Brussels, 22 November 2022

**SP(2022) 658**

Replies of the Commission to positions
and resolutions adopted by the European Parliament – October II 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 OCTOBER II 2022 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.**

**CONTENTS**

[**PART ONE – Legislative Resolutions**](#PARTONE)

[**special legislative procedure** – **First reading**](#OLP)

* [Guidelines for the employment policies of the Member States](#guidelines)

[**PART TWO – Non-legislative resolutions**](#PARTTWO)

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

**SPECIAL LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a Council decision on guidelines for the employment policies of the Member States**

**1. Rapporteur:** Alicia HOMS GINEL (S&D / SP)

**2. Reference numbers:** 2022/0165 (NLE) / A9-0243/2022 / P9\_TA(2022)0359

**3. Date of adoption of the resolution:** 18 October 2022

**4. Legal basis:** Article 148(2) of the Treaty on the Functioning of the European Union

**5. Competent Parliamentary Committee:** Committee on Employment and Social Affairs (EMPL)

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

The Commission regards the wording of the Commission proposal for a Council decision on guidelines for the employment policies of the Member States as balanced and appropriate.

After a thorough review of the amendments adopted by the European Parliament, the Commission is of the opinion that **most of them are (in content and/ or nature) already part** of the Employment Guidelines or mentioned in recitals. In some cases, they call for the adoption of new (legislative) initiatives, which does not seem appropriate in this context[[1]](#footnote-1) or for example ask to put the European Parliament on equal footing with the Council as concerns the definition of the Integrated Guidelines for Growth and Jobs, though this would require a Treaty change of Article 148 TFEU that defines the role of the legislator.

In light of this, the Commission could accept wording from the following amendments:

* The Commission could accept the following addition (**in bold**) in *recital 3*: “In accordance with the TFEU, the Union has developed and implemented policy coordination instruments for economic and employment policies. As part of those instruments, the Guidelines for the Employment Policies of the Member States(the ‘Guidelines’) set out in the Annex to this decision, together with the Broad Guidelines for the Economic Policies of the Member States and of the Union set out in Council Recommendation (EU) 2015/1184, form the Integrated Guidelines. They are to guide policy implementation in the Member States and in the Union, reflecting the interdependence between the Member States. The resulting set of coordinated European***,*** national policies and reforms are to constitute an appropriate overall sustainable economic***,*** employment **and social** policy mix, which should achieve positive spill over effects.”, as they indeed also guide an appropriate social policy mix.
* The Commission could accept in *recital 4* the addition of references to the proposal for a Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures and the proposal for Regulation of the European Parliament and of the Council on establishing a Social Climate Fund (**in bold**): “[…] **the Proposal for a Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures**, the Proposal for a Directive of the European Parliament and of the Council on improving working conditions in platform work**,** **the Proposal for Regulation of the European Parliament and of the Council on establishing a Social Climate Fund**[…]”.
* The Commission could accept a reference to “**mental health**” as proposed in *recital 5* a new “**In order to effectively eradicate risks at work, both mental and physical health should be protected”**, but would prefer to make the reference as provisionally agreed by EMCO in ***Guideline 7*,** where it fits better “At the same time, it is important to ensure that the workers’ rights in terms of working time, working conditions, **mental health at work,** and work-life balance are respected.”
* The Commission could accept in *Guideline 6, para 2*, the addition of referencing to the “**Barcelona targets**” (**in bold**): In particular, children should be provided access to good quality early childhood education and care, in line with the European Child Guarantee ***and the Barcelona targets***.” as it is in line with the Commission proposal and well reflects the proposed revision of the Barcelona targets.
* The Commission could accept in *Guideline 7, para 5*, the reference to “**labour law**” (**in bold**): “Member States should also strive to create the appropriate conditions for new forms of work, delivering on their job-creation potential while ensuring they are compliant with existing **labour law and** social rights.” as it is correct that new forms of work should also be compliant with labour law.
* The Commission could accept in *Guideline 7, para 7*, the reference to “**the rising cost of living**” (**in bold**): “Building on existing national practices, and in order to achieve more effective social dialogue and better socio-economic outcomes, including in crisis times like with the war in Ukraine **and the rising cost of living,** the Member States should ensure the timely and meaningful involvement of the social partners in the design and implementation of employment, social and, where relevant, economic reforms and policies, including by supporting increased capacity of the social partners.” as social dialogue has also an important role to play in this respect.
* The Commission could accept in *Guideline 8, para 5*, the addition of “**good quality**” (**in bold**): “Member States should ensure that everyone, including children, has access to essential services ***of good quality***.” which reflects Pillar principle 20 “Everyone has the right to access **essential services of good quality**…”.

**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 OCTOBER II 2022 PART-SESSION**

* UN Climate Change Conference 2022 in Sharm-el-Sheikh, Egypt (COP27) (2022/2673 (RSP))

EP: B9-0461/2022

Date: 20-10-2022

Competence: 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 Johansson on behalf of Executive Vice-President Timmermans.

* The situation in Burkina Faso following the coup d’état (2022/2865 (RSP))

EP: RC9-0464/2022

Date: 20-10-2022

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 Urpilainen, on behalf of the High Representative/Vice-President Borrell.

1. Recital 8 a (new) “For that purpose, the funding of the European Child Guarantee should be urgently increased with a dedicated budget of at least EUR 20 billion as repeatedly requested by the European Parliament.” [↑](#footnote-ref-1)