Brussels, 2 February 2022

**SP(2022) 38**

Replies of the Commission to positions and resolutions adopted by the European Parliament – December 2021 part-session

**THE FIRST PART OF THIS DOCUMENT INFORMS PARLIAMENT OF THE POSITION OF THE COMMISSION ON AMENDMENTS ADOPTED BY THE PARLIAMENT RELATING TO PROPOSED LEGISLATION DURING THE DECEMBER 2021 PART-SESSION.**

**IN THE SECOND PART THE COMMISSION LISTS A NUMBER OF NON-LEGISLATIVE RESOLUTIONS ADOPTED BY THE PARLIAMENT DURING THE SAME PART-SESSION, WITH EXPLANATIONS AS TO WHY IT WILL NOT BE RESPONDING FORMALLY.**

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**Part One**
**Legislative opinions**

**ORDINARY LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a decision of the European Parliament and of the Council on
a European Year of Youth 2022**

**1. Rapporteur:** Sabine VERHEYEN (EPP / DE)

**2. Reference numbers:** 2021/0328 (COD) / A9-0332/2021 / P9\_TA-PROV(2021)0468

**3. Date of adoption of the resolution:** 14 December 2021

**4. Legal basis:** Articles 165(4) and 166(4) of the Treaty on the Functioning of the European Union

**5. Competent Parliamentary Committee:** Committee on Culture and Education (CULT)

**6. Commission's position:** Accepts all amendments. The Commission presented the following statement:

The Commission takes note of the agreement of the co-legislators to introduce a minimum operational budget of EUR 8 million for the implementation of the European Year of Youth (2022), without prejudice to the possibility of complementary contributions from other relevant Union programmes and instruments in addition to this amount of EUR 8 million.

In addition, the Commission will carry out a mapping exercise throughout the Year and will regularly update it outlining the possible and actual contributions by EU programmes and instruments to the implementation of the European Year of Youth and reporting on the activities. The progress in the deployment of contributions by the Union programmes will be regularly presented to the European Parliament and the Council. These contributions should be considered as complementary and above the minimum operational budget of EUR 8 million*.*

**ORDINARY LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Council Framework Decision 2002/465/JHA, as regards its alignment with EU rules
on the protection of personal data**

**1. Rapporteur:** Jeroen LENAERS (EPP / NL)

**2. Reference numbers:** 2021/0008 (COD) / A9-0236/2021 / P9\_TA-PROV(2021)0487

**3. Date of adoption of the resolution:** 14 December 2021

**4. Legal basis:** Article 16(2) of the Treaty on the Functioning of the European Union

**5. Competent Parliamentary Committee:** Committee on Civil Liberties, Justice and Home Affairs (LIBE)

**6. Commission's position:** Accepts all amendments.

**ORDINARY LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 2014/41/EU, as regards its alignment with EU rules on the protection of personal data**

**1. Rapporteur:** Marina KALJURAND (S&D / ET)

**2. Reference numbers:** 2021/0009 (COD) / A9-0237/2021 / P9\_TA-PROV(2021)0488

**3. Date of adoption of the resolution:** 14 December 2021

**4. Legal basis:** Article 16(2) of the Treaty on the Functioning of the European Union

**5. Competent Parliamentary Committee:** Committee on Civil Liberties, Justice and Home Affairs (LIBE)

**6. Commission's position:** Accepts all amendments.

**SPECIAL LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a Council regulation amending Regulation (EU, Euratom) No 609/2014 in order to enhance predictability for Member States and to clarify procedures for dispute resolution when making available the traditional, VAT and GNI based own resources**

**1. Rapporteur:** José Manuel FERNANDES (EPP / PT), Valérie HAYER (Renew / FR)

**2. Reference numbers:** 2021/0161 (NLE) / A9-0347/2021 / P9\_TA-PROV(2021)0494

**3. Date of adoption of the resolution:** 14 December 2021

**4. Legal basis:** Article 322(2) of the Treaty on the Functioning of the European Union and Article 106a of the Treaty establishing the European Atomic Energy Community

**5. Competent Parliamentary Committee:** Committee on Budgets (BUDG)

**6. Commission's position:** rejects all amendments

The European Parliament supports the Commission’s efforts in maintaining a predictable and solid system of making own resources available. It proposes however two specific amendments that the Commission cannot accept.

* **Amendment deleting the extension of the capping of the interest to all cases not yet communicated to Member States**

The Commission shares the European Parliament’s view that the interest rate regime should constitute the incentive for protection of the financial interest of the Union and for the timely making available of own resources. The aim of the proposal to extend the capping is solely to avoid extremely high interest demands in very old cases where the interest is a multiple time higher than the principal amount. The Commission would like to reassure the European Parliament that the scope of the proposed extension by no means undermines the current interest rate regime and will not affect the proper functioning of the own resources system.

* **Amendment deleting the introduction of the review procedure for the cases of disagreement between Member States and the Commission**

The Commission agrees with the European Parliament’s view that the existing own resources legislation already affords Member States effective rights of defense. However, in the interest of clarity and transparency, the Commission proposes to codify the existing procedure for the constructive dialogue and exchanges between the Commission and Member States in case of disputes. This procedure is introduced as review procedure and the Commission is confident that this review procedure will not affect the proper functioning of the own resource system. The Commission can therefore not agree to delete the proposed review procedure, which is a tool that is most important to Member States.

**Part Two**
**Non-legislative resolutions**

**THE COMMISSION DOES NOT INTEND TO RESPOND FORMALLY TO THE FOLLOWING NON-LEGISLATIVE RESOLUTIONS, ADOPTED BY THE
EUROPEAN PARLIAMENT DURING THE DECEMBER 2021 PART-SESSION**

* Implementation of the Energy Performance of Buildings Directive (2021/2077 (INI))

EP: A9-0321/2021

Rapporteur: Seán KELLY

Date: 15-12-2021

Competence: Kadri SIMSON, Frans TIMMERMANS

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they were comprehensively addressed in plenary by Commissioner KYRIAKIDES on behalf of Commissioner SIMSON. Moreover, the Commission adopted on 6 December a Staff Working Document on the Long Term Renovation Strategies (SWD(2021)365) and on 15 December a proposal for a directive of the European Parliament and of the Council on the energy performance of buildings (recast).

* Equality between women and men in the European Union in 2018-2020 (2021/2020 (INI))

EP: A9-0315/2021

Rapporteur: Sandra PEREIRA

Date: 15-12-2021

Competence: Helena DALLI, Věra JOUROVÁ

Reason: The Commission will not be responding formally to the requests addressed in the resolution as the most important of them were addressed in plenary by Commissioner DALLI.

* Challenges and prospects for multilateral weapons of mass destruction arms control and disarmament regimes (2020/2001 (INI))

EP: A9-0324/2021

Rapporteur: Sven MIKSER

Date: 15-12-2021

Competence: Josep BORRELL FONTELLES

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they were comprehensively addressed in plenary by Commissioner KYRIAKIDES on behalf of the High Representative / Vice-President BORRELL.

* Continuous crackdown on civil society and human rights defenders in Russia: the case of human rights organisation Memorial (2021/3018 (RSP))

EP: RC9-0604/2021

Date: 16-12-2021

Competence: Josep BORRELL FONTELLES

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they were comprehensively addressed in plenary by Commissioner LENARČIČ on behalf of the High Representative / Vice-President BORRELL.

* The situation in Cuba, namely the cases of José Daniel Ferrer, Lady in White Aymara Nieto, Maykel Castillo, Luis Robles, Félix Navarro, Luis Manuel Otero, Reverend Lorenzo Fajardo, Andy Dunier García and Yunior García Aguilera (2021/3019 (RSP))

EP: RC9-0589/2021

Date: 16-12-2021

Competence: Josep BORRELL FONTELLES

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they were comprehensively addressed in plenary by Commissioner LENARČIČ on behalf of the High Representative / Vice-President BORRELL.

* Forced labour in the Linglong factory and environmental protests in Serbia (2021/3020 (RSP))

EP: RC9-0600/2021

Date: 16-12-2021

Competence: Josep BORRELL FONTELLES

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they were comprehensively addressed in plenary by Commissioner LENARČIČ on behalf of the High Representative / Vice-President BORRELL.

* The situation in Nicaragua (2021/3000 (RSP))

EP: RC9-0581/2021

Date: 16-12-2021

Competence: Josep BORRELL FONTELLES

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they were comprehensively addressed in plenary by the High Representative / Vice-President BORRELL.

* Situation at the Ukrainian border and in Russian-occupied territories of Ukraine (2021/3010 (RSP))

EP: RC9-0594/2021

Date: 16-12-2021

Competence: Josep BORRELL FONTELLES

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they were comprehensively addressed in plenary by the High Representative / Vice-President BORRELL.