



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 March 2012

8374/12

PE-RE 4

NOTE

Subject: RESOLUTIONS, DECISIONS AND OPINIONS adopted by the European Parliament at its part-session in Brussels from 28 to 29 March 2012

At the above mentioned part-session, the European Parliament adopted 23 acts as follows:

- 6 legislative resolutions;
- 11 resolutions; and
- 6 other acts.

This note contains a summary of those acts which are relevant to the Council.

1. Ordinary legislative procedure

First reading

a) (i) OTC derivatives, central counterparties and trade repositories

European Parliament legislative resolution of 29 March 2012 on the proposal for a regulation of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories

(ii) Minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields)

European Parliament legislative resolution of 29 March 2012 on the proposal for a directive of the European Parliament and of the Council amending Directive 2004/40/EC on minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (eighteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

The European Parliament:

- adopted its position at first reading hereinafter set out;
- called on the Commission to refer the matter to Parliament again if it intended to amend its proposal substantially or replace it with another text.

Second reading

a) European Refugee Fund 2008 to 2013

European Parliament legislative resolution of 29 March 2012 on the Council position at first reading with a view to the adoption of a decision of the European Parliament and of the Council amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows'

The European Parliament:

- approved the Council position at first reading;
- approved its statement annexed to this resolution;
- took note of the Council statement and the Commission declaration annexed to this resolution;
- noted that the act is adopted in accordance with the Council position.

b) Control of exports, transfer, brokering and transit of dual use items

European Parliament legislative resolution of 29 March 2012 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual use items

The European Parliament:

- approved the Council position at first reading;
- noted that the act was adopted in accordance with the Council position.

2. Consultation procedure

a) Administrative cooperation in the field of excise duties

European Parliament legislative resolution of 29 March 2012 on the proposal for a Council regulation on Administrative Cooperation in the field of excise duties

The European Parliament:

- approved the Commission proposal as amended;
- called on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
- 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 substantially amend the Commission proposal.

3. Consent procedure

a) Amended Constitution and Rules of Procedure of the International Rubber Study Group

European Parliament legislative resolution of 29 March 2012 on the draft Council decision on the conclusion by the European Union of the amended Constitution and Rules of Procedure of the International Rubber Study Group

The European Parliament:

- consented to the conclusion of the amended Constitution and Rules of Procedure of the International Rubber Study Group;

- called on the Commission to work on the expansion of the membership base of the International Rubber Study Group, in particular by engaging with the main rubber producing and consuming countries, to closely monitor the workings of the Group, and to report back to the Parliament on any relevant developments within two years of the date of entry into force of the Group's amended Constitution and Rules of Procedure.

4. Other procedures

a) Estimates of revenue and expenditure for 2013 - Section I - Parliament

European Parliament resolution of 29 March 2012 on Parliament's estimates of revenue and expenditure for the financial year 2013

The European Parliament:

- believed that Parliament's places of work should be limited to a single seat for Members and officials; called on the Council to take into account the demands expressed already on several occasions by Parliament and Union citizens concerning the need to fix a single seat for the Members and officials, further reiterated in paragraph 7 of its resolution of 16 February 2012 on the guidelines for the 2013 budget procedure, sections other than the Commission (para 2).

b) Mobilisation of the European Globalisation Adjustment Fund: Application EGF/2011/006 ES/Comunidad Valenciana - Construction of buildings, Spain

European Parliament resolution of 29 March 2012 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2011/006 ES/Comunidad Valenciana Construction of buildings from Spain)

The European Parliament:

- requested the institutions involved to make the necessary efforts to improve procedural and budgetary arrangements to accelerate the mobilisation of the EGF; appreciated the improved procedure put in place by the Commission, following Parliament's request for accelerating the release of grants, aimed at presenting to the budgetary authority the Commission's assessment on the eligibility of an EGF application together with the proposal to mobilise the EGF; hoped that further improvements in the procedure would be integrated in the new Regulation on the European Globalisation Adjustment Fund (2014 - 2020) and that greater efficiency, transparency and visibility of the EGF would be achieved (para 1);

- recalled the institutions' commitment to ensuring a smooth and rapid procedure for the adoption of the decisions on the mobilisation of the EGF, providing one-off, time-limited individual support geared to helping workers who had been made redundant as a result of globalisation and the financial and economic crisis; emphasised the role that the EGF could play in the reintegration of workers made redundant into the labour market (para 2);
- regretted the decision of the Council to block the extension of the 'crisis derogation', allowing the increase in the rate of Union co-financing to 65 % of the programme costs, for applications submitted after the 31 December 2011 deadline, and called on the Council to reintroduce this measure without delay (para 7).

c) Belarus

European Parliament resolution of 29 March 2012 on the situation in Belarus

The European Parliament:

- welcomed the Council decision of 28 February 2012 to strengthen restrictive measures and to add 21 persons responsible for the repression of civil society and the democratic opposition in Belarus to the list of those targeted by a travel ban and an asset freeze (para 11);
- welcomed the Council decision of 23 March 2012 to reinforce restrictive measures against the Belarusian regime by adding 12 more persons, benefiting from and supporting the Belarusian regime as well as persons responsible for the repression of civil society and the democratic opposition in Belarus, to the list of those targeted by a travel ban and an asset freeze as well as freezing the assets of 29 entities supporting the regime (para 12);
- called on the Council to take stock of the latest developments in EU-Belarus diplomatic relations and of the further deterioration in the situation regarding human rights and basic freedoms in the country and, on this basis, to adopt a decision concerning further restrictive measures, including targeted economic sanctions (para 13).

d) European Endowment for Democracy

European Parliament recommendation of 29 March 2012 to the Council on the modalities for the possible establishment of a European Endowment for Democracy (EED)

The European Parliament:

- addressed the following recommendation to the Council, urging it to:
 - ensure that the EED will generate a more strategic and political approach on the EU's part to democracy support, by providing context-specific, flexible, timely and bottom-up assistance with rapid reprogramming where this is needed to help facilitate democratic transition in partner countries;
 - show that, in order to achieve the objectives spelt out above, the creation of a new Fund is more appropriate and more effective than a revision of the existing instruments and in particular of the EIDHR;
 - clarify the mission and values of the EED in order to ensure clear criteria for the selection of beneficiaries, in particular regarding the methodology of the selection process;
 - emphasise the coherence and effectiveness of EU democracy support, as laid down in the Agenda for Action on Democracy Support in EU External Relations, and mandate and organise the EED in this spirit;
 - request that the EED guarantee the principle of national ownership of democratic processes and that democracy-building be carried out through empowerment of the bases of society, up to the highest organs of government;
 - ensure that the EED, while encouraging 'deep and sustainable democracy' in pre-transition, transition and post-transition countries, with a primary though not exclusive focus on the European Neighbourhood, receives a focused mandate, allowing it to complement democracy support measures from other instruments and underlining the added value brought by the new entity;
 - gain valuable experience through an initial (though not exclusive) focus on the European Neighbourhood;
 - guarantee that the EED plays a synergetic and complementary role relative to the work undertaken by the EU institutions, including the European Parliament, and the Member States, their agencies, and the foundations they fund, while working closely with them, creating partnerships and avoiding duplication; seek complementarity and close coordination with the Anna Lindh Foundation, particularly in order to promote democracy in the Mediterranean;

- ensure that the EED provides added value by complementing and not overlapping with or curtailing the activities of the existing funding instruments, particularly the EIDHR and the IfS; note that the EED could launch projects which could later be continued by the EIDHR or the geographic instruments, creating a programming interface so as to ensure coherence and sustainability in the longer term;
- define a precise methodology so as to avoid any overlap between financial instruments, the complex web of Community and parliamentary structures (OPPD, ECG, etc) responsible for human rights, and the EED before any work is started on the project;
- ensure at the strategic planning level that the EED cooperates with the other EU instruments and structures engaged in human rights and democracy work, especially the EIDHR, the IfS, the CSF and the geographic instruments; ensure sound and transparent financial management and low administrative and transaction costs; bear in mind the importance of the Community method, with the Commission being invited to examine as soon as possible how EU instruments could in the future provide more rapid response mechanisms and how and when an EU trust fund could be set up if the appropriate legal basis is established in the new Financial Regulation; ensure that if the EU budget contributes towards financing the EED, this will not be at the expense of the already limited resources of the EIDHR;
- enable the EED to act in three stages: pre-transition, transition and post-transition, and to kick-start projects and innovative solutions and ideas at ground level which could not hitherto be supported by the EU for reasons of procedural constraints or risk mitigation; model the EED, in addition, in such a way as to make it less risk-averse while respecting the EU Financial Regulation;
- request that the impartiality of the EU Election Observation Missions be ensured, considering, therefore, that the EED should not include such missions amongst its activities to promote democracy;
- address, in the early stages of funding in a specific country, a wide group of potential beneficiaries, including key pro-democracy political players (e.g. emerging political actors, grassroots movements and non-registered NGOs, and trade unions), watchdogs, whistleblowers, individual political activists, cultural actors, new media actors (bloggers and others), minority rights organisations and think-tanks, in order to enable the EED to support a wide variety of local actors striving for democratic reforms; provide support to the above-mentioned political actors and movements in a pluralist manner;

- ensure that the EED pays special attention to the participation of women in the democratic reform process, by supporting women's organisations and projects in gender-sensitive areas such as combating violence, generating employment, and political participation, extending equal access to justice and education for women and girls, and preventing or ending existing violations of women's rights;
- consider it essential that the EED grant multi-party support to associations in transition countries, given their role as key players in democracy and so that they can contribute to achieving national consensus;
- give the EED the power to award grants directly to the intended beneficiaries, in a non-discriminatory manner and in consultation with the EU delegations on the ground, and, possibly, through political foundations and NGOs with a proven track record of successful work in the field of democracy support; particularly at the beginning, ensure that re-granting operates as an effective mechanism to enable the EED to work with partners on the ground who have the requisite knowledge and local infrastructure and enjoy the trust of local people; note that re-granting, provided it respects political plurality at EU level and operates through core grantees, would reduce both the administrative burden on the EED and the potential risks;
- ensure that the EU can exercise political influence in accordance with its budgetary contribution; establish a light, transparent and politically representative governance structure, providing a balanced and cost-effective mix between representatives of the Member States and EU institutions, including Parliament, and independent experts and practitioners; strike a clear balance between the autonomy and independence of the EED and its accountability to its funders, and ensure the highest possible degree of financial probity in its accounts, taking special care to ensure that funds are not lost to corruption and that no funds are paid out to any person or entity with any links whatsoever to criminal or terrorist organisations;
- structure the EED as an administratively light, flexible and efficient Brussels-based structure, with straightforward grant award mechanisms; applicants should not be required to undergo cumbersome tendering procedures; cofinancing by beneficiaries should not be a prerequisite for funding; the award of grants should be conditional on compliance with strict and clear criteria, and the list of beneficiaries should be made public unless it jeopardises their security; appropriate safeguards should be implemented to avoid fraud and misuse of funds;

- build into the EED appropriate channels for structured cooperation and coordination with the Brussels- and field-based actors; provide for close coordination and consultation between the future Executive Committee and the EED staff and the European External Action Service (EEAS), the Commission and Parliament on the strategies, objectives and initiatives of the respective EU instruments, as well as a structured dialogue with the EU delegations and Member State embassies on the ground;
- ensure that the EED has robust links and consults regularly with beneficiary groups, but without having regional offices, relying instead on the EU delegations and on local organisations or independent experts and practitioners who have been thoroughly vetted to ensure that they have no links whatsoever to criminal or terrorist organisations;
- ensure that an adequate monitoring system to assess the effectiveness of the funding provided is put in place;
- consider, however, that priority should be given to establishing the EED as an external financing instrument of the EU within the Union's institutional framework, so as to ensure that Parliament can duly exercise its legislative and budgetary powers in relation to the EU's contribution and programming activities;
- guarantee that the EU's contribution to the EED budget is delivered in full conformity with the principles of good financial practice and is administered by staff trained in the application of the Financial Regulation in relation to the EU budget, and that Parliament can exercise full budgetary and legislative control, including the possible monitoring and scrutinising by the budgetary authority of how this funding is used;
- guarantee that Parliament can exercise broad political oversight over the EED's activities and programming and ensure that the implementation of its measures is thoroughly monitored and evaluated by an independent third party, inter alia by ensuring that Parliament is kept informed of the EED's annual reports; allow Parliament sufficient space to enable it to contribute during the programming phase, set priorities and strategic lines of action, and share its creative power and transitional experiences from Member States in support of democratisation processes beyond Europe's borders;

- ensure that Parliament is involved and consulted throughout the process of activation and implementation of the EED, through, inter alia, a politically balanced selection of MEPs on its Board of Governors and Executive Committee; review the composition of the Board of Governors to ensure that Member States are represented through the Council, and increase the participation of Parliament in the governing board of this instrument, so as to guarantee proper influence in line with Parliament's responsibility as one of the arms of the EU's budgetary authority; enable Parliament to provide input into defining the political and strategic guidelines, priorities, expected results and overall financial allocations underpinning the endowment's activities in a meaningful and systematic manner;
- keep under review the EED's impact, performance, and added value vis-à-vis the EU instruments and the sustainability of funded actions; draw appropriate conclusions and, if necessary, adjust its size, structure, funding mechanism and executive accountability accordingly; ensure that the results of such assessments are forwarded to Parliament.

e) Enlargement report for Serbia

European Parliament resolution of 29 March 2012 on the European integration process of Serbia

The European Parliament:

- welcomed the Council's decision to grant Serbia candidate country status on 1 March 2012; welcomes the progress achieved by Serbia in the reform process and the agreement between Belgrade and Pristina on inclusive regional cooperation reached on 24 February 2012; underlines the utmost importance of continuation of the Belgrade-Pristina dialogue and implementation in good faith of the agreements reached (para 1).

f) Enlargement report for Kosovo

European Parliament resolution of 29 March 2012 on the European Integration Process of Kosovo

The European Parliament:

- urged the Council and the Commission of the European Union to negotiate a Trade Agreement with Kosovo as soon as possible, as this was crucial for the development of the country and for a successful fight against unemployment (para 18);

- called on the Council immediately to authorise the Commission to open negotiations for a framework agreement with Kosovo concerning its participation in Community programmes; while noting the Commission’s recommendation to start with the programmes ‘Culture’ and ‘Europe for Citizens’, underlined the importance of extending Kosovo’s participation to other programmes as soon as possible (para 52);
- called on the Council and the Commission of the European Union to support, in close cooperation with the local, regional, and national authorities in Kosovo, the development of a modern, ecological, and sustainable agriculture and of SMEs for the production of renewable energy (para 57);
- recalled that a substantive perspective for the sustainability of Kosovo’s long-term economic development could only be provided through a trade agreement between the European Union and Kosovo; welcomed the Council’s invitation to the Commission to propose the way forward for a trade agreement as soon as sufficient progress had been made, and urged the Commission swiftly to send a first expert mission to Kosovo to assess the country’s progress in this field (para 58).

g) Enlargement report for Turkey

European Parliament resolution of 29 March 2012 on the 2011 Progress Report on Turkey

The European Parliament:

- noted that Turkey was the only candidate country which did not have visa liberalisation; stressed the importance of facilitating access to the European Union for business people, academics, students and representatives of civil society; supported the efforts of the Commission and the Member States to implement the visa code, harmonise and simplify visa requirements and create new visa facilitating centres in Turkey; urged Turkey to sign and implement the EU-Turkey readmission agreement without further delay and to ensure that, until this agreement entered into force, existing bilateral agreements were fully implemented; underlined the importance of intensifying cooperation between the EU and Turkey on migration management, the fight against human trafficking and border controls, inter alia in light of the large percentage of illegal immigrants entering EU territory via Turkey; asked for the progressive convergence of the visa policies of Turkey and the EU with regard to citizens of third countries; took the view that, once the readmission agreement is signed, the Council should mandate the Commission to initiate the visa dialogue and define the roadmap for visa liberalisation (para 3).

h) Enlargement report for Montenegro

European Parliament resolution of 29 March 2012 on the 2011 progress report on Montenegro

The European Parliament:

- welcomed the European Council's decision to aim to start accession negotiations with Montenegro in June 2012; called on the Member States not to unduly and unreasonably delay the launch of talks, given that Montenegro had achieved significant progress to date in fulfilling the required benchmarks (para 1).

i) European Investment Bank (EIB) - Annual Report 2010

European Parliament resolution of 29 March 2012 on the European Investment Bank (EIB) - Annual Report 2010

The European Parliament:

- considered that the EIB Group¹ should continue reporting annually to Parliament on its lending activities both within the EU, with regard to the promotion of the Union's objectives and the Europe 2020 Strategy's targets, and outside the EU, with regard to its mandate and the overall policy coherence of the EU's external action; took the view that the EIB and the European Bank for Reconstruction and Development (EBRD) should also focus on strengthening their coordination and cooperation work in third countries, in order to enhance their respective comparative advantages and avoid overlaps in their work², while ensuring more effective use of resources; recalled also that the Council and Parliament had agreed that the time was ripe to study the rationalisation of the system of European public financial institutions, with no options being excluded (para 2).

¹ The EIB Group includes the EIB and the EIF.

² Parliament called for this in its resolution of 25 March 2009 on the EIB and EBRD annual reports for 2007. Moreover, Parliament also adopted this position as part of its vote on the Bowles report on the subscription to additional shares in the capital of the European Bank for Reconstruction and Development ***I.

j) EU citizenship report 2010: dismantling the obstacles to EU citizens' rights

European Parliament resolution of 29 March 2012 on the EU Citizenship Report 2010: Dismantling the obstacles to EU citizens' rights

The European Parliament:

- took the view that the ECI, which would apply from 1 April 2012, constituted the first instrument of transnational participatory democracy and would give citizens the possibility to become actively involved in the framing of European policies and legislation; called for the effective, transparent and accountable implementation of the ECI Regulation and, in particular, called on the EU institutions and Member States to put in place all the necessary administrative and practical arrangements in a timely manner, to take an active role and participate effectively in informing citizens about this new instrument in such a way that all EU citizens could benefit from it fully, and, especially, to use the European Year of Citizens (2013) to develop momentum for awareness-raising; took the view, moreover, that the Committee on Petitions, on account of its experience of direct contact with citizens, should be given the responsibility of holding public hearings for organisers of successful European citizens' initiatives, as provided for in Article 11 of the ECI Regulation; proposed that the Commission regularly present a report to the Committee on Petitions on the implementation of the ECI (para 3);
- called on all Union institutions, bodies, offices and agencies to ensure that the right of access to documents provided for in Regulation (EC) No 1049/2001¹ – an important right enjoyed by EU citizens – was guaranteed by improving transparency and making access to documents and information easy, user-friendly and comprehensible, including through the provision of barrier-free technologies, so as to enable citizens to participate more closely in the decision-making process; pointed in this context to the central importance of the work of the European Ombudsman in upholding the right of access to Union institutions' documents (para 5);

¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001, p. 43.

- recalled that the almost 80 million people with disabilities in the European Union still faced obstacles, insurmountable in many instances, when, in various ways, they exercised their right of free movement as citizens of the Union; called, accordingly, on the EU institutions and the Member States to identify and eliminate obstacles and barriers restricting the ability of people with disabilities to benefit from the rights of EU citizens, and to make it easier for people with disabilities to gain access to all means of transport, infrastructure facilities, public education and information, without delays or extra costs, as soon as possible in accordance with the European Disability Strategy 2010-2020 (COM(2010)0636) and Parliament's above-mentioned resolution of 25 October 2011 based on that strategy; also drew attention to the disproportionately high number of older people with restricted mobility; called for the establishment of an Erasmus-type programme for people with disabilities (para 17);
- called on Parliament and the Council to ensure that the Member States had sufficient budget funds to ensure that the European Year of Citizens in 2013 and the associated activities, particularly those involving the media, ran smoothly, so that the objectives set could be attained (para 56).
