERTM and advises the Commission to set deadlines for implementation that

*Amendment*

287. Notes that the interest of Member States to enhance interoperability *must be* accompanied by a necessary estimation of costs and required funding; encourages Member States to set realistic targets when allocating Union financial support to the system ERTM and advises the Commission to set deadlines for implementation that

can be met;

can be met;

Or. es

**Amendment 15**  
**Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 287 a (new)**

*Motion for a resolution*

*Amendment*

**287a. Welcomes the Commission's undertaking to draw up a dismantling timetable in conjunction with the Member States, with legally binding objectives; therefore welcomes the fact that the Commission has decided to work with the industry to promote the use of a common tendering system drawn up by the Community of European Railways;**

Or. es

**Amendment 16**  
**Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 288**

*Motion for a resolution*

*Amendment*

288. Considers that the costly investments required by this system accompanied by the non-immediate benefit for those that bear the costs demand a strategic assessment of priorities setting within the Council and Member States; encourages Member States to focus on better coordination of the European deployment plan and make sure Union commitments are considered within their national priorities;

288. Considers that the costly investments required by this system accompanied by the non-immediate benefit for those that bear the costs demand a strategic assessment of priorities setting within the Council and Member States; **welcomes the European deployment plan and the associated detailed ERTMS action plan, the objective of which is to ensure a steady flow of aid;** encourages Member States to focus on better coordination of the European deployment plan and make sure Union commitments are considered within their national priorities; **welcomes the Commission's undertaking to set interim**

*objectives in the national deployment plans to improve the monitoring of individual sections;*

Or. es

**Amendment 17**  
**Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 289**

*Motion for a resolution*

289. Is concerned *with* the high rate of decommitment related to TEN-T support for ERTMS projects, mainly motivated by the fact that Union financial provisions are not aligned with the national implementation strategies; calls on the Commission to take the necessary measures to overcome these shortcomings;

*Amendment*

289. Is concerned *at* the high rate of decommitment related to TEN-T support for ERTMS projects mainly motivated by the fact that Union financial provisions are not aligned with the national implementation strategies; *welcomes the fact that the Commission is adapting CEF financing procedures where possible;* calls on the Commission to *consider and assess the situation and* take the necessary measures to overcome these shortcomings;

Or. es

**Amendment 18**  
**Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 292**

*Motion for a resolution*

292. Considers that *for* the single rail market *to be operational* will require the full involvement of the market operators concerned prior to the allocation of Union funding; is of the opinion that Union policy on the rail sector requires a *total* shift of strategy;

*Amendment*

292. Considers that, *in order to be operational*, the single rail market will require the full involvement of the market operators concerned prior to the allocation of Union funding; is of the opinion that Union policy on the rail sector requires a *realistic* shift of strategy, *which should include a cost-benefit estimate, and the development of an economic model in the Member States, if no such model exists, with the aim of guaranteeing appropriate*

*financing and making it possible to identify sources in an effective manner;*

Or. es

**Amendment 19**  
**Ingeborg Gräßle**

**Motion for a resolution**  
**Paragraph 294**

*Motion for a resolution*

294. Criticises the Court of Justice of the European Union (CJEU) for refusing the access of the Court of Auditors to *all* the documents *relevant in a case, only allowing the auditors to consult publicly available documents*; reminds the CJEU that Court of Auditors Members as well as its auditors are bound by confidentiality and professional secrecy in the performance of duties<sup>15</sup>; regrets that référendaires could not be interviewed despite their crucial role in the CJEU's work;

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<sup>15</sup> Please see the Code of Conduct for Members of the European Court of Auditors in article 6 and the Ethical guidelines for the European Court of Auditors applying to the staff in paragraph 4 concerning professional secrecy.

*Amendment*

294. Criticises the Court of Justice of the European Union (CJEU) for refusing the access of the Court of Auditors to *some of* the documents *they requested for the performance review of the CJEU*; reminds the CJEU that Court of Auditors Members as well as its auditors are bound by confidentiality and professional secrecy in the performance of duties<sup>15</sup>; regrets that référendaires could not be interviewed despite their crucial role in the CJEU's work;

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<sup>15</sup> Please see the Code of Conduct for Members of the European Court of Auditors in article 6 and the Ethical guidelines for the European Court of Auditors applying to the staff in paragraph 4 concerning professional secrecy.

Or. en

**Amendment 20**  
**Arndt Kohn, Caterina Chinnici, Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 294**

*Motion for a resolution*

294. *Criticises the Court of Justice of the European Union (CJEU) for refusing*

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*Amendment*

294. *Notes that* the Court of Auditors *did not have access to certain* documents;

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*the access of the Court of Auditors to all the documents relevant in a case, only allowing the auditors to consult publicly available documents; reminds the CJEU that Court of Auditors Members as well as its auditors are bound by confidentiality and professional secrecy in the performance of duties<sup>15</sup> ; regrets that référendaires could not be interviewed despite their crucial role in the CJEU's work;*

*underlines that some documents should remain restricted to the Judges, Advocates-General and selected CJEU staff due to the Treaty obligation to maintain the secrecy of the deliberative process<sup>1a</sup>; calls on the CJEU to provide the Court of Auditors with access to all documents necessary for its audits, to the extent this doesn't infringe the obligation to maintain secrecy of the deliberative process;*

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*<sup>15</sup> Please see the Code of Conduct for Members of the European Court of Auditors in article 6 and the Ethical guidelines for the European Court of Auditors applying to the staff in paragraph 4 concerning professional secrecy.*

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*<sup>1a</sup> Article 35 of Protocol (No 3) on the Statute of the Court*

Or. en

**Amendment 21**  
**Arndt Kohn, Caterina Chinnici, Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 295**

*Motion for a resolution*

*Amendment*

295. *Notes with regret that the General Court from 2012 onwards has repeatedly exceeded the reasonable period of time within which a litigant is entitled to expect judgement to be delivered; invites the General Court to report to Parliament's Committee on Budgetary Control to clarify the situation;*

295. *Welcomes the overall decrease of the duration of proceedings in 2016 noted by the Court of Auditors in its special report on case management at the Court by an average of 0,9 months at the Court of Justice and 1,9 months at the General Court compared to 2015; welcomes the organisational and procedural actions taken by the Court to enhance its efficiency and encourages the Court to pursue its effort to ensure the continuation of a downward trend that all cases are concluded within a reasonable period of time;*

**Amendment 22**

**Arndt Kohn, Caterina Chinnici, Inés Ayala Sender**

**Motion for a resolution**

**Paragraph 297**

*Motion for a resolution*

297. *Regrets that the Court of Auditors excluded from the sampling the cases which took longer than twice the average duration; is of the opinion that not only the typical cases are relevant to assessing performance;*

*Amendment*

297. *Notes that the rules of conduct of référendaires was adopted by the Court in 2009 and have been provided to the Committee of Budgetary Control in the Court's reply to the questionnaire concerning the 2016 discharge;*

**Amendment 23**

**Inés Ayala Sender**

**Motion for a resolution**

**Paragraph 326**

*Motion for a resolution*

326. Points out *the lack of full implementation of* the Single European Sky *due to resistance of certain air professions, which defend their own prerogatives, and* due to lack of strong political will of the Member States to *fulfil the needs for implementation of this* directive;

*Amendment*

326. Points out *that* the Single European Sky *has not been fully implemented* due to a lack of strong political will *on the part* of the Member States to *meet the need to implement the* directive;

**Amendment 24**

**Inés Ayala Sender**

**Motion for a resolution**

**Paragraph 326 a (new)**

*Motion for a resolution*

*Amendment*

326a. *Welcomes the fact that the Commission agrees it is important to make efforts to establish a shared vision of air traffic management at EU level;*

Or. es

**Amendment 25**  
**Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 327**

*Motion for a resolution*

327. Deplores the fact that although the Union managed to eliminate land borders between the Schengen Member States, it has not *been so far* been able to eliminate borders in the air among the same Member States, *which leads to common losses of the value of 5 billion EUR annually;*

*Amendment*

327. Deplores the fact that although the Union *has* managed to eliminate land borders between the Schengen Member States, it has not *yet* been able to eliminate borders in the air among the same Member States; *calls on the Member States to improve, as a matter of urgency, cooperation between functional airspace blocks, service provision and acquisitions, which would result in major savings and improved social and economic development in the sector;*

Or. es

**Amendment 26**  
**Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 327 a (new)**

*Motion for a resolution*

327a. *Points out that there is a need to revise and update the indicators in order to streamline the air traffic performance scheme; welcomes the fact that the Commission has said that they are being revised; emphasises that accurate, appropriate data are required in order to ensure that the review of the indicators is effective;*

*Amendment*

**Amendment 27**  
**Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 329**

*Motion for a resolution*

*Amendment*

**329.** *Asks the Commission to look more into the details of the deliverables of the SESAR Joint Undertaking as they might not be applicable to the current situation where the Single European Sky has not been implemented and they risk being applied in air systems which are not able to cooperate with each other;*

*deleted*

Or. es

**Amendment 28**  
**Karin Kadenbach, Inés Ayala Sender**

**Motion for a resolution**  
**Paragraph 337**

*Motion for a resolution*

*Amendment*

**337.** Is concerned by the level of complexity and transparency of greening and CAP itself; calls on the Commission to streamline the greening programme and the entire CAP in order to raise the level of transparency and to avoid the high risk of abuse;

**337.** Is concerned by the level of complexity and transparency of greening and CAP itself; calls on the Commission to streamline the greening programme and the entire CAP in order to raise the level of transparency and to avoid the high risk of abuse *and double funding*;

Or. en