COUNCIL OF THE EUROPEAN UNION

Brussels, 30 November 2009

16706/09

PE-RE 14

NOTE

Subject :	RESOLUTIONS, DECISIONS AND OPINIONS adopted by the European Parliament at its part-session in Strasbourg, from 23 to 26 November 2009

At the above mentioned part-session, the European Parliament adopted 39 acts as follows:

- 20 legislative resolutions
- 16 resolutions
- 3 other acts

2. Codecision procedure

First reading

(a) Community financial aid in the field of trans-European networks (codification)

Proposal for a regulation of the European Parliament and of the Council laying down general rules for the granting of Community financial aid in the field of trans-European networks (codified version)

The European Parliament:

- approved the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission.

Second reading

(a) Labelling of tyres with respect to fuel efficiency
European Parliament legislative resolution of 25 November 2009 on the Council common position for adopting a regulation of the European Parliament and of the Council on the labelling of tyres with respect to fuel efficiency and other essential parameters

The European Parliament:
- approved the common position;
- took note of the Commission statement annexed to that resolution;
- noted that the act was adopted in accordance with the common position.

Third reading

(a) Electronic communications networks and services
Joint text approved by the Conciliation Committee for a directive of the European Parliament and of the Council amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services

(b) Statistics on pesticides
Joint text approved by the Conciliation Committee for a regulation of the European Parliament and of the Council concerning statistics on pesticides

For each of these acts the European Parliament approved the joint text.

3. Consultation procedure

(a) (i) Macro-financial assistance to Georgia
Proposal for a Council decision providing macro-financial assistance to Georgia

(ii) Macro-financial assistance to Armenia

Proposal for a Council decision providing macro-financial assistance to Armenia

(iii) Macro-financial assistance to Serbia

Proposal for a Council decision providing macro-financial assistance to Serbia

(iv) Macro-financial assistance to Bosnia and Herzegovina

Proposal for a Council decision providing macro-financial assistance to Bosnia and Herzegovina

(v) EC-Denmark Agreement on the service of judicial and extrajudicial documents in civil or commercial matters

Proposal for a Council decision amending Decision 2006/326/EC to provide for a procedure for the implementation of Article 5(2) of the Agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters

(vi) EC-Denmark Agreement on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

Proposal for a Council decision amending Decision 2006/325/EC to provide for a procedure for the implementation of Article 5(2) of the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

(vii) Recovery plan for Greenland halibut

Proposal for a Council regulation amending Council Regulation (EC) No 2115/2005 of 20 December 2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation

For each of these acts the European Parliament:

- approved the Commission proposal;
- called on the Council to notify Parliament if it intended to depart from the text approved by Parliament;

- asked the Council to consult Parliament again if it intended to amend the Commission proposal substantially.

(b) Common system of value added tax

Draft Council directive amending various provisions of the VAT Directive 2006/112/EC of 28 November 2006 on the common system of value added tax

The European Parliament,

- approved the Council draft as amended;
- called on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
- called on the Council to notify Parliament if it intended to depart from the text approved by Parliament;
- called on the Council to consult Parliament again if it intended to amend the draft substantially or replace it with another text.

(c) Amendment of Annexes II and III to the OSPAR Convention

Proposal for a Council decision concerning the approval on behalf of the European Community, of the Amendments of Annex II and Annex III to the Convention for the protection of the marine environment of the North-East Atlantic (OSPAR Convention) in relation to the storage of carbon dioxide streams in geological formations

The European Parliament:

- approved the proposal for a Council decision as amended and approved the amendments to Annex II and Annex III to the Convention.

(d) Accession of the European Community to the Convention concerning International Carriage by Rail (COTIF)

Proposal for a Council decision on the conclusion by the European Community of the Agreement on the Accession of the European Community to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999

The European Parliament approved the conclusion of the agreement.

(e) Protocol on the Law Applicable to Maintenance Obligations

Proposal for a Council decision on the conclusion by the European Community of the Protocol on the Law Applicable to Maintenance Obligations

The European Parliament approved conclusion of the Protocol.

(f) Use of information technology for customs purposes

Initiative of the French Republic with a view to adopting a Council decision on the use of information technology for customs purposes

The European Parliament:

- approved the initiative of the French Republic as amended;
- called on the Council to amend the text accordingly;
- called on the Council to notify Parliament if it intended to depart from the text approved by Parliament;
- called on the Council to consult Parliament again if it intended to amend the initiative of the French Republic substantially.

(g) European Year of Volunteering (2011)

Proposal for a Council decision on the European Year of Volunteering (2011)

The European Parliament:

- approved the Commission proposal as amended;
- considered that the indicative amount indicated in the legislative proposal must be compatible with the ceilings of sub-heading 3b of the multiannual financial framework (MFF) 2007-2013 and pointed out that the annual amount would be decided by the Budgetary Authority within the annual budgetary procedure;
- stressed that the funding of new activities should not jeopardise existing programmes or any other initiatives;
- called on the Council to notify Parliament if it intended to depart from the text approved by Parliament;
- asked the Council to consult Parliament again if it intended to amend the Commission proposal substantially.

(h) EC/Ukraine agreement for scientific and technological cooperation

Proposal for a Council decision concerning the renewal of the Agreement for scientific and technological cooperation between the European Community and Ukraine

The European Parliament approved renewal of the agreement.

(i) Terms of Reference for the International Partnership for Energy Efficiency Cooperation (IPEEC) and the Memorandum concerning the hosting by the International Energy Agency of the Secretariat to the International Partnership for Energy Efficiency Cooperation

Proposal for a Council decision on the signing of the 'Terms of Reference for the International Partnership for Energy Efficiency Cooperation' (IPEEC) and the 'Memorandum concerning the hosting by the International Energy Agency of the Secretariat to the International Partnership for Energy Efficiency Cooperation' by the European Community

The European Parliament approved the signing of the Terms of Reference and the Memorandum.

4. Other procedures

(a) 2007 discharge: EU general budget – Council

1. European Parliament Decision of 25 November 2009 on discharge in respect of the implementation of the European Union general budget for the financial year 2007, Section II – Council

The European Parliament:

- granted discharge to the Secretary-General of the Council in respect of the implementation of the Council's budget for the financial year 2007;
- set out its observations in the resolution below.

2. European Parliament resolution of 25 November 2009 with observations forming an integral part of the Decision on discharge in respect of the implementation of the European Union general budget for the financial year 2007, Section II – Council

The European Parliament:

- emphasised that it had obtained satisfaction from the Council on the three most important requests it had made in its resolution of 23 of April 20091, namely:
  a. a meeting on 24 September 2009 of the Chairman, the rapporteur and the co-ordinators of Parliament's competent committee with representatives of the Swedish Presidency and of the General Secretariat of the Council to discuss the Council's budget implementation for 2007 (paragraph 21(a) of the resolution);
  b. written answers to Parliament's questions concerning the Council's budget implementation for 2007 (paragraph 22 of the resolution);
  c. publication on the Council's website of relevant documents concerning the Council's budget implementation, including the answers to Parliament's specific questions (paragraph 4 of the resolution).
- considered that it had carried out its duty to guarantee the maximum possible transparency and accountability concerning the use of taxpayers' money;
- called on the Council to continue to further improve cooperation with its competent committees on the basis of its recent practice;
- asked for the formulation and inclusion in the IIA by the institutions of an annex specifically dealing with the discharge procedure for the Council.
- called on its competent committee, in the context of the next discharge procedure for the Council, to verify progress on the following matters:
  a. the closing of all its extra-budgetary accounts in accordance with the recommendations of its internal auditor;
  b. the improvement of the verification of invoices following the recommendations of its internal auditor;
  c. the publication of all administrative decisions when they are used as the legal basis for budget items;
  d. the transmission to Parliament and its competent committee of its annual activity report, required to be drawn up under Article 60(7) of the Financial Regulation, in accordance with the practice now adopted by all other institutions;
  e. a full explanation of the need to transfer money from one item to another within its budget.

[1] OJ L 255, 26.9.2009, p. 19.

f. the provision of written answers to relevant questions asked by its competent committee and its rapporteur;

g. the availability and willingness of the Council to provide an oral explanation to its competent committee, on the basis of these written answers, should they require further clarification;

- reiterated the request made in its resolution of 23 April 2009 to the European Court of Auditors to pay special attention, in its forthcoming Annual Reports, to the Council's budget implementation.

(b) Copenhagen Conference on Climate Change

European Parliament resolution of 25 November 2009 on the EU strategy for the Copenhagen Conference on Climate Change (COP 15)

The European Parliament:

- invited the EU to clarify under which conditions it would increase its reduction commitment, taking into account the fact that the latest scientific recommendations called for a commitment to a 40 % reduction in emissions (para 8);
- called on the EU and its Member States to strengthen their existing climate partnerships with developing countries, and to enter into new partnerships where they did not currently exist, providing significantly increased financial support for technology development and transfer, agreement on intellectual property rights and institutional capacity-building, including for National Adaptation Programmes of Action (NAPAs) as important instruments for adaptation to climate change, promoting ownership (para 30);
- urged all governments, including those of the EU's Member States, and the EU, to stimulate energy efficiency; urges EU Member States to step up their ambition on the energy efficiency package, notably on the Energy Performance of Buildings Directive recast which is currently being discussed (COM(2008)0780), to enable a dynamic and cohesive agreement with the Council to be reached, thereby sending a strong message as to the EU's commitment in view of the Copenhagen agreement and facilitating the move to a 30 % reduction in greenhouse gas emissions (para 37);
- stressed that the EU and its Member States must also enhance action to support the urgent implementation of adaptation actions within the EU in order to save resources for future international action (para 40);

(c) Multi-annual programme 2010-2014 regarding the area of freedom, security and justice (Stockholm programme)

European Parliament resolution of 25 November 2009 on the Communication from the Commission to the European Parliament and the Council – An area of freedom, security and justice serving the citizen – Stockholm programme

The European Parliament:

- called, on the Spanish Presidency and the following Presidencies to make progress during their terms of office on the European protection order so as to ensure that victims of such crimes enjoy the same level of protection in all the Member States (para 27);
- called on the Council and the Commission to give priority to improving transparency and access to documents, as those were essential for the purposes of achieving a citizen-oriented EU (para 41);
- welcomed the reference made in the Stockholm programme to participation in the democratic life of the European Union; urged the Council to include in the Stockholm programme a specific section on the appropriate measures needed to empower women's participation in electoral campaigns and political life in general, with a view to thereby eliminating the democratic deficit that still existed due to the limited presence of women in municipal, national and European elections (para 42);
- urged the Council and the Member States to respect the legal definition of a refugee as enshrined in the United Nations Convention Relating to the Status of Refugees (para 50);
- noted the growing importance of the internet, and observed that the global and open nature of the internet requires global standards for data protection, security and freedom of speech; called on the Council and the Commission to take the initiative in establishing a global platform for the elaboration of such standards; considered it extremely important strictly to limit, define and regulate the cases in which a private internet company might be required to disclose data to government authorities, and to ensure that the use of those data by government authorities was subject to the strictest data protection standards (para 82);

- welcomed support to victims of crime, including women subjected to violence and sexual harassment, as a priority issue for the Swedish Presidency; urged the Council to include in the Stockholm programme a comprehensive European strategy aimed at eradicating violence against women, comprising prevention measures (such as awareness-raising concerning male violence against women), policies on the protection of victims including a specific section on the rights of victims of crime, and strengthening support to victims of crime, in particular young girls, who were increasingly the victims of significant crimes, and concrete measures to prosecute perpetrators; called on the Spanish Presidency, during its term in office, to fully implement the action plan laid down in the Stockholm programme and to report to Parliament every month on the progress made (para 122);
- called on the Commission and the European Council to urgently remedy the legal situation that had arisen as a result of the rulings of the Court of Justice in the respective cases with regard to blacklisting, in particular the Kadi case2, and in doing so to take full account of the fundamental rights of those concerned, including the right to due process and redress (para 135);
- urged the Council and the Commission to develop security strategies that cater for both the internal and the external aspects of international organised crime and terrorism; insisted that the EU adopt a more integrated approach to European Security and Defence Policy and to justice and home affairs (para 139);
- called on the Council, the Commission and Member States to evaluate and review current international, European and national laws and policies on drugs and to promote harm reduction, prevention and recovery policies, notably with a view to the conferences on those issues held at UN level (para 140).

(d) Origin marking

European Parliament resolution of 25 November 2009 on origin marking

The European Parliament:

- called on the Commission and the Council to take all necessary steps to ensure a level playing field with trading partners which had enacted origin-marking requirements (para 2);

[2] Case C-402/05 P *Kadi* v *Council and Commission* [2008] ECR I-6351.

- called on the Commission and the Council to set up proper customs surveillance and enforcement mechanisms (para 3).

(e) Enlargement strategy 2009 concerning the countries of the western Balkans, Iceland and Turkey

European Parliament resolution of 26 November 2009 on the Commission's 2009 enlargement strategy paper concerning the Western Balkan countries, Iceland and Turkey

The European Parliament:

- called on the EU institutions to analyse and increase the integration capacity of the European Union (para 5);
- congratulated the former Yugoslav Republic of Macedonia on the progress it had achieved since the last progress report, and in particular during the last few months; noted with satisfaction that this progress had been acknowledged by the Commission, which had recommended the opening of accession negotiations with the country; called on the Council to act in accordance with the Commission's recommendation at the summit to be held in December 2009; expects the negotiations to begin in the near future with the hope that mutually satisfactory solutions to outstanding issues with neighbouring countries can be reached, including the name issue between the former Yugoslav Republic of Macedonia and Greece (para 20);
- noted with satisfaction the progress made by Serbia, and in particular its unilateral implementation of the Interim Agreement; was of the opinion that such unilateral implementation, carried out against the background of the financial crisis, showed that country's commitment to moving forward on the path to membership of the Union; therefore urged the Council to decide on the ratification of the Interim Agreement without delay (para 23);
- called on the Commission and the Council to develop a functional and coherent model for the new EU delegations in the enlargement area, preserving the unity of EU action after the setting up of the European External Action Service (EEAS), especially if competence for enlargement policy remained outside of the scope of the EEAS (para 29).

(f) Elimination of violence against women

European Parliament resolution of 26 November 2009 on the elimination of violence against women

The European Parliament:

- urged the Council and Commission to establish a clear legal basis for combating all forms of violence against women, including trafficking (para 10).

(g) A political solution with regard to the piracy off the Somali coast

European Parliament resolution of 26 November 2009 on a political solution to the problem of piracy off the Somali coast

The European Parliament:

- noted with great satisfaction that EUNAVFOR Atalanta continued to make a successful contribution to maritime security off the coast of Somalia by protecting WFP-chartered vessels delivering aid to Somalia, vessels supplying critical shipments to the AU peace support operation in Somalia and other vulnerable vessels; called upon the Council to extend the operation for another year when the current mandate comes to an end on 12 December 2009; expressed its support for a possible southward extension of the operation zone depending on pirate activity, but underlined that such an extension should not affect the mission's essential goal, namely the protection of WFP convoys and other vulnerable vessels such as the merchant fleet and fishing vessels (para 4);
- called upon the Council, therefore, to examine the possibility of setting up a new, small-scale ESDP operation in parallel to Operation EUNAVFOR Atalanta to contribute to the training of TFG security forces, thereby bringing existing initiatives – including the French initiative in Djibouti and the Ugandan initiative as part of the training programme set up by AMISOM – into line with one another by ensuring that they take the same type of action (para 8).

(h) Smoke-free environments

European Parliament resolution of 26 November 2009 on smoke-free environments

The European Parliament:

- regretted that the Presidency decided to adopt the Council recommendation without the opinion of Parliament (para 1);
- proposed that the Council recommend that Member States establish an ongoing dialogue and consultation with all relevant stakeholders in accordance with the Article 5.3 FCTC implementation guidelines adopted at the Conference of the Parties to the FCTC in 2009, in order to ensure the support of all actors for the implementation of national tobacco control strategies and programmes (para 13).

(i) Ratification and implementation of updated ILO Conventions

European Parliament resolution of 26 November 2009 on the Conventions that have been classified by the ILO as up to date

The European Parliament:

- called on the President Elect of the European Council to be as ambitious as possible within his mandate to encourage Member States to ratify and implement the updated ILO Conventions (para 4).

(j) Laos and Vietnam

European Parliament resolution of 26 November 2009 on the situation in Laos and Vietnam

The European Parliament:

- asked the Commission and the Council, within the framework of the current negotiations on the new Partnership and Cooperation Agreement with Vietnam, to include a binding and unambiguous clause on human rights and democracy, together with a mechanism allowing for its implementation, in order to put an end to systematic violations of democracy and human rights (para 3);

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- called on the Council and the Commission to carry out a detailed assessment of the implementation policies in the field of democracy and human rights conducted in Laos and Vietnam since the signing of the Partnership and Cooperation Agreements and to report back to Parliament (para 15).

(k) China: minority rights and application of the death penalty

European Parliament resolution of 26 November 2009 on China: minority rights and application of the death penalty

The European Parliament:

- stressed that China's human rights record remained a matter of serious concern; insisted on the need for rigorous follow-up between all rounds of the EU-China human rights dialogue, with a view to ensuring the application of the recommendations resulting from previous dialogues, which had been mutually agreed by both parties, and in the form of the EU-China legal seminars on human rights which used to precede the rounds of the dialogue and which involved academic and civil-society representatives; called on the Council and the Commission to put the questions of abolition of the death penalty and observance of ethnic minorities' and religious rights on the agenda for the 12th EU-China Summit on 30 November 2009, and to continue to pursue inclusion in the new Partnership and Cooperation Agreement, currently in negotiation, of a clause concerning respect for human rights in China (para 7)