Brussels, 22 March 2023

**SP(2023) 154**

Replies of the Commission to positions and resolutions adopted by the European Parliament –
February II 2023 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 FEBRUARY II 2023 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)

**ordinary legislative procedure** – **First reading**

* [Enforcement regulation for the EU-UK Trade and Cooperation Agreement and the UK Withdrawal Agreement](#UK)
* [REPowerEU chapters in recovery and resilience plans](#Repower)
* [Union Secure Connectivity Programme 2023-2027](#Secure)
* [Regulation CO2 cars and vans](#cars)
* [Long Term Investment Funds](#Funds)

**special legislative procedure** – **First reading**

* [Detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for Union citizens residing in a Member State of which they are not nationals](#EP)
* [Detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by Union citizens residing in a Member State of which they are not nationals](#municipal)

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

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

**ORDINARY LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council laying down rules for the exercise of the Union's rights in the implementation and enforcement of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community and of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part**

**1. Rapporteur:** Danuta Maria HÜBNER (EPP / PL), Seán KELLY (EPP / EI), Andreas SCHIEDER (S&D / AT)

**2. Reference numbers:** 2022/0068 (COD) / A9-0248/2022 / P9\_TA(2023)0032

**3. Date of adoption of the resolution:** 14 February 2023

**4. Legal basis:** Articles 43, 91, 100, 173, 182, 188, 189 and 207 of the Treaty on the Functioning of the European Union

**5. Competent Parliamentary Committee:** Committee on Foreign Affairs (AFET), Committee on International Trade (INTA), Committee on Constitutional Affairs (AFCO)

**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 regulation of the European Parliament and of the Council amending Regulation (EU) 2021/241 as regards REPowerEU chapters in recovery and resilience plans and amending Regulation (EU) 2021/1060, Regulation (EU) 2021/2115, Directive 2003/87/EC and Decision (EU) 2015/1814**

**1. Rapporteur:** Siegfried MUREŞAN (EPP / RO), Eider GARDIAZABAL RUBIAL (S&D / ES), Dragoş PÎSLARU (Renew / RO)

**2. Reference numbers:** 2022/0164 (COD) / A9-0260/2022 / P9\_TA(2023)0036

**3. Date of adoption of the resolution:** 14 February 2023

**4. Legal basis:** Article 175 third paragraph, Article 177 first paragraph, Article 192 (1), Article 194 (2) and Article 322 (1) of the Treaty on the Functioning of the European Union

**5. Competent Parliamentary Committee:** Committee on Budgets (BUDG), Committee on Economic and Monetary Affairs (ECON)

**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 regulation of the European Parliament and of the Council establishing the Union Secure Connectivity Programme for the period 2023-2027**

**1. Rapporteur:** Christophe GRUDLER (Renew / FR)

**2. Reference numbers:** 2022/0039 (COD) / A9-0249/2022 / P9\_TA(2023)0033

**3. Date of adoption of the resolution:** 14 February 2023

**4. Legal basis:** Article 189(2) of the Treaty on the Functioning of the European Union

**5. Competent Parliamentary Committee:** Committee on Industry, Research and Energy (ITRE)

**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 regulation of the European Parliament and of the Council amending
Regulation (EU) 2019/631 as regards strengthening the CO2 emission
performance standards for new passenger cars and new light commercial
vehicles in line with the Union’s increased climate ambition**

**1. Rapporteur:** Jan HUITEMA (Renew / NL)

**2. Reference numbers:** 2021/0197 (COD) / A9-0150/2022 / P9\_TA(2023)0039

**3. Date of adoption of the resolution:** 14 February 2023

**4. Legal basis:** Article 192(1) of the Treaty on the Functioning of the European Union

**5. Competent Parliamentary Committee:** Committee on Environment, Public Health and Food Safety (ENVI)

**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 regulation of the European Parliament and of the Council amending Regulation (EU) 2015/760 as regards the scope of eligible assets and investments, the portfolio composition and diversification requirements, the borrowing of cash and other fund rules and as regards requirements pertaining to the authorisation, investment policies and operating conditions of European long-term investment funds**

**1. Rapporteur:** Michiel HOOGEVEEN (ECR / NL)

**2. Reference numbers:** 2021/0377 (COD) / A9-0196/2022 / P9\_TA(2023)0040

**3. Date of adoption of the resolution:** 14 February 2023

**4. Legal basis:** Article 114 of the Treaty on the Functioning of the European Union

**5. Competent Parliamentary Committee:** Committee on Economic and Monetary Affairs (ECON)

**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 directive laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for Union citizens residing in a Member State of which they are not nationals (recast)**

**1. Rapporteur:** Damian BOESELAGER (Greens/EFA / DE)

**2. Reference numbers:** 2021/0372 (CNS) / A9-0297/2022 / P9\_TA(2023)0037

**3. Date of adoption of the resolution:** 14 February 2023

**4. Legal basis:** Article 22(2) of the Treaty on the Functioning of the European Union

**5. Competent Parliamentary Committee:** Committee on Constitutional Affairs (AFCO)

**6. Commission's position:** The Commission is open to supporting discussions in the Council addressing the amendments that maintain the logic of its proposal and are consistent with the measures ensuring access of mobile Union citizens to their electoral rights under the same conditions as nationals.

Concerning Parliament’s amendments enabling immediate voter registration on the basis of the registration of residence, the Commission notes some Member States do not have residence registration requirements. In addition, the proposed deadline of 14 weeks for registration on electoral rolls, could exclude mobile Union citizens who establish their residence in a Member State after the deadline. The proposed deadline could be construed as restricting the timeframe for registration beyond what would be necessary to allow the exchange of information set out in Article 13 of the proposal.

Amendments conditioning the provision of information to mobile Union citizens upon establishment of their residence in the Member States concerned, could leave out mobile Union citizens living in Member States that do not have registration requirements.

In relation to amendments that would require Member States to provide electoral information to mobile Union citizens in an official language of the Union understandable to them, the Commission notes that they could be challenging to implement, particularly due to the administrative costs for the Member States.

As to the Parliament’s proposals to apply accessibility requirements laid down in Annex I of Directive (EU) 2019/882 to the provision of information to specific groups of mobile Union citizens, including homeless people and persons in prison, the Commission would like to point out that that directive contains requirements regarding the accessibility of certain products and services for persons with disabilities including in relation to information. Member States may decide to extend the use of these requirements more broadly, beyond their intended purpose.

About the call to Member States to consider introducing complementary voting tools, the Commission notes that, albeit of an exhortatory nature, such amendments could be construed as outside the scope of the legal basis of the proposal, Article 22(2) of the Treaty on the Functioning of the European Union, which primarily seeks to ensure non-discrimination of mobile Union citizens.

With regard to the amendments to align the proposal with elements of the European Parliament’s proposal to reform the EU electoral law, the Commission notes that these do not exist in the current legal framework.

Amendments aimed at removing the current derogation currently allowing a Member State to restrict the right to vote and stand in European elections for mobile EU citizens when their population grows to over 20% of all EU citizens (nationals and mobile) residing in its territory, would change the balance of the Commission’s proposal and its specific objectives.

Extending the period for the exchange of information on the electoral rights of mobile Union citizens, registered as voters or candidates in their host Member State, from 6 weeks as set out in the Commission’s proposal, to 16 weeks, could reduce legal certainty as it is not consistent with the 6 weeks period for the data exchange set out in Council Decision 2018/994 on the revision of EU electoral act, which has not entered into force yet.

The collection of data on electoral participation based on common indicators established via a delegated act could affect current tabulation or data collection national procedures used in elections and increase administrative costs of Member States.

Finally, on the proposed changes to the timing of the evaluation of the application of the directive, the Commission would like to note that conducting such evaluations 18 months after each election could impose an unnecessary burden, particularly in the light of its practice of issuing a report on each election to the European Parliament.

**SPECIAL LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a Council directive laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in municipal elections by Union citizens residing in a Member State of which they are not nationals (recast)**

**1. Rapporteur:** Joachim Stanisław BRUDZIŃSKI (ECR / PL)

**2. Reference numbers:** 2021/0373 (CNS) / A9-0005/2023 / P9\_TA(2023)0038

**3. Date of adoption of the resolution:** 14 February 2023

**4. Legal basis:** Article 22(1) of the Treaty on the Functioning of the European Union

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

**6. Commission's position:** The Commission is open to support discussions in the Council addressing the amendments that maintain the logic of its proposal and are consistent with the measures ensuring access of mobile Union citizens to their electoral rights under the same conditions as nationals.

Concerning Parliament’s amendments aiming at introducing the immediate registration of mobile Union citizens on the electoral roll upon receiving their consent at the time of the registration of their residence, the Commission notes that some Member States do not have residence registration requirements. These amendments go beyond the Commission’s proposal and may also raise concerns from Member States making use of automatic voter registration.

About the amendments conditioning the provision of information to mobile Union citizens upon establishment of their residence in the Member States concerned, the Commission notes that they could leave out mobile Union citizens living in Member States that do not have registration requirements under the free movement acquis.

In relation to amendments that would require Member States to provide electoral information to mobile Union citizens in an official language of the Union of their preference, the Commission notes that they could be challenging to implement, particularly due to the administrative costs for the Member States.

As to the Parliament’s proposals to apply accessibility requirements laid down in Annex I of Directive (EU) 2019/882 to the provision of information to specific groups of mobile Union citizens, including people in remote areas, minority groups and those who face difficulties in voting, the Commission would like to point out that that directive contains requirements regarding the accessibility of certain products and services for persons with disabilities including in relation to information. Member States may decide to extend the use of these requirements more broadly, beyond their intended purpose.

Regarding the call to Member States to make use of postal voting and ensure that persons with disabilities receive, at their request, assistance in voting by a person of their choice, the Commission notes that, albeit of an exhortatory nature, such amendments could be construed as outside the scope of the legal basis of the proposal, Article 22(1) of the Treaty on the Functioning of the European Union, which primarily seeks to ensure non-discrimination of mobile Union citizens.

As to amendments aimed at removing current derogations, the Commission notes that they would change the balance of the proposal and its specific objectives.

Finally, the collection of data on electoral participation based on common indicators established via a delegated act could affect current tabulation or national procedures used for data collection in elections and increase administrative costs of 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 FEBRUARY II 2023 PART-SESSION**

* Situation of the former President of Georgia Mikheil Saakashvili (2023/2543 (RSP))
EP: RC9-0106/2023

Date: 15-02-2023

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

* The EU priorities for the 67th session of the UN Commission on the Status of Women (2022/2839 (RSP))

EP: B9-0100/2023

Date: 15-02-2023

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

* The situation of human rights defenders in Eswatini, notably the murder of Thulani Maseko (2023/2551 (RSP))

EP: RC9-0124/2023

Date: 16-02-2023

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.

* Violence against opposition activists in Equatorial Guinea, notably the case of Julio Obama Mefuman (2023/2552 (RSP)

EP: RC9-0122/2023

Date: 16-02-2023

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 recent deterioration of the inhuman imprisonment conditions of Alexey Navalny and other political prisoners in Russia (2023/2553 (RSP))

EP: RC9-0133/2023

Date: 16-02-2023

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.

* One year of Russia’s invasion and war of aggression against Ukraine
(2023/2558 (RSP))

EP: RC9-0126/2023

Date: 16-02-2023

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.