

# THE PARLIAMENT

POLITICS, POLICY AND PEOPLE **MAGAZINE**

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## **FIREARMS DIRECTIVE**

BALANCING  
SAFETY AND  
SPORT

# IVAN KORČOK



ON HOW  
THE SLOVAK  
PRESIDENCY  
WILL UNITE A  
FRAGMENTED  
EUROPE

**ALSO INSIDE**  
EU BIODIVERSITY  
STRATEGY

5G TECHNOLOGY

5 QUESTIONS WITH...  
EESC'S MADI SHARMA



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Everything you need to know about Article 50 (but were afraid to ask)



Brexit: EU urgently needs new treaty



Why did Bookmakers favour a Brexit Remain victory?

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# THE SCALE OF ECONOMIES



**The economic arguments** for the UK remaining in the EU appeared to be a bit of a no-brainer in the final run up to the British referendum campaign. Indeed, the Remain camp's tactics of rolling out one expert after another to predict the economic end of days following an exit vote, seemed to be having the desired effect. That was until leading Brexit campaigner and former Boris Johnson mate, Michael 'I had to step up' Gove, curtly dismissed this wealth of professional insight, saying, "people in this country have had enough of experts". It was

a turning point in the referendum debate, capturing the underlying nihilism of millions of financially stricken Britons who felt no love, or fear of political arguments aimed primarily at frightening the middle classes. Given the benefit of hindsight, with sterling bobbing around at a 30 year low, perhaps the experts were on to something...

In truth, many British voters just didn't believe that the experts, whether economists or politicians, spoke for them. The shock-horror reaction to the final result from many in the Remain camp isn't reflected by the majority of those who voted to leave. They genuinely want disruption, they want a fundamental economic shift and they desperately hope that something big and dramatic will happen. Too many in austerity-wracked Britain haven't experienced - or don't recognise - the benefits of Europe's single market, of its opportunities to live and work abroad. The EU is at best a distant abstract in the poorest areas of Sunderland, or the mean streets of a run-down Scottish housing scheme. No amount of expert advice will change that.

I can't help feeling that, despite the magnitude of the decision to leave, despite the overwhelming change in the air both in the UK and at EU level that the Brexit result has initiated, most of the experts that have been wheeled out still seem to view the UK and EU in a pre-referendum way. Isn't it time that our expert think tank residents and policy wonks took a fresh approach to the post-referendum world?

We may not have voted for or agreed with Brexit, but perhaps it's now time for a new set of expert narratives; narratives that are more disruptive, more challenging, and less calamitous. ★

## Brian Johnson

Managing editor



## NEWS IN BRIEF



## HONOUR KILLINGS

**TO CONTINUE ENJOYING THE BENEFITS OF EU TRADE, PAKISTAN MUST ABIDE BY ITS INTERNATIONAL COMMITMENTS TO PROTECT WOMEN AGAINST VIOLENCE, SAYS MARIA ARENA**

**O**n 9 June 2016, a 16 year-old girl named Zeenat Bibi was killed in Pakistan after her parents set her ablaze for marrying against their will.

That same month, Muqaddas Tawfeeq, who was eight months pregnant, was visiting a maternity clinic for a checkup when her mother appeared and “dragged her away” to her maternal home, where she was killed by her brother who did not approve of her marriage.

Pakistan ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1996. In so doing, Pakistan

promised to abolish discriminatory laws and establish tribunals and public institutions to effectively protect women. CEDAW, as a human rights treaty, notably targets culture and tradition as contributing factors to gender-based discrimination. Yet Pakistan has not taken adequate steps to enforce its international commitments.

Honour killings are, in practice, often ignored by police and prosecutors.

The government’s failure to take effective measures to end the practice of honour killings is indicative of a weakening of political institutions, corruption, and economic decline. ★



**Maria Arena** (S&D, BE) is a member of Parliament’s women’s rights and gender equality committee



## CHILCOT REPORT

**THE BRITISH POLITICAL ESTABLISHMENT HAS BEEN ROCKED BY THE FINDINGS OF A LONG-AWAITED INQUIRY INTO THE DECISIONS SURROUNDING THE LEAD-UP TO THE 2003 INVASION OF IRAQ**

**F**ollowing a seven-year investigation, Sir John Chilcot said the decision to invade Iraq was made “before the peaceful options for disarmament had been exhausted”.

Chilcot was highly critical of the intelligence and legal advice given before the war, along with what he called “wholly inadequate” planning for the post-conflict situation. He was also highly critical of the advice given to the government about the legality of the invasion, saying that his inquiry had, “concluded that the circumstances in which

it was decided that there was a legal basis for UK military action were far from satisfactory.” Reacting, Tony Blair said, “I recognise the division felt by many in our country over the war and in particular I feel deeply and sincerely – in a way that no words can properly convey – the grief and suffering of those who lost ones they loved in Iraq, whether they were members of our armed forces, the armed forces of other nations, or Iraqis.” He

expressed “more sorrow, regret and apology than you may ever know or can believe.” He insisted that, given the intelligence information he saw in the run up to the war he would still approve military action. . ★



## MOVERS AND SHAKERS

## KEEP TRACK OF DEVELOPMENTS IN THE EUROPEAN INSTITUTIONS AND PUBLIC AFFAIRS WITH OUR MOVERS AND SHAKERS COLUMN

Two deputies joined Parliament at the end of last month. Former MEP and Vice-President of the European Parliament **Manuel António dos Santos** replaces S&D group MEP Elisa Ferreira, while **Urszula Krupa** replaces the ECR group's Janusz Wojciechowski. Ferreira left Parliament to take up a new role as director of the Bank of Portugal. Wojciechowski, meanwhile, was appointed to the European Court of Auditors last May.



Following the UK's decision to leave the EU, British MEP **Ian Duncan** had resigned as rapporteur on the emissions trading system. However, at the request of his colleagues, he has agreed to remain in the role.

Long-time Brexit champion **Nigel Farage** announced he was stepping down from the Ukip leadership, for the third time.

He previously resigned after last year's UK general election, having failed in his bid to become an MP, only to return to the role a few days later.

Farage said he had achieved his political ambition, adding, "I got my country back, now I want my life back." He will retain his position in the European Parliament and will remain at the head of the EFDD group. This has angered MEPs from other groupings, calling on him to resign the position.

Lithuanian liberal MEP **Antanas Guoga** is vying to be Ukip's first-ever pro-EU leader. Prior to the Brexit referendum, Guoga, a former professional poker player, had challenged Farage to a €1m bet on the outcome of the vote. Farage never responded.

Maltese deputy **Marlene Mizzi** was appointed rapporteur on the

integrated approach to sport policy: good governance, mobility and integrity. **Marita Ulvskog** will draft a report on the protection of workers from exposure to carcinogens or mutagens at work: exposure limit directives. **Maria Joao Rodrigues** will take charge of the file on the European pillar of social rights. **Elisabeth Morin-Chartier** and **Agnes Jongerius** were named co-rapporteurs on the posting of workers in the framework of the provision of services directive.

MEPs backed a proposal to create a European border and coast guard agency (EBCG), which will deploy pooled border guard teams to assist national authorities as needed. The new agency will be staffed by a rapid reaction pool of 1500 border guards, which the member states will nominate. EBCG will cooperate with the European fisheries control agency and the European maritime safety agency.

The text will be sent to Council for approval, with the legislation is expected to come into force this autumn.

EU foreign affairs chief **Federica Mogherini**



was in plenary to debate the EU's global strategy on foreign and security policy, the European external action service's new strategy. Entitled, "Shared

Vision, Common Action: A Stronger Europe", the document aims to provide a strategic vision for the EU's global role. ★



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## IN BRIEF

## PARLIAMENT CALLS FOR BETTER PROTECTION FOR WHISTLEBLOWERS

MEPs have once again urged the Commission to come up with EU-wide rules to better protect whistleblowers. The call came at a meeting with European Commission Vice-President Jyrki Katainen and Slovakian presidency representative Ivan Korčok. Last month, the two whistleblowers who revealed the LuxLeaks affair were handed suspended sentences of nine and 12 months.



## NEW BORDER CONTROL PLANS APPROVED

Parliament has backed plans to set up an EU border control system. National authorities will be in charge of managing their borders, but will be able to seek assistance from the European border and coast guard agency if their EU external borders are under pressure, for example in the case of heavy migratory flows or cross-border crime. The new rules were approved by 483 votes to 181 with 48 abstentions.



## MEPS BACK EU COMMON LIST OF SAFE COUNTRIES OF ORIGIN

Members of Parliament's civil liberties committee have said the EU common list of safe countries of origin should replace current national lists after a three year transition period. The idea of a common list of safe countries of origin was proposed by the European Commission last year to help deal with the refugee crisis. The Commission will now decide which countries should be included, removed or temporarily suspended from the list. ★





TWEETFEED



**@GABRIELMARIYA**

Mariya Gabriel

#EU Border&Coast Guard has been adopted by #EP w/ large majority: Crucial step for protecting our external borders @Avramopoulos @EP\_Justice



**@GUYVERHOFSTADT**

Guy Verhofstadt

I think I took the right decision as Belgian PM to oppose the 2003 Iraq invasion together with FR & GER #Iraqinquiry



**@MANFREDWEBER**

Manfred Weber

EU Border and Coast Guard is the best proof that Europe delivers rapidly. Member States must meet their commitments. #EUBorders @EPPGroup



**@TONYGUOGA**

Antanas Guoga

@Nigel\_Farage said "Jesus" which I understand as a sign of good will for my campaign #TonyG4UKIP #MissingEUalready



**@ULRIKELUNACEK**

Ulrike Lunacek

after positive vote in #EP\_ForeignAff #Kosovo politicians key to open door for #Kosovo VisaLib in @EP\_Justice Sept. 5! @tfajon



LUXLEAKS REPORT

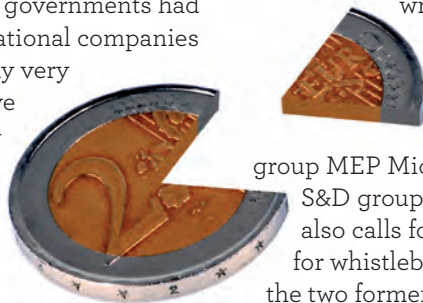
**MEPS HAVE APPROVED RECOMMENDATIONS FOR NEW RULES AGAINST UNFAIR CORPORATE TAX PRACTICES AND NOW AWAIT COMMISSION PROPOSALS**

More than a year after the LuxLeaks scandal came to light, revealing the deals governments had struck with multinational companies to allow them to pay very little tax, MEPs have issued their recommendations for fairer and clearer corporate taxation. The report was drafted by Parliament's special committee on tax rulings, which was set up last year. The proposed rules were approved by 514 votes to 68, with 125 abstentions.

MEPs have called for an EU register of beneficial owners of companies, as well as a tax havens blacklist. They

also want sanctions against non-cooperative tax jurisdictions. Sanctions could include suspending free trade agreements and banning access to EU funds. These and could be applied to companies, banks, accountancy and law firms and tax advisors proven to be involved in illegal, harmful or wrongful activities with those jurisdictions.

The report, prepared by ALDE group MEP Michael Theurer and S&D group MEP Jeppe Kofod, also calls for better protection for whistleblowers. Last month, the two former PwC employees that lifted the lid on the LuxLeaks scandal, Raphaël Halet and Antoine Deltour, were handed nine and 12 month suspended sentences respectively. The Luxembourg court that oversaw their case was slammed by MEPs and campaigners alike. Deltour plans to appeal his sentence. ★



PM+: SINGLE MARKET STRATEGY

**EU'S SINGLE MARKET STRATEGY CAN BE A KEY DRIVER FOR COMPETITIVENESS, GROWTH AND JOB CREATION, SAYS MICHAEL FREYTAG**

The holistic approach laid out in the European Commission's Communication "Upgrading the single market: more opportunities for people and business" is definitely a step in the right direction of maximising the benefits of the single market and in driving economic growth and job creation. By valuing the role of business services and linking the single market strategy with other relevant initiatives such as the energy union and the digital single market strategy, it will serve to drive synergies and avoid unnecessary duplication.

Business services are important drivers of growth and prosperity encompassing a wide range of activities

from recruitment to architecture and accounting to engineering services.

The Commission's intention to facilitate provision of services in other EU member states via harmonised forms and the creation of an electronic document repository demonstrates that it understands this.

I would counsel that a legislative approach to simplifying existing procedures and requirements should be undertaken in close consultation with those key stakeholders representing the business services and services sectors. Facilitating a dialogue with a platform such as the European Business Services Alliance will ensure that policymakers identify the right approach and avoid complications. ★

**Michael Freytag** is EU Public Affairs Manager at Eurociett representing the employment and recruitment industry



# THE PHILIPPINES' SOUTH CHINA SEA ARBITRATION AGAINST LAW

**1. China and the Philippines have agreed to choose bilateral negotiation rather than arbitration to settle relevant dispute in the following documents:**

**1995.08** Joint Statement between the China and the Philippines concerning Consultations on the South China Sea and on Other Areas of Cooperation

**1999.03** Joint Statement of the China-Philippines Experts Group Meeting on Confidence-Building Measures

**2000.05** Joint Statement between the Government of China and the Government of the Philippines on the Framework of Bilateral Cooperation in the Twenty-First Century

**2004.09** Joint Press Statement between the Government of China and the Government of the Philippines

**2011.09** Joint Statement between China and the Philippines

**Article 4 of the Declaration on the Conduct of Parties in the South China Sea (DOC):**

“the Parties concerned undertake to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force, through **friendly consultations and negotiations by sovereign states directly concerned**, in accordance with universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea”

**2. The UNCLOS does not allow initiation of Arbitration as in the Philippines' case**

**A. 298.1(a)(i) of UNCLOS:**

“... any dispute that necessarily involves the concurrent consideration of any unsettled dispute concerning sovereignty or other rights over continental or insular land territory shall be excluded from (compulsory procedures).”

**298.1 of UNCLOS:**

“... a State may, ... declare in writing that it does not accept any one or more of the (compulsory) procedures ... with respect to (disputes concerning)... maritime delimitation ... historic bays or titles ... military and law enforcement activities...”

The Philippines' submissions are, in essence, related to **territorial sovereignty & maritime delimitation**. Territorial issues are subject to general international law, not UNCLOS. Disputes concerning maritime delimitation are excluded by China in its 2006

declaration on optional exceptions under Article 298 of UNCLOS. Therefore, the Arbitral Tribunal has no jurisdiction to adjudicate the matter.

**B. Article 280 of UNCLOS:**

“Nothing impairs the right of any States Parties to agree at any time to settle a dispute between them concerning the interpretation or application of this Convention by any peaceful means of their own choice.”

**281.1 of UNCLOS:**

“If the States Parties ... have agreed to seek settlement of the dispute by a peaceful means of their own choice, the (compulsory disputes settlement) procedures apply only where no settlement has been reached by recourse to such means and the agreement between the parties does not exclude any further procedure.”

China and the Philippines have chosen negotiation as the means to resolve relevant disputes according to bilateral agreements and the DOC, and excluded third-party dispute settlement, including arbitration.

**C. Section 1, Article 283 of UNCLOS:**

When a dispute concerning the interpretation or application of this Convention, the

Parties to the dispute shall proceed expeditiously to an exchange of views regarding its settlement by negotiation or other peaceful means.

The Philippines has never exchanged views with China concerning its arbitration submissions. The so-called “disputes” in the arbitration are fabricated.

**3. International law does not recognize the effect of the Philippines' Arbitration**

Settling relevant dispute through negotiation is the means China and the Philippines have agreed in a series of bilateral documents and DOC. Such a means had agreed by the 2 countries. One country must abide by its agreement with the other. This is the universal principle of international order.

The Philippines and the Arbitral Tribunal violate international law including UNCLOS. Their acts, of course, cannot generate any lawful effect.

# WHY?



**MISSION OF CHINA**  
TO THE EUROPEAN UNION  
中华人民共和国驻欧盟使团

# Unprecedented interest

It is right that we close the current loopholes in EU firearms legislation, but the Commission's proposal has been very poorly drafted, writes **Vicky Ford**



**Vicky Ford** (ECR, UK) is Parliament's rapporteur on the control of the acquisition and possession of weapons

**T**here has been European legislation on firearms since 1991. After the Paris attacks, it became clear there were loopholes in the law, especially regarding "acoustic weapons". These had been converted from a live firearm and sold as a "blank-firing" firearm. In many European countries, these do not require the owner to have any authorisation licence or permit. Some of the guns used in the Charlie Hebdo attacks were easily reconverted back into their original state, with similar firearms have been found smuggled into the UK.

It is right that we close these loopholes. However, the first draft of the Commission's text was poorly worded and would have had unintended or unnecessary consequences for many different legal owners. Therefore, there is unprecedented interest in this file and MEPs have tabled over 850 amendments.

In the proposed compromises, there are clearer rules on blank firers. If they have been converted from a live firearm, they will continue to be treated as they were before the conversion i.e. depending on the category of the firearm.

Under current EU legislation, people can own many category A "prohibited" firearms, provided they have been deactivated; these are often used by military re-enactors. However, a firearm should

only be considered as deactivated if the process is truly irreversible.

Last November, the Commission and Council proposed a new European regulation on deactivation. However, there are many technical issues with poor or inconsistent drafting, which is causing significant implementation issues in many member states and real problems for legal owners. Amendments have been tabled to ensure that the deactivation regulation is reworded to take these

issues into account. Where member states had standards that achieved permanent deactivation, those standards should be recognised as equivalent to the EU regulation.

The Commission proposal suggested substantial changes to the list of category A firearms that are prohibited for the general public, including a ban on any firearm which "resembles" an automatic firearm. This raised considerable concern as similar language has been used in certain member states in the past and is legally challenging to implement. The Council has instead suggested restrictions on firearms capable of firing more than a fixed number of rounds and on magazine capacity, with member states able to give exemptions for those involved in sports shooting. Each of these items will be put to a separate vote by MEPs.

The Commission's proposal has created uncertainty for national defence, particularly in countries such as Finland, with significant numbers of volunteer reservists. I have proposed amendments and compromises to address this.

Parliament's internal market and consumer protection committee heard from many experts and stakeholders. We were told how important it is for proof houses, ballistics experts, film makers and manufactures and other such organi-



**"There is unprecedented interest in this file and MEPs have tabled over 850 amendments"**

sations to be able to hold category A firearms under strict conditions. The committee's amendments will give member states the responsibility of granting exemptions.

Under the current directive, museums and collectors are excluded from the scope. The Commission proposal removes this exemption and places restrictive constraints on museums which would, inter alia, prohibit them from adding new items to collections. This has been strongly opposed by MEPs. The committee will vote on whether to once again exempt these organisations from scope or to give member states the ability to grant specific exemptions. This is subject to measures being in place to ensure no risks to public order.

The Commission's proposal also suggested new restrictions on distance sales and mandatory medical tests for those applying for firearms permits. The internal market committee text modifies this so to permit online sales but final transfer must take place face-to-face or be verifiable. The new text also says member states will not need to have a one-size-fits-all approach to medical tests but can apply their own systems.

One benefit of the revisions to the directive will be increases sharing of information between law enforcement authorities, for example on whether an individual has been refused authorisation to hold firearms in the past. This data exchange could happen via single points of contact or via interoperable systems, while continuing to respect data protection and data security.

Several members of the Parliament's internal market committee have tabled different amendments and alternative approaches. It is not clear where the majority views lie on many different issues. Therefore, the voting list is structured to allow MEPs to vote on the different approaches. This will give the Parliament negotiators a clearer mandate in trilogue discussions. ★

This Thought Leader is sponsored through donations by legal firearm owners across the EU, courtesy of Firearms United

## THE ILL-CONCEIVED FIREARMS DIRECTIVE PROPOSALS DESERVE PARLIAMENT'S OUTRIGHT REJECTION, ARGUES STEPHEN A. PETRONI

THE PARLIAMENT MAGAZINE'S

# THOUGHT LEADER



Over the last seven months, MEPs have been attempting to re-write what is arguably one of the most misguided legislative proposals ever presented to the European Parliament. Barely one week after the Paris terrorist attacks that shook Europe, the European Commission published its proposal to amend the Firearms Directive, presenting it as an urgent response to terrorism. In reality, it was a rushed conclusion to a process that was initiated three years earlier. A 2013 public consultation identified the need for proper enforcement in member states as opposed to further changes to the Directive. Two further impact assessment studies covered the possible introduction of rules on deactivation, marking procedures, regulation of alarm devices and options for combatting illicit firearms trafficking. Another study found that the Directive, last revised in 2008, was generally adequate and required minor improvement in areas already identified in the impact assessments. Yet the Commission was also considering additional measures aimed at legal firearm ownership. These were contentious enough to be kept under wraps - until the tragic events of 13 November 2015. Seizing the moment, the Commission unleashed an unprecedented attack on millions of legal firearm owners as well as on the legitimate firearms industry that contributes over €20bn and almost 700,000 jobs to the economy. If that were not enough, it went as far as to propose destroying a wealth of irreplaceable historical heritage in museums and in private collections. These disproportionate measures were presented without a corresponding impact assessment, depriving MEPs of fair judgement on whether the

marginal gain in the fight against terrorism justifies the considerable collateral damage to citizens, heritage and the economy. The proposal disregards the fundamental principles of subsidiarity and proportionality. Our case as recognised collectors merits particular attention: in the absence of supporting evidence, the Commission stated that we may be a, "possible source of trafficking of firearms" in order to justify proposing the confiscation and destruction of important firearms that we acquire legally and conserve and research at great personal sacrifice.

The increase in European citizens' scepticism and mistrust of the EU project is symptomatic of such a misguided approach by the Commission.

---

**"We are urging MEPs to heed the rapporteur's recommendation of "maintaining the status quo wherever there is insufficient evidence to justify changing it"**

---

Firearm collectors have found themselves at the forefront of the defence of legitimate firearm owners, joining organisations representing European sport shooters, hunters, traders, manufacturers as well as a new grassroots movement of individual firearm owners - Firearms United - to form a grand alliance of stakeholders. Thankfully, many MEPs have taken a sensible approach. On 9th May the Civil Liberties committee voted to reject most of the Commission measures. With two days to go before a vote in the Internal Market committee, we appeal to MEPs to reject disproportionate measures that were proposed without an impact assessment.

Stephen A. Petroni is Chair of the Foundation for European Societies of Arms Collectors

# How to stop a car using radiowaves?

## The SAVELEC Project

### Introduction

SAVELEC (Safe control of non cooperative vehicles through electromagnetic means) is a 7<sup>th</sup> Framework Project that aims at providing a solution for the external, safe control of a non cooperative vehicle without consequences for the persons inside the vehicle or other persons and objects nearby. The solution is based on the use of electromagnetic waves, either electromagnetic pulses (EMP) or high power microwaves (HPM), to disrupt the proper behavior of the electronic components inside the vehicle, leading it to slow down and stop. One of the main outcomes of the project was a breadboard-level prototype of the device, which successfully demonstrated the feasibility of the approach.

### The SAVELEC Consortium

The complexity of the SAVELEC research work required an interdisciplinary team covering very heterogeneous research fields such electromagnetics, automotive technology, electronics, drive simulations, legal framework and ethics. To accomplish this, the SAVELEC consortium included 9 partners distributed in 6 European countries:

- IMST (project coordinator): German SME with strong expertise regarding antenna design and fabrication and analysis of human exposure to electromagnetic fields.
- BCB: Spanish SME with expertise in the preparation of electrical/electronic automotive test benches.
- VTI: Swedish research centre with advanced car simulators and testing facilities.
- TEI of PIRAEUS: Greek university providing expertise in EMP/HPM technology.
- DLR: German research centre for vehicular electronic architectures and configurations.



- UNIVERSITY OF MAGDEBURG: German university providing expertise in vehicular communications and sensors.
- ACADEMY of ARMED FORCES: Slovakian academy with large expertise in EMC susceptibility analysis.
- HELLENIC AEROSPACE INDUSTRY: Greek defence and security company.
- MBDA FRANCE: French defence and security company.

Moreover, MBDA UK participated in the project as a third party, bringing a strong background on EMP/HPM technologies.

A large group of end-users provided consultancy services throughout the project lifetime in order to make sure that the end-user needs and demands would be met. The end-user panel was constituted by Law Enforcement Agencies and associated organizations from different European countries:

- Intervention, Information, Mobile Material and Telecommunication Units - Guardia Civil – Spain

- GIGN, Gendarmerie Nationale – France
- Landeskriminalamt/ Sondereinsatzkommando Sachsen-Anhalt – Germany
- KEMEA, Ministry of Public Order – Greece
- Grupo Especial de Operaciones - Cuerpo Nacional de Policía – Spain
- Special Counter-Terrorism Unit – Hellenic Police – Greece
- State Security Division – Hellenic Coast Guard HQs – Greece
- Recherche Assistance Intervention Dissuasion, Police Nationale – France
- Academy of the Police Forces – Slovakia
- Home Office Centre for Applied Science and Technology - United Kingdom

### SAVELEC Results and Contributions

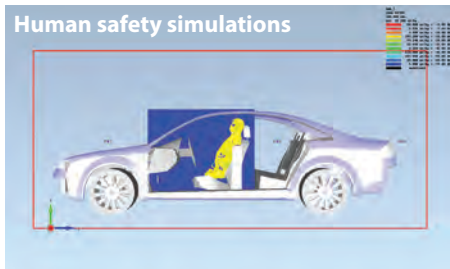
The SAVELEC project was articulated to achieve a set of scientific and technical objectives: first, an in-depth analysis of the different missions and use-cases where the technology is expected to be use was carried out, providing a set of high-level requirements for the development of the device. This analysis included land and maritime missions,



with the device implemented on a ground, seaborne or airborne platform. Also, technical and economic assessments of the technology

commercially available for the generation of EMP/HPM were conducted. In parallel, an in depth analysis of automotive technology identified the systems and components of a car, which are more susceptible to be interfered.

With this information, an EMC/EMI laboratory test bench was set up for evaluating the impact of different signals on selected car components. The experimental results confirmed that appropriate EMP and HPM waveforms can disturb the proper operation of electronic components inside



the car, making it slow down and eventually stop. These results provided sufficient knowledge to reach an optimum solution using minimum electric field strength to stop the vehicle.

The impact of the selected EMP/HPM signal regarding human exposure was also assessed. SAVELEC' solution aims to be completely compatible with European regulations for human exposure to electromagnetic fields. Therefore, a detailed exposure assessment using numerical simulations was performed, considering three different exposure scenarios: a pedestrian bystander, the car driver, and the operator of the device. Also, literature studies on ATEX exposure to electromagnetic fields were carried out, to ensure that the EMP/HPM signal will not cause any explosion as it reaches sensitive components such as the petrol tanks or the airbags.



SAVELEC included an extensive assessment of the human reaction to the car failure, by means of a simulated car environment. The expected failures on the car as a consequence of the EMP/HPM signal were induced in a driving simulator, to assess the reactions of a driver when the normal behaviour of the car is affected. Different situations and six different scenarios were evaluated (i.e. high speed car, high traffic density situations, narrow roads...) with several test campaigns in the driving simulator involving more than 70 volunteers.



With the obtained results, and an analysis of the existing laws and regulations, SAVELEC was able to identify the main legal aspects for a regulatory framework regarding the use of high power electromagnetic means of interference by security forces.

Finally, the consortium managed to design and develop an EMP/HPM car-stopping device prototype at a breadboard level, achieving all the above requirements including the safe and controlled use of the device. The performance of the prototype was successfully demonstrated in an open

field track, in the presence of SAVELEC affiliated end-users and ethics experts. During this demonstration the technical and operational details and the advantages of the SAVELEC technology were thoroughly discussed, with emphasis on the potential applications in real life law enforcement missions.

### Conclusions

Although the project has come to an official end, the novel and advantageous features of SAVELEC technology are contributing to the further development of EM technology as an alternative solution for the safe control of non cooperative vehicles. The SAVELEC electromagnetic waveforms, which allow stopping a non cooperative vehicle, together with the holistic safety and legal assessment studies are considered a step towards future research, applications and devices that will make it possible for security forces to use it in a safe and controlled way.

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# The EU Firearms directive - a case of fraudulent labelling

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**W**ay back, in October 2001 the EU published "European Governance - a White Paper"

(C 287/1) starting with prophetic sentences like *"Many people are losing confidence in a poorly understood and complex system ... many Europeans feel alienated from the Union's work ... Policies must be effective and timely, delivering what is needed on the basis of clear objectives, an evaluation of future impact and, where available, of past experience."*

Now with Europe still shaken to the core by the outcome of the Brexit referendum, politicians and journalists wonder aloud why so many EU citizens - and not only in Britain - feel totally alienated by the EU's undemocratic decision-making. Alas, for an object lesson in European bureaucracy, one does not need to look further but to the arbitrary proceedings of the disputed DG Home Firearms Directive, its misguided "Task Force" and highly questionable "Expert Group".

It all began in 2012 with a declaration of intent supposedly to comply with the UN Firearms Protocol and aiming to interfere with illegal trafficking "of weapons from the recent Balkan war scenarios" - by itself an honorable goal. But instead of developing measures

to deal with organized crime or the amount of illegal military arms in former conflict regions (such as an EU-financed buy-back program) the new "task force" began immediately to work on new guidelines for the deactivation of obsolete firearms, identifying more types of currently legally-owned firearms to be banned. In lieu of going against criminal or terrorist networks the EU turned on millions of their own law-abiding citizens: Hunters, shooters and arms collectors, private security companies, military reservist associations, historical reenactment groups and museums were to suffer by a plethora of new restraints and restrictive measures. No small wonder that DG Home was faced with an avalanche of protest by concerned citizens and interest groups and even many members of the European Parliament. Although the task force continued to disregard all criticism of their fraudulent statistics and misrepresentations of facts, the Firearms Directive lost steam.

But by the end of 2015, with Europe reeling under the shock of terrorist acts in Paris, Copenhagen and Brussels, it reemerged under a new label. In an unbelievable case of bureaucratic conceit and bogus claim, the EU Firearms Directive now became a frontline force to be used in the fight

against Islamist terrorism. Actually such window dressing is not new: Similar efforts of gun control occurred on a national level during the 1970ties and 1980ties, when Western Europe suffered from the first wave of international terrorism. Banning semi-automatic or dangerously looking firearms from private ownership, curtailing magazine capacities or even registering blank-firing guns - it has all been tried before. It did not work then, and it will not help now. From an administrative point of view, control measures like these are nothing but placebo effects and a waste of finances and manpower. Politically they reveal the cluelessness of those who are politically responsible.



**Dr. rer. pol. David Th. Schiller** is the Chairman of prolegal e.V. , a non-profit German association for the rights of legal gun-owners.

# Protecting the firearms market

The Commission's proposals for new firearms regulations risk penalising law-abiding citizens, when it is criminals we should be going after, writes **Robert Iswaszkiewicz**



**Robert Iswaszkiewicz** (PL) is the EFDD group shadow rapporteur on the control of the acquisition and possession of weapons

**E**urope has been struggling with numerous threats; chief among them being terrorism. The recent events in Paris and Brussels clearly showed the large and deadly scale of this problem. Yet in the fight against terrorism, we have started to forget about the personal freedoms that we are slowly losing, all in the name of security. Does being safe really have to mean being defenceless?

The revision of the firearms directive is supposed to improve our security. However, it is based on false assumptions, meaning it could end up being useless. The European Commission has asserted that the best way to combat the illegal firearms market is to enhance control over the legal market by increasing administrative barriers to access to firearms. This is a clear error. Rather than tackling criminals, the executive has launched a battle against shooting sports, hunting, museums and legal owners of firearms.

The Commission has also made the mistake of not preparing an impact assessment, meaning there is no precise data available on the impact of the planned proposals on the market and owners of firearms.

The Commission's proposals on changing firearms categories and

introducing additional restrictions have justifiably been met with criticism and objections from both citizens and shooting organisations. Critics have pointed out the lack of any logical connection or causal link between the tragedy in Paris – where the assailants used guns illegally smuggled into the EU from the countries of former Yugoslavia – and legally owned handguns.

The proposed regulation does nothing to block access to illegal firearms, since it doesn't even address this problem. The illegal arms trade is fought using police, operational techniques, intelligence and coordination among European security services – not by moving firearms categories from one table to another.

Parliament's internal market and consumer protection committee has introduced considerable changes to the text. We have reached an agreement on compulsory medical tests preceding the issuing of a permit to own firearms. This will make it easier to identify people with psychological problems that should not have access to firearms.

At the same time, setting minimum standards will end arbitrary decisions and the exclusion of disabled people, who are currently denied the right to own firearms despite meeting the psychological requirements. →

**“Rather than fighting criminals, the executive has launched a fight against shooting sports, hunting, museums and legal owners of firearms”**





## MEPS CALL FOR A BALANCED APPROACH TO GUN CONTROL

EPP group shadow rapporteur Anna Maria Corazza Bildt on control of the acquisition and possession of weapons, believes the Commission's firearms directive strongly needs to be updated. She wants to see more done on "traceability and cooperation among member states, to prevent legal firearms ending up in the wrong hands." According to Bildt, the Commission's original firearms proposal was "very unclear". She warns that any new directive should not be, "a way of micromanaging citizens every day from Brussels." She also calls for a clear distinction between how legal and illegal firearms are treated, as well as introducing requirements for "safe storage" of weapons. Italian S&D group deputy Maria Grapini believes the report, "is very important for the safety and security of European citizens." Like Bildt, she wants any new proposals to make "clear differences between those who own and purchase firearms legally and terrorists." But the Italian wants to see "stricter conditions for obtaining and maintaining license to purchase or possess firearms," including

annual physical and mental health checks for gun license owners. She backs people under 18 having guns but, "only for target practice shooting [...] not for hunting." She strongly feels that "theft of firearms is the responsibility of the owners." Maltese EPP group deputy Roberta Metsola believes "controls are absolutely necessary," but stresses that guns kept in museums and by genuine collectors and enthusiasts should "not be the target of some half-baked measures [...] without tackling the real issues." Although she agrees with Bildt on traceability and controls on legal firearm purchases, she doesn't want this confused with "our response to acts of terror by coming down on collectors." Metsola believes the "EU doesn't need to re-invent the wheel," since member states already have their own firearms legislation. Instead she wants to see a "balanced approach", similar to Malta's laws. The Maltese deputy backs Vicky Ford's report, saying, "she is doing a very good job [...] and I hope the final compromise agreement will be a satisfactory one."

The college's proposal on distance and online sales has also been improved, with rational solutions having been introduced. Regulations on firearms marking have also been included, even though this is already a norm among producers. These specific regulations concern the elements necessary for marking. In line with the digital revolution, I would like to see marking take the form of a QR code rather than a serial number. Reserve and territorial defence units have been excluded from the directive; such regulations were sought by member states, particularly Finland. The changes introduced considerably improve the directive and respond to social expectations.

However, many regulations remain still incoherent and may lead to the destruction of the legal firearms market. How can a regulation that introduces separate storage of ammunition and firearms be reconciled with the fact that these are meant to be used for self-defence and property protection? This makes it unfeasible to use them in emergency situations.

One dangerous element of the text is the issue of firearm categories. The proposed regulations will lead to a decrease in firearms production in Europe and strike a blow to shooting sports. The text must be revised.

I personally will defend the right of every law-abiding citizen of Europe to own firearms. The possibility of defending oneself as well as one's family and property is one of the foundations of our personal freedoms.

Criminals, murderers and terrorists have a permanent advantage over we law-abiding citizens. They are not bound by directives or morality. In order to neutralise this advantage, it is necessary to relax access to firearms for citizens, so that anyone to whom it occurs to open fire during a concert, in the subway, or in the street is aware that they will be answered by the quick and final reaction of law-abiding citizens. ★



**AFEMS and IEACS, representing the majority of European manufacturers of civilian firearms and ammunition, believe that the EC proposal to amend Directive 91/477/EC requires deeper review.**

Some measures were proposed by the EC and Council without an impact assessment. Moreover, they were mainly drafted with the aim to give a reply to public opinion. Legal manufacturers, distributors and end users would suffer considerable damage without any benefit for public security.

There is no scientific evidence proving that a reduction in the quantity and type of legal firearms has any effect on crime and terrorism. Official EU sources confirm that the rate of crime committed with legal civilian firearms is exceptionally low even in Member States with the highest per capita rate of firearm ownership.

According to the UN, the EU already has the best regional legislation in place. What is required is uniform enforcement and not unreasonable restrictions on the legal sector.



Photo Andrea Morini



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## Stricter rules on firearms will only widen the gap between citizens and EU Institutions

### Against the backdrop of Brexit and terrorism the European Parliament is discussing the EU Firearms Directive

**12 million hunters** and sport shooters in the European Union legally and responsibly use firearms. They do not pose a danger to society and are among the most intensely controlled and law abiding social groups in the EU. The Commission's proposal to change the conditions to legally obtain firearms and ban certain categories will affect them seriously.

The proposal to review the Firearms Directive was rushed by the European Commission only five days after the tragic Paris events of November 13<sup>th</sup>.

The Commission has contradicted its own Better Regulation policy by failing to produce an impact assessment, making it difficult to understand the rationale behind its proposals. Confusion has spread

amongst hunters and sport shooters who feel unfairly targeted while terrorists are wreaking havoc with war weapons illegally obtained from the black market.

The European Parliament IMCO and LIBE Committees criticized the Commission and defended the rights of hunters and sport shooters. The parliamentary Intergroup "Biodiversity, Hunting, Countryside" adopted a resolution rejecting the ban of certain semi-automatic rifles.

The British referendum is proof of a widening gap between the EU Institutions and citizens. The Commission's proposal for a revision of the Firearms Directive, if passed, would give yet another argument to the detractors of an integrated and democratic Europe.



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# Changing the game and changing Europe

5G technology could help the EU change its game and become a global leader in the digital sphere, says **Eva Kaili**



**Eva Kaili** (S&D, EL) is a Vice-Chair of Parliament's Science and Technology Options Assessment body (STOA)

**E**very now and again a new technological breakthrough is given the catchy (but often inaccurate) description of 'game-changer'. 5G is no exception. 5G networks will be a pivotal element in this new digital era, not only for the digital single market, but for both our economy and society as a whole. Although we are only currently scraping the surface of 5G's potential, it already seems substantial. We are on the cusp of passing from a network of five billion people to, eventually, a network of 100 billion devices and a genuine Internet of Things. Such numbers justify the view of many analysts that the development of 5G technology is critical to the growth of the European economy, creating jobs and spurring investment. This may truly make 5G a "game-changer".

**"The sectors that could profit from rolling out advance networks are practically endless"**

The sectors that could profit from rolling out advance networks are practically endless. Most importantly we can already experience the change. eHealth applications for better monitoring, remote healthcare for distant areas and better efficiency for reduced costs are already improving the lives of patients. Transport can become safer and more efficient, as connected cars share real time information with other vehicles, augmenting their security features and enabling technologies such as "auto-pilot". This will deliver benefits, through greater precision in transportation and less waste of resources, for sectors like trade. Industry and manufacturing can be revolutionised with 5G connectivity. Intelligent connected robots in the Factory of the Future can communicate with each other and with components, increasing manufacturing efficiency, reducing costs and ultimately producing better and cheaper consumer products. However, to reach that level, we have to overcome the current

difficulties and challenges. There are many parts that puzzle us as we pave our way to the digital age. Challenges such as the reform of spectrum management, standardisation, interoperability, access networks, roaming and, most importantly, potential implementation delays by member states. These risk creating a fragmented digital market making us unable to reap the benefits of technology. With that in mind, I have addressed the European Commission asking for its provisions for those countries requesting more time and flexibility for national security reasons for reforming spectrum and thus rolling out 5G. No country and no European people should be left behind if we wish to reap the full benefits of a pan-European digital market. What should be stressed is that it is important to find the right mix of investment, other than a regulatory framework, to overcome the aforementioned challenges. The public private partnerships that are currently leading the way are of fundamental importance, but as digital economy Commissioner Günther Oettinger mentioned at this year's Mobile World Congress in Barcelona, "support for investment in Europe for 5G networks needs to start now". The pre-condition to any technological enlightenment is large-scale investment schemes. We need to take a close look

at the necessary framework conditions and incentives that can lead to the deployment of the underlying network infrastructures. We also need to make sure that there will be industrial players that are ready to invest in 5G services and that we will provide them with irresistible incentives to invest. The success of institutions like the Parliament Magazine, or the EuC-NC networks and communications conference – that I had the honour to attend and kick-off last week – is that they bring together the views of key stakeholders and provide an opportunity to achieve tangible progress. Progress that it is inclusive, takes into consideration industry, citizens and regulators and, most importantly, makes sure that the EU will create a digital single market that leaves no member state behind. Only through large scale, pan-European plans can we provide our citizens and industries with the environment to flourish and innovate.

As a Vice-Chair of Parliament’s foresight scientific unit (STOA), I have experienced, first-hand, the technological advancements that EU funded projects have achieved. These range from underwater technology, mobility and transportation, such as the self-driving cars that exchange information in real time, to space and telecommunications, health, architecture and smart cities. These are just some of the endless possibilities and challenges offered by this technology. So-called ‘out of the box thinking’ is becoming the new reality and it will be fascinating to see if 5G technologies fall into that category. They certainly have the potential to cause substantial differences to the way we live, work, receive healthcare and even move around. The question of whether the technology becomes a ‘game changer’ remains difficult to answer. What is clear, however, is that 5G could help Europe change its game and become a global leader in the digital sphere. That in itself is quite an accomplishment. ★

This Thought Leader is sponsored by Huawei

ICT IS A DRIVER OF DEVELOPMENT AND A PREREQUISITE FOR FUTURE COMPETITIVENESS, SAYS GUO PING



THE PARLIAMENT MAGAZINE'S

## THOUGHT LEADER

The United Nations defines ICT as an enabler for its Sustainable Development Goals. All UN member states now recognise these technologies as an essential tool of their digital transformation. Europe needs to take action to speed up this transformation process and remain competitive in the long run. Two key aspects need to be addressed today. On the private side, companies need to learn how best to apply ICT to their existing businesses to stay ahead of the pack. When an industry goes digital, there are two different approaches, sometimes referred to as ‘Internet Plus’ and ‘Plus Internet’.

Internet Plus companies use information technology to change the landscape of an entire industry. Examples of companies that have done this include Uber and Airbnb. Plus Internet, on the other hand, involves companies leveraging ICT to transform their existing business or roll out new business models. My own company, Huawei, and GE are two examples of businesses that have applied this strategy successfully. The Plus Internet approach is likely to go mainstream. While for most companies, ICT is a tool rather than the core business itself, so-called brick-and-mortar businesses will need to reinvent themselves if they want to stay in the lead. This is of particular importance in the European context, where the primary objective of going digital is to protect the leading position of its industrial sectors. European companies need to get moving. They must define how they can effectively leverage ICT tools for their business, and most importantly, how they can strengthen their capabilities for developing industry-specific application software.

This is where the true value of Europe’s digital transformation lies. European companies must take the lead when it comes to going digital. Naturally, Huawei is both ready and willing to provide the ICT infrastructure that will support Europe throughout this digital transformation process. On the public side, policies must be designed to enable vertical industry transformation. Europe needs to encourage innovation and to relax regulation, with a key focus on supporting telecom operators. Europe’s digital transformation so far has been slow, not least because telecom operators haven’t been given the opportunity to play an enabling role.

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**“A modern industrial policy needs to place technology adoption and an innovation-friendly ecosystem at the forefront”**

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I therefore believe that the focus of regulatory policies for telecom operators should evolve to encourage more innovation. As the European Commission ponders the future of the Digital Single Market, a more holistic view must guide its strategy. A modern industrial policy needs to place technology adoption and an innovation-friendly ecosystem at the forefront.

In particular, Europe needs to focus on developing key enabling technologies. Speeding up 5G development and making spectrum allocation a top priority will be crucial to promoting digital innovation across industries. By acting today, Europe can ensure it stays competitive tomorrow. Making full use of the technological tools at its disposal will be the key to success.

Guo Ping is Deputy Chairman of the Board & Rotating CEO at Huawei

## EUROPEAN YOUNG PEOPLE AND LOCAL AUTHORITIES JOINTLY FOR FOOD WASTE REDUCTION

A path of collaboration among young and Local Authorities characterizes the Project "DON'T WASTE OUR FUTURE! Building a European alliance of young people against food waste and for new models of development and sustainable consumption in the EYD2015". It aims to improve the critical understanding, the sense of responsibility and agency of European young citizens and Local

Authorities about food waste reduction and the global right to food, in order to promote more responsible models of consumption and sustainable development at the local and global level.

A common commitment undertaken by young and Local Authorities has been reflected in the participatory elaboration (160 meetings) of the "DON'T WASTE OUR FUTURE Charter 2015 – A joint European Manifesto of young people and local authorities to promote food waste reduction and the global right to food".

The Charter is an instrument of individual and collective commitment and an advocacy tool towards national and supranational Institutions, containing principles, claims and proposals of concrete actions to fight food waste and to promote the global right to food. It represents a first step to influence the change of individual and collective habits, which are the challenges that concern everyone in order



to contribute in a concrete manner to the defence of our Planet and all futures.

The "DON'T WASTE OUR FUTURE!" Project, funded by the European Union and promoted by FELCOS Umbria (Fund of Local Authorities for Decentralized Cooperation and Sustainable Human Development), involves about 80 primary and secondary schools, and 50 municipalities across 7 European Countries.



To read and subscribe the Charter, and for further information on the Project, please visit <http://www.dontwaste.eu/charter/>

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# The value of sustainable material management

The circular economy is a huge economic opportunity, but Europe's transition will require more than just increasing recycling rates, says **Mark Demesmaeker**



**Mark Demesmaeker** (ECR,BE) is the European Parliament's ECR group shadow rapporteur on waste management

**T**he EU largely depends on the import of raw materials, a significant portion of these natural resources are rapidly depleting, yet we continue to waste considerable amounts of these valuable resources. Clearly, a 'business as usual' scenario is not an option. Therefore, a key challenge will be to reclaim as many resources as possible within the EU. Transitioning to a circular economy is an economic necessity: it is essential for the EU's long-term competitiveness and offers important opportunities for local job creation.

An important and crucial step to reclaiming valuable resources within the EU is to increase our recycling capacity and performance, enhance reuse and repair and extend the lifetime of products. This is where the legislative package on waste legislation comes into the picture. We should make optimal use of the waste legislation, precisely because of its economic importance.

I therefore strongly support a

return to the ambition levels of the original European Commission proposals from 2014 in terms of targets. In addition, I would like to emphasise the need for a single method for calculating our recycling rates: currently four different methods are used in the EU, which makes it impossible to genuinely compare results between member states. One of the key goals of the review is to obtain a clear and accurate insight on what is actually being recycled.

And, we should do everything possible to keep all member states

**“Waste management should be transformed into sustainable material management. It is time for a major paradigm shift: many of us still consider waste as something to get rid of”**



on board. Allowing five years of additional time (until 2035) for a group of member states does not make any economic sense. How can we justify the continued waste of valuable resources for another 20 years?

Also, such measures are unnecessary. The Commission has acknowledged that the EU has all the required instruments at its disposal to achieve its targets. Instead of allowing more time, we should reinforce our efforts to enable member states to increase their recycling capacities in the short-term, by using the abundance of expertise available through exchanging best practices, peer review, twinning, and other initiatives.

Looking back at the track record of Flanders, the nation I represent in the European Parliament, I am confident that a lot can be achieved in 20 years, provided the political will to succeed is present.

Having said that, we have to acknowledge that optimising our recycling rates alone will not be enough to make our economy circular. Waste management should be transformed into sustainable material management. It is time for a major paradigm shift: many of us still consider waste as something to get rid of.

We genuinely need to consider waste as a valuable resource, trash is cash.

We also need to tackle the more fundamental problem upfront by reducing the generation of waste in the first place.

In this regard, the ongoing revision of our



waste legislation is an enormous opportunity. My amendments focus, inter alia, on the need to decouple waste generation from economic growth and the incentivising of smart and innovative business models, based on resource efficiency and life-cycle assessments.

We also need to develop new production models (where rethinking product design is essential; extended producer responsibility is an important driver here). We should equally enhance new consumption models which take into account an efficient use of resources and where consumers increasingly evolve to service users. A recent report entitled, “The Growth Within”, produced by the Ellen MacArthur Foundation, offers interesting perspectives in this regard. We also need diligent application of the waste hierarchy, with clear economic incentives to promote the uptake of secondary raw materials. Equally, we need to promote and support the reuse of and lifetime exten-

sion of products.

In addition, I would like to elaborate on the importance of reuse and repair and can refer to the Flemish best practice of “kringwinkels” (circular reuse shops). Kringwinkels have set a reuse target of five kilos per capita by 2015, which will increase to seven kilos by 2022. This clearly shows the positive effect of quantitative targets, also on local job creation.

In order to seize these opportunities, it is necessary to separate ‘reuse’ and ‘preparation for reuse’ from the recycling targets. Reuse and preparation for reuse should instead be addressed by quantitative targets at member state level. While acknowledging the different status of reuse versus prepa-

ration for reuse (non-waste versus waste), it is obvious that both actions are intrinsically connected and work towards the same goal, notably to encourage and increase reuse.

In the area of packaging, having a combined target of ‘preparation for reuse and recycling’ makes even less sense, because of a clear distinction between single use packaging and reusable packaging. A combined target could potentially

lead to artificially high results and divert attention away from recycling. I strongly believe the target should focus instead on recycling and do not see a clear added value of proposing a mandatory EU reuse target for packaging.

For commercial and industrial packaging, reusable packaging is already spontaneously trending, based on market demand and cost-efficiency. For household packaging however, a mandatory reuse target would probably entail an obligatory deposit refund scheme: a choice I believe should be left to the member states. What seems more essential to me is that the issue of efficient use of resources through improved design is addressed by updating the essential requirements for packaging.

To conclude: Flanders, the nation I represent, is a top performer in material management and has pioneered the circular economy. The Flemish government has integrated the transition to a circular economy as a priority in its “Vision 2050”. Based on those best practices, I have put forward some constructive ideas which I believe and hope can contribute to strengthening the waste legislation and hastening the transition to a genuine circular economy. ★

**“In the area of packaging, having a combined target of ‘preparation for reuse and recycling’ makes even less sense, because of a clear distinction between single use packaging and reusable packaging”**





# CIRCULAR ECONOMY: EXTENDED PRODUCER RESPONSIBILITY MAKES A DIFFERENCE

If we are to safeguard our planet for future generations, the recovery and recycling of used packaging must become a priority. EXPRA's members are already working to enable the efficient recycling and recovery of over 19 million tonnes of packaging a year. But with the debate over the circular economy unfolding, now is the time for ambitious EU action.

EXPRA is the European alliance for packaging and packaging waste recovery and recycling systems which are owned by the obliged industry and work on a non-profit basis. Our expertise lies within the field of Extended Producer Responsibility (EPR) as well as packaging waste recycling. With EU waste legislation currently under discussion in both the Parliament and Council, we call for both these areas to be addressed appropriately.

EPR is an individual obligation as companies that place products on the market are accountable for their proper end-of-life management. In practice, however, producers tend to shift to a collective responsibility by establishing and steering Producer Responsibility Organisations (PROs)

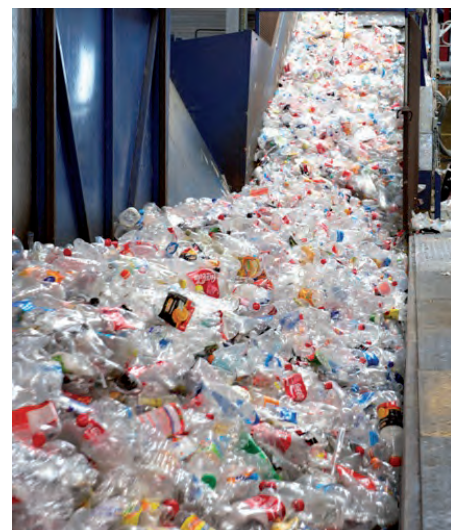
which become responsible for meeting recovery and recycling obligations on the industry's behalf.

It is essential that the services PROs provide, which have a public service mission, are recognised by regulators as non-profit. Consumers are already indirectly paying the EPR bill when purchasing packaged goods whose recycling costs are factored into the price. It is therefore in their interest that the revenue generated via such schemes be reinvested, for instance in collection infrastructure and consumer campaigns, rather than filed as profit.

It is also vital that EPR, within the packaging realm, be made binding via harmonised rules targeting all relevant stakeholders and Member States. This would create a level playing field for the EU's entire packaging industry.

EXPRA strongly welcomes the inclusion of common, general requirements for EPR schemes within the revised Waste Framework Directive (WFD). These reinforce the crucial role that EPR has to play in the transition towards a circular economy and must be safeguarded accordingly. However, we would strongly recommend that the Packaging and Packaging Waste Directive (PPWD), the legislative pillar for the packaging sector, allocates explicit, EU-wide roles and responsibilities to the various EPR players, in a bid to avoid overlaps and conflicts of interest.

The debate surrounding the circular economy has also highlighted the issue of how best to calculate waste which is actually recycled. Our research suggests that recycled waste should in fact be measured upon entrance to the recycling plant, where EPR ends. This would reduce compliance



www.expra.eu

and practicality issues related to recycling reporting. In parallel, material-specific quality standards should be introduced at EU level so as to ensure waste materials deemed as "recycled" have adequate quality attributes.

If appropriately developed and implemented, this revised waste legislation could prove a unique opportunity for Europe to achieve its transition to a fully circular economy – conserving our precious natural resources, creating jobs, and generating growth for years to come.



For additional information, please visit [www.expra.eu](http://www.expra.eu) or contact

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# The ‘super-aged’ demographic timebomb

People may be living longer, but not always healthier. Tackling chronic disease could help change this, writes **Karin Kadenbach**



**Karin Kadenbach** (S&D, AT) is a member of Parliament's environment, public health and food safety committee

**V**olume 94, number six of the World Health Organisation (WHO), published on 6 June, contains the following quote; “Increased longevity is one of the great achievements of the 20th century. Ensuring the added years can be enjoyed in good health will be one of the biggest public health challenges of the first half of the 21st century.”

The WHO perfectly summarises the challenge we face in an age of greying baby boomers. It was recently reported that my home country, Austria, is expected to reach ‘super-aged’ country status in 2024. This means that more than one in five of the population will be 65 or older. We won't be the first in Europe; Greece and Germany already graduated to the super-aged status in 2013 and 2014 respectively. Portugal and Finland should reach these levels this year.

While the ‘super-aged’ label is an arbitrary milestone, it is a tipping point that drives home why healthy

ageing has become so prominent on the health agenda. People are living longer, but that does not necessarily mean they are living in good health. Statistics show that 86 per cent of premature deaths in people over 65 are due to chronic conditions such as cancer, respiratory diseases, heart disease, kidney disease, musculoskeletal diseases (such as arthritis and osteoporosis), and mental and neurological disorders.

Chronic kidney disease, for example, affects over 10 per cent of Europe's population. Poor kidney health is partly due to demographic trends and genetic predispositions,



**“While the ‘super-aged’ label is an arbitrary milestone, it is a tipping point that drives home why healthy ageing has become a prominent feature on the health agenda”**

but is also linked to lifestyle choices such as smoking, poor nutrition, lack of physical activity and harmful alcohol consumption.

As Chair of the MEP group on kidney health and co-Chair of the MEP Heart group, I have been working to tackle chronic diseases and give them the appropriate attention on the policy agenda at

EU and national level.

The EU is actively helping to tackle these health challenges. It launched the joint action on chronic diseases and promoting healthy ageing throughout the life-cycle funded under the third EU health programme 2014-2020. Yet with the ‘super-aged’ demographic time bomb ticking, we can't be complacent.

As well as tackling risk factors through healthier and balanced lifestyles, the responsibility for improving quality of life for older people includes taking a holistic approach to the problem. We should be encouraging older adults to remain part of the

workforce for longer by providing opportunities and incentives that ultimately benefit society at large.

We should also make wider use of technology to allow screening and monitoring health conditions through eHealth and mHealth.

It is also important to empower citizens, putting them in charge of managing their health by promoting health literacy and by raising awareness about the importance of support

structure within society, whether family, neighbours or friends.

This year's European Health Forum Gastein will look at “Demographics and Diversity in Europe - New Solutions for Health” on 28-30 September 2016.

Gastein will provide a unique opportunity for European and national health policymakers to share and test their ideas and experiences on healthy ageing policies with over 500 health experts. ★





## JUSTICE FOR NATURE

## EU NATURE LAWS ARE USELESS IF THEY ARE NOT PROPERLY IMPLEMENTED AND THE COMMISSION DOES NOT PUNISH THOSE WHO BREACH THEM, WRITES MARGRETE AUKEN

**B**iodiversity in Europe has been falling since 2010, the base year for the EU's biodiversity strategy. Therefore we must urgently follow up on the midterm review of the EU's biodiversity targets and get to work.

Many local successes have shown us that the Natura2000 network delivers very positive outcomes. A number of species and habitats are no longer directly threatened. More than half of bird species in the EU are now considered to be 'secure', while wintering birds have even increased their populations. The birds and habitats directives have proved effective for conservation and



creates high biodiversity value – where they are implemented. This has been confirmed by a range of sources, including the Commission and civil society.

It is crucial that the Commission effectively responds to any breaches in the EU nature directives. Penalties for violations need to be proportionate to the breach and consequences. When the college is aware of a serious breach, such as the Polish government increasing logging in the Białowieża Forest National Park by six times over the limit set out in the birds and habitats directives, it should act.

EU environment law is not subject to coherent and effective environmental inspections and surveillance for detecting and preventing breaches. The Commission needs to advance a legislative proposal for environmental inspections without further delay. The access to justice needs also to be strengthened regarding the Aarhus Convention. We need, for example, environmental NGOs to be able to take breaches of the nature directives to trial. Then we would not need to wait for the Commission to start infringement procedures. ★

**Margrete Auken** (DK) is Parliament's Greens/EFA group shadow rapporteur on the mid-term review of the EU's biodiversity strategy



## FOCUSING ON IMPLEMENTATION

## THE NATURE DIRECTIVES HAVE BEEN HUGE BENEFICIAL, IMPLEMENTATION IS THE ISSUE AND THE COMMISSION MUST ACT, SAYS LYNN BOYLAN

**T**he mid-term review of the EU's biodiversity strategy was an example of one of the rare reports that come along every so often. One that is able to garner support from every political group and MEPs from right across the spectrum. With less than one per cent of MEPs voting against the report in plenary, it clearly demonstrates how important an issue this is.

The report comes at a critical time for the cornerstone of EU biodiversity policy; the birds and habi-

tats directives (together known as the nature directives) are under threat. In spite of the clear and tangible benefits these directives have brought to European nature conservation by protecting valuable and threatened species and habitats, the European Commission has now refused to confirm – for over two years – that it will not abolish or diminish these vital pieces of legislation. Crucially, the report from Parliament explicitly and strongly states its opposition to any such revision of these nature directives



are examples of something that the EU has produced that are actually worthy of praise. They should by no means be seen as a target for deregulation. The crux of the issue lies not with the content of these two pieces of

legislation, but rather with their poor implementation. It is essential that we see legislation that protects biodiversity on paper translated into protection on the ground. ★

and highlights that any improvements the Commission wants to make should be focused on implementation. It is essential that the importance of maintaining the birds and habitats directives is underlined. These two excellent pieces of conservation legislation

are examples of something that the EU has produced that are actually worthy of praise. They should by no means be seen as a target for deregulation. The crux of the issue lies not with the content of these two pieces of

**Lynn Boylan** (IE) is GUE/NGL group shadow on the mid-term review of the EU's biodiversity strategy



# EUROPE'S ENGINE OF POSITIVITY

As Slovakia takes the helm of the EU Council presidency for the first time, **Ivan Korčok** talks to the *Parliament Magazine* about why the country will work to be an engine of positivity, and how it plans to unite a fragmented Europe

**W**ith so many different challenges facing the EU, which key policy areas and dosiers will the Slovak presidency concentrate on and why?

Slovakia assumes its Council presidency role at a time when the European Union finds itself in an unprecedented situation. The negative outcome of the referendum on the UK's membership of the EU has presented us with a new challenge. For the first time, we have to deal with a member state leaving the EU.

This comes amid number of other challenges that affect the EU's overall shape and a certain sense of politi-

cal fragmentation. This is worrying because fragmentation makes us vulnerable – internally and externally. The Slovak presidency is therefore set to approach current challenges from a positive angle. Our priorities will centre around four ambitions: to make the European economy stronger; to modernise and broaden the single market in areas such as energy and digital economy; to work towards sustainable migration and asylum policy; and to become more engaged with our external environment, namely through strong trade and enlargement policy. There is a clear common denominator for these priority areas. Firstly, it is our aim to overcome fragmentation by being an engine of positivity and an advocate

of long-term solutions that unite us and work on the ground. Secondly, we are determined to deliver tangible results for our citizens – something that could help strengthen their connection to the EU. At this juncture, it is vital that the EU engages in reflection. We have to work harder to strengthen people's confidence in the European project. Whatever the critics say, there is no better alternative to mutual cooperation.

**How will the Slovak presidency push the agenda on economic growth and how important is a capital markets union and economic and monetary union in achieving this goal?**

We want to boost investments by focusing on a triangle, the Euro-

→

pean fund for strategic investments (EFSI) – the CMU – the EU budget. Investment in the EU is still well below its pre-crisis average. The investment gap is about 1.7 per cent of GDP for the EU. The EFSI has surpassed expectations and therefore, when a mid-term review takes place, the Slovak presidency will be ready to take up any proposal to further foster or reinforce the EFSI.

Another flagship project is the capital markets union, a true single market for capital. It would, among other things, unlock new sources of cross-border funding for business,

including SMEs – the backbone of our economies – which remain heavily dependent on the banking sector. In practice, this means we are set to finish the job on the prospectus regulation, we also aim at making progress in the field of European venture capital funds and money market funds.

**With the digital economy seen as vital for Europe’s future economic development, what role will the presidency play in encouraging the establishment of a digital single market? What policies will be put forward to deal with issues like**

**geo-blocking and data portability?**

Europe is at a crossroads and citizens’ trust in the viability of the project has been dented. We are clearly in need of a comprehensive positive agenda for our citizens and businesses. Following years of economic stagnation and digital divide, they want to see improvements in their quality of life and in the work delivered by the EU. Therefore we believe that whatever we do or do not end up doing in terms of the digital single market, will be a strategic choice, with an impact that will continue to be felt throughout the coming years.

The digital single market is built on data economy and its various applications. This is the new gold of the 21st century. To accommodate skyrocketing data traffic, we need to ensure enough frequency spectrum is harmonised at EU level and allocated to mobile internet services. The

**“FRAGMENTATION  
MAKES US VULNERABLE  
– INTERNALLY AND  
EXTERNALLY”**

Slovak presidency will work towards a deal on the 700MHz proposal which will enable harmonisation of this key spectrum frequency band for the purposes of wireless broadband and will pave the way for 5G services. We will also invite ministers to discuss ways to improve rules on spectrum assignment in general, under the review of the telecommunications framework. To bring tangible benefits for consumers, we will work towards ensuring that as of 15 June 2017 EU citizens can roam without additional fees, including for mobile data services, in Europe.

Cross-border portability of films or music is also one of the potential visible achievements. We will push for negotiations with the European



Parliament. Measures to deal with the practice of unjustified geo blocking constitute a top priority for us in unlocking the benefits of a huge market for all. We will have to navigate through consumers' interests and traders' obligations. This will have to be coupled by strengthened market surveillance. The end result will be a balancing act and we aim at achieving a Council position during our presidency.

**Another market the presidency wants to see progress on is developing Europe's energy union. What do you believe have been the key challenges and what are the presidency plans for enhancing a competitive single market in energy?**

The energy union offers an exceptional framework to unite the member states in their diversity, be it regarding their energy mix, their industries or households. The most pressing challenge is shared by the whole Union, climate change. The Paris agreement is our cursor.

Building the energy union will deliver various solutions and we must pay close attention to the effects these could have on energy security, the competitiveness of our industry and households. Our presidency will aim for a balanced approach that makes good use of our climate targets to spur employment, new technologies and to ensure secure and affordable supply of energy.

Concretely, we will work on several fronts. To achieve energy security, the presidency will press for agreements with Parliament on security of supply and intergovernmental gas agreements. A pragmatic compromise on these proposals would contribute substantially to compliance with EU law and increase transparency on the market. Energy efficiency is the other side of the same coin as energy security, a well-established framework helps savings and promotes competitiveness of our energy dependent economies

**“THE ENERGY UNION OFFERS AN EXCEPTIONAL FRAMEWORK TO UNITE THE MEMBER STATES IN THEIR DIVERSITY – BE IT REGARDING THEIR ENERGY MIX, THEIR INDUSTRIES OR HOUSEHOLDS”**

while contributing to energy security. Our presidency is set to achieve an overall agreement with regards to labelling and will prepare grounds for discussions on energy efficiency overall and energy efficient buildings.

To further cut greenhouse gases and to promote low carbon economy, we will strive to achieve the ratification of the Paris agreement at EU level. The Presidency will also discuss the reform of the emission trading scheme to achieve a position of the Council at the end of this year. A solid and predictable functioning scheme is the best guarantee for our economy. Yet all sectors have to contribute proposals to cut emissions in transport or construction will equally merit our full attention. In short, the presidency is happy to breathe life into the energy union and bring a number of its proposals forward until the end of the year.

**How important for the future of the EU is it that an agreement is reached by all member states on dealing with the refugee crisis?**

Everyone can be sure that the Slovak presidency will be an honest broker, a credible and constructive manager, negotiator and mediator. However, let us avoid dangerous simplifications. The presidency cannot be narrowed down to a single area, namely migration and at the same time, this one single area cannot be narrowed down to one single file, the revision of the Dublin regulation.

There still is a great deal of unfinished business. Continuing controls at several internal border crossings are the greatest reminder of this. Therefore, we must do what it takes to return to a proper functioning of Schengen. The Dutch presidency

has done a great job of creating the European border guards. However, it is one thing to have it on paper and it is another to make it operational. This is our task. We are also set to put a lot of effort into the smart borders package to modernise the Schengen's external borders. Moreover, we need to establish effective cooperation with third countries of origin and transit. The EU-Turkey agreement remains an important part of this.

Speaking of the common European asylum system, there will be some seven legislative proposals on our table in July. Nothing is going to be shelved nor frozen. However we believe a complex, thorough examination is needed, with less divisive elements at first, perhaps.

**As a country viewed as pro-enlargement, do you believe there is a real appetite among European citizens for further expansion. Which countries have the best chance of joining?**

The credible enlargement process is one of the presidency priorities. Given our experience, we are convinced that enlargement should not be neglected as it remains a key instrument to stabilise our neighbourhood.

We believe that this process should be credible on both sides, which means that we also actively communicate that the path towards the EU leads via rigorous reforms. The presidency is glad that already, on 5 July we have succeeded in opening chapters linked to the rule of law – the chapter 23 and 24 – with Serbia. Serbia had done its homework and met conditions for opening these two chapters. ★

**Ivan Korčok** is State Secretary of the Ministry of Foreign and European Affairs of the Slovak Republic

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## AN HONEST BROKER

**BREXIT IS SET TO BE THE SLOVAK PRESIDENCY'S BIGGEST CHALLENGE, SAYS JANA ŽITŇANSKÁ**

**W**e, the Slovaks, feel both a lot of excitement combined with a great deal of responsibility to do the best job possible while presiding the EU Council. We are no longer newcomers, we have been around for 12 years and it is up to us to show how we could establish ourselves as an "honest broker". I also see this as a great opportunity for Slovak civil servants to gain experience in the international field.

Arguably, Brexit will be the most important challenge for our presidency. Although we did not wish for it to happen, we respect the decision of the British voters. Now I would like for us to draw inspiration from



our British colleagues and keep calm, avoid unnecessary self-centeredness and work hard on the best deal possible between the reformed EU and the UK.

The Slovak EU Council presidency has also set out five themes of central importance and I am glad to see that jobs, competitiveness and opportunities for EU citizens are high on the agenda. As a member of Parliament's employment committee, I am following further work on the new skills agenda with a great deal of interest, particularly the mutual recognition of qualifications and further steps towards greater accessibility for products and services. ★

**Jana Žitňanská** (ECR, SK) is a member of Parliament's employment and social affairs committee



## JUST WHAT EUROPE NEEDS

**SLOVAKIA CAN HELP BRING A FRESH PERSPECTIVE ON WIDER NEIGHBOURHOOD, WRITES EDUARD KUKAN**

**S**lovakia represents precisely what the EU needs: political maturity, an unwavering European attitude and confidence in the future. Slovakia is in a strong position to demonstrate the values and benefits of EU membership. In tough times for the EU, we need to know what we want.

We need to make Europe work better internally for its citizens and become stronger on the global scene. Regrettably, Brexit has overshadowed the start of the Slovak EU Council Presidency. We commit to playing our role as an honest broker, to deal with the present situation and to find a solution that delivers what is best for the EU's 27 member states. Brexit, however, should not be



the only thing that defines the next six months. Slovakia can help the EU regain its confidence in its relations with the rest of the world.

Our presidency offers the opportunity to press ahead with the enlargement process in the Western Balkans and to bring a fresh drive and perspective to relations with the wider neighbourhood. Slovakia should use its first-hand experience from the integration process and its positive attitude towards our closest neighbours to achieve real progress

on visa liberalisation and continuing negotiations with EU candidate countries.

This presidency must confirm Slovakia's European stance. The country from central Europe will become the centre of Europe. ★

**Eduard Kukan** (EPP, SK) is a member of Parliament's foreign affairs committee

## PRESIDENCY





## A PRESIDENCY FULL OF CHALLENGES

### A SUSTAINABLE ASYLUM POLICY WILL COUNTER THE RISE OF EXTREMISM, WRITES MONIKA FLAŠÍKOVÁ

Slovakia's first ever EU Council presidency has started at a difficult time. There are many challenges ahead of us. The largest of these, undoubtedly, is the negative result of UK's referendum.

We need to start to draw new contours of how the relationship between EU and Great Britain may look in the following six months. The voice of British people must be heard and fully respected.

It is also a time for self-reflection on both sides. There is no space for blame.

People rightly expect concrete, sustainable and pragmatic solutions.

The Slovak EU Council presidency's priorities have been clearly laid out.

They include economic



stability, the development of the single market, including the energy union, support for the digital single market and more intense global engagement.

One of the most important topics is the focus on sustainable migration and

**“There are many challenges ahead of us. The largest of these, undoubtedly, is the negative result of UK's referendum”**

asylum policies.

Individual states' positions on the right solutions to the refugee crisis currently differ.

It is a very difficult task, which is putting enormous pressure on our external

borders and on the asylum systems of many member states.

Unfortunately, it has also contributed to the change in Europe's political map and the rise of extremism.

Slovak leaders will therefore place a major emphasis of more sustainable migration and asylum policies, including the pressure on the effective protection of external borders.

They will do their best to contribute to the successful achievement of compromise within the Council on this crucial topic. ★

**Monika Flašíková Beňová** (S&D, SK) is a member of Parliament's civil liberties, justice and home affairs committee



## PRESIDENCY OF HOPE

### THE SLOVAK GOVERNMENT CAN SHOW LEADERSHIP IN THE COUNCIL ON DEVELOPMENT AND SECURITY ISSUES, SAYS ANNA ZÁBORSKÁ

Europe's migration crisis stressed the importance of EU humanitarian aid and development assistance in preventing large migration flows.

All member states recognised that a timely humanitarian response and efficient development policies benefit both the receiving communities and the donor countries. However, our national budgets still fall short in reflecting this newly found consensus.

The Slovak EU Council presidency, in its priorities, correctly identified the link between development and security.

Last year, we learned that the protection of our external borders is best guaranteed by the combination of national and European capacities.

The Slovak government can show leadership in the Council and make a case for delivering on the pledges in the area of development and humanitarian aid.

Giving people in our neighbouring regions the belief that the opportunity of living better lives is real is not just a noble phrase.

It is a political necessity if we want to prevent chaos and turmoil that can easily escalate.

We need to realise that hope abroad and safety at home are two faces of the same coin.

If there is a lesson worth learning from the British referendum it is this; that the member states need to act and deliver, otherwise Europe will fail.

I trust that our government is determined to drive this point home during its Council presidency.

If it succeeds, by December we may start to see a new, positive shift in truly European governance and global responsibility emerging. ★

**Anna Záborská** (EPP, SK) is a member of Parliament's foreign affairs committee







## THE FIFTH FREEDOM

**THE SLOVAKIAN EU COUNCIL PRESIDENCY WILL SET THE PACE FOR ADOPTING THE LEGISLATION NEEDED TO HELP COMPLETE THE DIGITAL SINGLE MARKET, WRITES IVAN ŠTEFANEC**

Large projects can only be created with broad cooperation. The digital single market is one such project, and without the existence of the European Union, it could not be established.

Step by step, thanks to advancements in technology, a fifth freedom is emerging alongside the original four fundamental freedoms – that is the free of movement of information and data.

This process is surging from beneath, from businesses and citizens themselves. It is up to the European institutions to create an environment that opens up wide-ranging fields of application and supports digital infrastructure, yet at



the same time ensures that the European internet space is secure and transparent.

Over the next few months, Slovakia will be setting the pace for adopting the necessary legislation. Our country is becoming a leader in innovation. Our start-ups are award-winning and their products are finding customers across the globe.

The importance of the digital and sharing economy will continue to grow. Europe cannot miss out on the opportunity to create conditions for that economy to grow comprehensively.

It will be a great challenge to expand the space for the free movement of data to encompass the relationship between citizens and public institutions.

The technological requirements exist, but in more than one country there is a lack of political will to take this next step.

I believe the Slovak EU Council presidency will stand at the forefront of great changes; changes that will reshape the European economy into one that is both open and digital. ★

**Ivan Štefanec** (EPP, SK) is a member of Parliament's internal market and consumer protection committee



## ENERGY RESILIENCE

**THE SLOVAK EU COUNCIL PRESIDENCY WILL WORK HARD TO STRENGTHEN EUROPE'S ENERGY SECURITY, SAYS VLADIMÍR MAŇKA**

The European Union imports as much as 53 per cent of its energy, making it the largest energy importer in the world.

The Slovak EU Council presidency has an ambition to help to create a resilient and competitive energy union, closely tied to the climate change policy. The key objective must be safe and clean energy, affordable to all consumers. In order to reach this objective, the EU needs an integrated energy market and greater competition.

Energy security is a very important element in building up Europe's energy resilience.

The Slovak EU Council presidency will therefore strive to increase the security of gas supply through increased cross-border and regional cooperation and solidarity.

**“The Slovak EU Council presidency will strive to increase the security of gas supply through increased cross-border and regional cooperation and solidarity”**

An ambitious climate change policy is an indivisible part of the energy union.

The Paris agreement



investment into low-carbon technologies; at the same time, it should respect the existing differences between the member states as regards the energy mix and economy structure. ★

**Vladimír Maňka** (S&D, SK) is a substitute member of Parliament's industry, research and energy committee

endorses the transition towards a low-carbon economy.

This makes an appropriate European framework for emission trading vitally important.

It should be a cost-effective tool to stimulate

**Presidency priorities:**

Economically strong Europe  
Modern single market  
Sustainable migration and asylum policies  
Globally engaged Europe

**Three principles:**

Achieving tangible results  
Overcoming fragmentation  
Focusing on the citizen

# The devil is in the detail

Supporting cross-border content and operability, must be considered alongside the economic needs of territoriality, writes **Jean-Marie Cavada**



**Jean-Marie Cavada** (ALDE, FR) is Parliament's rapporteur on cross-border portability of online content services in the internal market

**T**he digital realm is shaking up all sectors of our economy. This means we must rethink our growth models. Above all else, this is an opportunity for the dissemination of knowledge and culture. As such, I don't believe copyright is a hindrance to the circulation of, or access to, audiovisual works. We must, however, modernise copyright and adapt it to new consumption habits.

Too often, authors are pitted against consumers, just as copyright is pitted against digital rights. This fantasy must be dispelled. Authors and consumers are inseparable allies within the same ecosystem; when a user participates in the financing – and, by extension, the protection – of creation, the author intellectually feeds the consumer and contributes to the cultural diversity that Europe boasts. This ecosystem must be preserved, otherwise digital content may suffer, as could European cultural diversity.

In a period of uncertainty for Europe's future, it's important to underline the benefits of European integration. Our cultural industry has helped global digital champions emerge, such as Spotify and Deezer and perhaps Vodkaster in future. These could, potentially, have to compete with US digital giants; they are also essential to the dissemination of our artists' work.

In order for this ecosystem to con-

tinue, two things need to happen; a high level of copyright protection and fair remuneration, which is essential for developing and producing content and value transfer.

In this regard, European digital single market Commissioner Andrus Ansip's position has shifted considerably since the start of the legislature and has, in my view, become more balanced. As Parliament's rapporteur on cross-border portability of online content services in the internal market, I salute him for outlining his position on the matter. I also agree with him on the protection of personal data. Ansip has also said he is in favour of cross-border portability of content, while

the distinction between cross-border portability of content, which should be encouraged in order to improve access to culture, and cross-border access to content, which could be harmful to copyright.

While we must maintain and support cross-border content and interoperability, we must also respect the many economic models of the European cultural industry, which are based on territoriality. This is at the heart of the audiovisual sector and must not be called into question. Europe's vague tendency to try and harmonise its cultural market contradicts its linguistic and cultural heterogeneity.

Additionally, we cannot modernise



**“By taking on unjustified geoblocking, the Commission is indirectly highlighting that illegal access to works that are protected by territorial licences must remain punishable by law”**

advocating an efficient system to verify a user's place of residence. This is crucial in maintaining the principle of territoriality, which in my view is vital. As such, for the past few months I have insisted on making

copyright rules without also looking at new ways of fighting digital piracy. The digitalisation of content means

it can reach a wider audience. This is a good thing, but it can also lead to harmful effects for authors. This is why we must rethink the current instruments we have at our disposal for combatting piracy in light of new technologies. In this sense, I believe the Commission's geoblocking proposals bring a balanced response to this issue. By tackling unjustified geoblocking, the Commission is indirectly highlighting that illegal access to works that are protected by territorial licences must remain punishable by law. I believe, therefore, that it is important to make a distinction between justified and unjustified geoblocking.

However, I find the Commission's approach to online platforms somewhat baffling. These platforms are central actors in the chain of responsibility when it comes to copyright. They have clearly evolved from being simple service providers for content, to being editors. While they were previously just in charge of stocking data, they are now in charge of processing, indexing and promoting it, using specific techniques to determine users' profiles. How can services that are so deeply involved in the distribution of protected content still be exempt from responsibilities outlined in the eCommerce directive?

I find the Commission's reluctance to act on this issue quite worrying. We must redefine the status of service providers, in a way that better balances value sharing. Many platforms make a profit from the content they broadcast, without participating financially in its production. They must be liable to copyright rules.

The huge benefits brought forth by the digitalisation of content must not overshadow the many ambiguities that persist. It is our responsibility to differentiate the internet as a great tool for democracy and knowledge sharing and the myth of no-cost services. I will personally see to it that this is done. If we do not take a firm stand on this, copyright could be in serious danger. ★

This Thought Leader is sponsored by SROC

**COPYRIGHT PROTECTION IS MORE IMPORTANT THAN EVER IN THE DIGITAL AGE, SAYS MARK LICHTENHEIN**



THE PARLIAMENT MAGAZINE'S

## THOUGHT LEADER

Over the last two years, we have seen many statements and actions towards the European Commission's "more modern, European copyright framework," primarily in the context of the Digital Single Market (DSM). And sport, not least through the Sports Rights Owners Coalition (SROC) which I chair, has been fully engaged in many of the debates that have taken place, particularly with respect to copyright and territorial exclusivity. Sports rights owners rely on copyright law to sell their rights and create income that can be reinvested into their sport. The commercial exploitation and protection of these rights against infringements is critical to the sustainable financing of both professional and grassroots sports. The digital revolution has created many commercial opportunities but it has also made it easier for data to be exploited without consent. Without a solid and enforceable copyright framework, both offline and online, sports will no longer be able to deliver the huge economic and social benefits at national and local level that are both hoped for and expected.

We've had Commission assurances throughout the DSM consultations that the territoriality principle that underpins the customised fan experience enjoyed by hundreds of millions of European Union citizens across all member states is not in question. Indeed, the proposed *Cross-border portability of online content services in the internal market Regulation* currently working its way through the European Parliament – which in principle we support – is built on the foundation of territoriality.

However, having seemingly solved

the cross-border demand question through the Portability Regulation, the exact same issues surrounding cross-border access look to be re-opened following a review of the *Satellite and Cable Directive*. This would extend the *Country of Origin* principle to the Internet in new copyright proposals from the Commission in the autumn.

My Coalition believes that any attempt to do so is fundamentally flawed, as it would negate the understanding that has already been reached with the Commission, as well as undoing all the work that has gone into the Portability Regulation.

Sports broadcasts and their digital

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**“Allowing copyright to be cleared in one member state for distribution across the EU would, by definition, end any notion of territorial exclusivity”**

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derivatives must be subject to the copyright protection they receive through their exclusive territorial arrangements. Allowing copyright to be cleared in one member state for distribution across the EU would, by definition, end any notion of territorial exclusivity, destroy the business models of European broadcasters, and simultaneously reduce choice and raise the cost of content.

Cross-border access to content should not become confused with the right to buy a product or service built under a completely different legal and financial premise. Such access, unless carefully limited, will clearly undermine the very existence of the content in question.

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**Mark Lichtenhein** is Chairman of the Sports Rights Owners Coalition

# We need copyright laws that recognise the internet

The Commission's copyright proposals are not suited to the digital age, says **Daniel Dalton**



**Daniel Dalton** (ECR, UK) is a member of Parliament's internal market and consumer protection committee

Copyright reform has been at the heart of the European Commission's efforts under the digital single market reform programme since that vision was first launched. This year will see the release of the key copyright reform components. The main proposals from the Commission, due to be published this autumn, are expected to include a long discussed (and debated) reform of ancillary copyright. The signs from the Commission so far have been mixed.

Last December, the proposal for portability of digital content was published to widespread support. This sensible and proportionate regulation will give consumers the legal right to access content from their country of residence while travelling abroad. Euro 2016 is a reminder of the unfairness of the current situation for consumers. It is technically possible for a sports fan to watch their home coverage anywhere in the world with an internet connection, which is the default situation. However, blocks are added by broadcasters to prevent open global access. They do this at the request of rights-holders, who understandably want to protect the value of their rights in the different markets they sell into. They fear the creation of a single sports rights market significantly undermining the overall value of those rights. It would also harm content

diversity and consumer choice. The Commission, have, however, rightly recognised that a sports fan who has paid for content either through subscription or a licence fee, should be able to access that content when abroad. This is particularly important for sports that are wildly popular in some member states, like cricket or rugby, but are not available at all in many other EU countries. The portability proposal is deliberately limited to protect national rights and content diversity, while recognising consumer rights.

Less positively, on 25 May the Commission released proposals to force on-demand video services such as Netflix and Amazon Prime to accept 20 per cent quotas for 'European content' on their platforms. Leaving aside the ridiculousness of applying a quota to an on-demand service in the first place, research suggests Netflix and Amazon already meet or almost meet the quotas in a number of markets. Then there's the difficulty of establishing exactly what is 'European content' in the 21st century, when global co-productions are the norm, rather than the exception. This proposal seems to be trying to apply an analogue solution to a digital world. This fails to understand the reality of the modern, on-demand audiovisual market in the 21st century.

Then there is the main meat of the Commission's vision of copyright reform, an expanded publisher ancil-

lary right for online content. This has been dubbed a 'Google news tax', or more accurately a 'link tax'. However, recently the Commission has talked about 'neighbouring rights'. The use of a term describing a pre-internet copyright tool is another indication that the Commission has not understood that copyright cannot work in the same way in the internet age.

So far, the Commission has consistently refused to rule in or out a link tax; the launches of Commission public consultations aimed at publish-



ers in the last year are another sign of their intentions in this area. Ultimately, I believe a link tax would be very bad news for all publishers, but particularly for smaller publishers that will find that this is not the way to address falling revenues from traditional print sales. For clarity, the idea is that news aggregators, including Google news, should pay publishers for the content on their search engine – the headlines and article snippets that are displayed. However, this idea is flawed. Firstly, news aggregators deliver huge traffic

to publishers' websites. Also, very few young people get their news from one source any more. A whole generation has grown up by picking and choosing the news they want to read from a variety of sites; news aggregators are the way the find out what content is available, before going on to buying access those articles that are behind paywalls.

Spain introduced strict copyright rules in January 2015, which made it impossible for individual publishers to waive their rights to remuneration. The result was that Google shut down its news service in Spain and removed all Spanish publishers from its global news feeds, saying it could not afford the significant costs the law created for something that generated no advertising revenue.

European digital economy and society Commissioner Günther Oettinger has hinted at a preference for pan-European rules based on the Spanish model. This would be disastrous for European publishers, and especially smaller niche and local publishers who rely more heavily on the likes of Google news to deliver their traffic.

An official study by Spanish publishers released last summer showed that in the first six months the law had led to a 14 per cent fall in traffic to small publishers, significantly higher than the headline rate drop of six per cent. The study slammed the law's anti-innovation effect, making it harder for new players to enter the publishing market. It would also be disastrous for consumers, which would no longer know what news articles were available to read. This idea again shows a lack of understanding of how the internet has transformed the market. More than ever before, consumers are enjoying the freedom of news from multiple sources and thereby delivering advertising revenue to many different publishers. We need copyright laws in Europe that recognise the reality of the internet, not proposals that deny this reality and try to turn the clock back to a pre-digital age. ★

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**MATHIEU MOREUIL** WONDERS WHETHER THE DIGITAL SINGLE MARKET WILL WORK FOR EUROPEAN AUDIENCES



THE PARLIAMENT MAGAZINE'S

## THOUGHT LEADER

**W**e – as creators and their business partners – spend our professional lives making sure as many people as possible can enjoy the latest in culture and entertainment. We've worked hard to make sure that more online content is available today than ever before and in more ways. The European Commission's own Eurobarometer survey found that at least nine out of ten respondents were able to find the content they were looking for online. The Digital Single Market (DSM) can be a big opportunity for our sectors provided it continues to nurture a sustainable ecosystem that is inductive to further investments, generates growth and jobs for the EU economy and enables us to keep meeting European audiences' demand. We have thoroughly assessed the potential impact of some of the measures announced by the Commission on our sectors and audiences. Most recently, film and TV producers spoke out at the Cannes Festival. They fear that measures undermining their freedom to license works by territory - the basis of filmmaking and series financing worldwide - could harm their future audiences. New major research by economic consultancy Oxera and media consultancy Oliver & Ohlbaum shows that measures limiting the freedom to work by exclusive territorial licensing could lead to yearly consumer welfare losses of up to €9.3bn. Their findings were echoed by another important new piece of research assessing the potential impact of cross-border access on the European sports audiovisual ecosystem. The film and television sector is not alone in its concern: other sectors such as music, video games and books are worried that a new Geo-blocking Regula-

tion could be extended to services offering copyright-protected content. Counter-intuitively, cross-border activity could be reduced by undermining the ability to provide services tailored to local market conditions. In the music sector, the local networks that help break artists across borders would suffer, meaning fewer opportunities for up-and-coming musicians to 'make it' in Europe. Overall, the work of the cultural and creative sectors would become less diverse, leaving European au-

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**“European audiences will lose out from ill-conceived changes to Europe's copyright regime, however attractive they may seem in theory”**

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diences with limited choice. The DSM must continue to foster cultural diversity so that we can continue to celebrate the rich variety of linguistic and social heritage that each nation in the European family brings to the Union. We see this as one of the continent's great strengths underpinning Europe's role on the world stage. This means we should cater for the diversity in the tastes of our audiences to maximise the reach of our work. It must also be possible to take local customs, like holiday periods, into account when marketing new creative works in different countries and to adapt our offer to suit local economic conditions, so that consumers get something they want and can afford.

The evidence is clear: European audiences will lose out from ill-conceived changes to Europe's copyright regime, however attractive they may seem in theory. Copyright underpins European diversity. We hope Europe's leaders will listen.

**Mathieu Moreuil** is CW!Chairman and Head of EU Public Policy, Premier League

# CREATORS NEED A FAIR DIGITAL ECOSYSTEM



photos © Marc Chesneau

## The Biggest Platforms are not Paying for Creative Content

These days, we regularly read about creators being underpaid by YouTube and the negative effects this has on the overall market. **Although YouTube attracts far more users than all of the fully licensed services combined, it provides close to nothing for creators.** And they're not alone: SoundCloud, Dailymotion, Google Images are just a few of those who do not or only barely pay for what is the foundation of their business model. **They claim the law does not apply to them, that they are not obliged to pay creators** and they can therefore remunerate entirely on their own terms.

**All over the world, artists and creators are saying enough is enough.** Paul McCartney, Coldplay, Kraftwerk, ABBA, Stromae and many more are speaking up for the millions of creators being harmed. The damage is not limited to the music sector or a few successful artists; it affects all creators, be they film directors, photographers, sculptors, etc.



## This Massive Transfer of Value is Undercutting Creativity



Rather than being used to sustain and nurture the creative ecosystem, the entire value of cultural and creative works is instead being harvested by these user uploaded or aggregated content platforms, which have become the main points of access to music, TV series, images and other protected content online.

In 2014, YouTube had 183m active monthly users in Europe, SoundCloud had 100m. In comparison, Spotify, which fully licenses its content, stood at 24m.



## Copyright Law Needs to be Clarified

Given the scale of the problem and the size of these platforms, there is a need for more than an "encouragement to negotiate" or a limp reference to "cooperation" in the law. **Faced with these giants, authors' right/copyright is the only leverage creators have to negotiate fair remuneration.**



Recently, 58 Members of the European Parliament called upon the Commission to provide legal certainty for rights holders in its legislative proposal expected this autumn. They rightly underlined the urgent need to clarify in EU copyright law that the safe harbour regime that limits liability for intermediaries is not applicable to services that play an active role in distributing, promoting and monetising content at the expense of creation.

**Europe must rise to the occasion: this is your opportunity to secure a future for a digital single market that thrives with culture and innovation!**



# Limitations (and exceptions) set you free

Cultural institutions play a huge role in our European heritage, but they are being held back by our current copyright rules, writes **Catherine Stihler**



**Catherine Stihler** (S&D, UK) is a Vice-Chair of Parliament's internal market and consumer protection committee

**S**cotland has a long history of investment in libraries and I am proud to say that I live in Dunfermline, the birthplace of Andrew Carnegie and home to the first Carnegie library. I know from experience that libraries and cultural heritage institutions deliver key public services, as creative spaces for citizens, guardians of European history and essential hubs for research. Libraries in particular have

undergone an incredible transformation recently, becoming powerhouses of lifelong learning.

They also underpin creativity. Europe's 70,000+ libraries spend approximately €4.2bn annually on books and other materials. National implementation of the rental and lending directive means authors receive additional remuneration for loans. Finally, libraries offer a valuable platform for promoting writers to the public.

Libraries and cultural heritage institutions support the European knowledge economy at all levels. However, their potential to do more is being held back by current EU copyright law. In particular, by the fragmented implementation of the limitations and exceptions that

should allow them to do their jobs.

As I noted in my parliamentary question of July 2015, our history and culture defines who we are. Libraries and cultural heritage institutions are central to the preservation of our rich, diverse, shared European patrimony.

These actors have been quick to see the potential of digital technologies for preserving and giving access to their collections. To realise this, they need the right to undertake large-scale digitisation, including of more recent works that are not commercially

available. Yet today, this is not the case in three-quarters of member states, while none have laws allowing digitised works to be shared freely.

This is why we need updated rules that allow for the digitisation and

**“Strengthened exceptions and limitations would enrich cultural diversity, allow cross-border access to information, and boost research”**

cross-border supply of such documents for non-commercial research and private study. If works in collection are no longer on sale, it should be possible to put them online for non-profit use.

As I have said before, the future is digital. Libraries provide a vital public space, and if future generations are to enjoy them, they need to be able to embrace technology.

In 2013, I launched an open knowledge campaign for increased and fair access to eBooks in public libraries in Scotland. Library eBook lending services in Scotland varied from the best in Europe to none at all. Across Europe, the variation is just as wide. Libraries should be empowered to deliver content in all formats, especially using the newest technologies. For people with visual impairments, such tools can make the difference between reading and not reading.

Yet the current framework does not allow libraries need to buy and lend eBooks with confidence. Advocate-General Szpunar's opinion in case C174/15 is welcome and I look forward to the final judgement.

Text and data mining (TDM), notably of works held by library and cultural heritage institutions, will be central to a successful European knowledge economy.

But Europe lags behind the US and China, passing over medical and other scientific advances, as well as the potential for jobs and growth. We can catch up if we reform copyright.

Crucially, this is not about giving free access to copyrighted works, but simply letting researchers make the most of what libraries have already paid for. Today, they are either unable to do this or forced to use inadequate tools. The resulting low demand limits its revenue for rights-holders means

**“Libraries and cultural heritage institutions are central to the preservation of our rich, diverse, shared European patrimony”**

countless missed opportunities for Europe as a whole.

I look forward to exceptions that explicitly permits TDM for both non-commercial and commercial purposes, fully realising the technique's scientific and economic potential.

Strengthening exceptions and limitations would enrich cultural diversity, allowing cross-border access to information and boosting research. To ensure this happens, we must close the loopholes that can cancel out their effects.

As the law currently stands, libraries can see themselves constrained to sign away their rights, for example such as in contracts for journals. Moreover, once such a contract exists, they are barred from using tools to

get around any technological protection measures rights-holders may put in place; measures to stop them doing the things the law explicitly permits them to do.

The upcoming reforms package must include provisions that protect exceptions and limitations in the InfoSoc directive from being overridden in this way.

In times of uncertainty, unemployment and austerity, I believe that libraries and cultural heritage institutions can improve the lives of their communities. As a signatory to the Hague declaration, I also believe in the huge potential economic and societal benefits of knowledge discovery in the digital age. And I believe in a copyright framework that can make all of this a reality. ★







11 July 2016

**OPEN LETTER TO Mr Jean-Claude Juncker,  
President of the European Commission**

**PERFORMERS IN EUROPE NEED A RIGHT TO EQUITABLE REMUNERATION  
TO BE FAIRLY REWARDED FOR THE ONLINE USE OF THEIR WORK**

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We, the partners of the FAIR INTERNET campaign representing over 500.000 professional performers in Europe (singers, musicians, dancers, actors among others), welcome the prominence given to the fair remuneration of creators in the digital environment on the European Commission's agenda.

However, promises of fair remuneration are not enough.

Now is the moment for the European Commission to come forward with concrete legislative measures.

Since the adoption in 2001 of the Information Society Directive, performers have expected to receive a fair share of the revenues generated by downloading and streaming services.

Regrettably, the reality for most of them is strikingly different today.

The value created by the audiovisual and music industries via online services does not truly benefit those at the root of the creation, despite performers having been granted legislative protection for more than 15 years.

This unfair situation cannot be redressed under current EU rules. A modernised copyright framework is essential in order to create a sustainable creative sector in Europe, allowing all performers to earn a decent living.

All performers need to benefit from a fair share of the value generated by on demand services. Transparency and fair contracts cannot be expected to guarantee this in isolation.

Today, most performers only receive a single, global and perpetual buy-out fee for their work. Only a very small minority of them receive royalties, which are often modest and opaque.

**This is why we urge you to come forward, as part of the copyright reform package expected for this autumn, with a legislative proposal providing performers with an unwaivable right to receive equitable remuneration from on-demand services, subject to mandatory collective management.**

No more time must be wasted. We urge you to take the necessary action now.

Yours sincerely,

The FAIR INTERNET partners

Xavier Blanc  
General Secretary

Dominick Luquer  
General Secretary

Benoît Machuel  
General Secretary

Paul Pacifico  
President



# 5



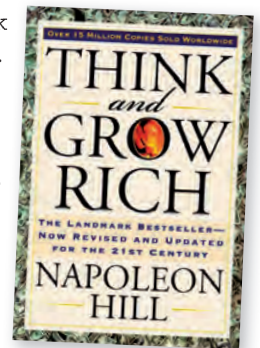
domestic violence, a single parent and I was in poverty when I started my first business. Oh, plus I can stand on my head. The only qualification I have is a CPC – certificate of professional competence – which means I can run a fleet of lorries. I surprised myself by branding my own name to make sure I always put my neck on the line first – no excuses.

**4. WHAT IS THE MOST HUMBLING THING YOU HAVE EXPERIENCED IN YOUR CAREER?**

Maggie Brankitse – Burundi. 75 adults beheaded in front of her and she raised the 250 orphaned children plus another few thousand through her own determination to help and protect others. I taught entrepreneurship in her centre, Maison Shalom, Ruyigi, and understood I have a responsibility to speak out against injustice, no matter who tries to stop me.

**5. WHAT WAS THE MOST INSPIRATIONAL AND INFLUENTIAL BOOK YOU HAVE READ AND WHY?**

The book I love and give to all my mentees around the world is Napoleon Hill, Think and Grow Rich. It is about having a purpose in life and knowing where you are going, having the strength and belief in yourself to never deviate from



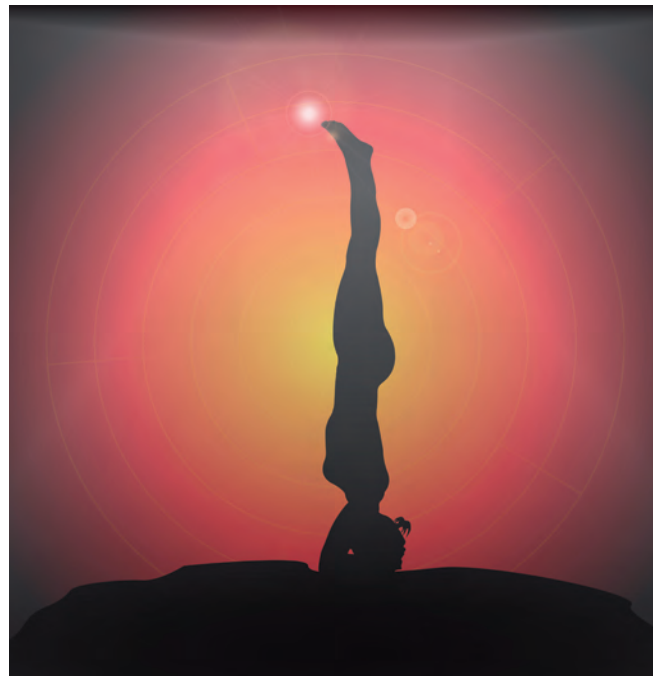
that path you have set for yourself. It is about some of the most successful businessmen in history. Time for one on businesswomen I think. ★

**Madi Sharma** is a UK member of the European Economic and Social Committee and founder of Madi Group, a group of international private sector and not for profit companies and NGOs

## Questions with... *Madi Sharma*

**1 WHICH PERSON YOU HAVE WORKED WITH HAS MOST INSPIRED YOU IN YOUR CAREER, AND HOW?**

My mentor Mich Stevenson OBE DL, property entrepreneur and inventor. He shared his knowledge, networks and experience with me for no reward, just asking me to pass forward what I learn on the way and always help others. I have never questioned what I do nor why, because he has never questioned me, he supports me in doing what is right and what needs doing.



**2. WHAT IS THE SMALLEST CHANGE YOU HAVE MADE IN YOUR CAREER THAT HAS HAD THE BIGGEST POSITIVE RESULT?**

I was taught how to listen properly by Michael Massey, author, and now I listen, understand and then support. Listening to understand, instead of listening to reply or worse, not listening at all like our EU politicians, is a skill that has to be practiced because it does not come naturally.

By listening to understand, it is possible to find real solutions to address challenges and not just short-term sticking plasters.

**3. IS THERE ANYTHING YOU HAVE PERSONALLY ACHIEVED OR DONE THAT WOULD SURPRISE PEOPLE?**

It always surprises people that I have no qualifications, I am a survivor of

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**THANK YOU.**

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