



DG INTERNAL POLICIES OF THE UNION

- Directorate E -

LEGISLATIVE COORDINATION UNIT

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**Information note
on the main dossiers expected
under the future Spanish presidency**

On 1 January 2010, Spain will take over the Presidency of the Council of the European Union for the fourth time. This Presidency comes at a crucial time marked by:

- a new Treaty to implement, which will significantly affect the inter-institutional balance of the Union,
- a new system of presidencies in the Council mixing permanent interlocutors and rotating presidencies,
- a new trio of Presidencies, inaugurated by Spain, Belgium and Hungary, which will shape the work programme of the Council over the next 18 months,
- a new Commission which will define its long-term political strategy and its medium-term legislative priorities.

I. Possible priorities from the Spanish Presidency :

The draft programme of Council activities until mid-2011, prepared by Spain, Belgium and Hungary, has been presented on 27 November with a view to its endorsement by the General Affairs Council (attached in annex). In this context, the programme of the Spanish Presidency is being finalised but some likely priorities can be outlined:

- Financial, economic and social crisis:

In the current context, the future Presidency will pursue a strategic objective to facilitate the crisis exit process and build at European level a model of economic and social growth environmentally and financially sustainable through:

○ Review of the Lisbon Strategy - "EU 2020"

One of the Presidency key objectives will be the adoption of a renewed Lisbon Strategy for sustainable growth and employment for the forthcoming decade (2010-2020) with special emphasis on education, quality job and social cohesion. The initial objective to reach an agreement during the Spring Summit will probably have to be rescheduled for the June European Council to enable the new Commission to fully prepare the review.

- **Renewed Social Agenda**

The approval of the new Social Agenda (2011-2015) is a priority for the trio of Presidencies but, more generally, the social dimension - including within the Lisbon Strategy - should be given added emphasis by the future Presidency, all the more since 2010 will be the European Year against Poverty and Social Exclusion.

In this regard, the Presidency intends to pay special attention to two specific issues: (1) **gender equality** as part of the wider concept of European citizenship in the 21st century and (2) **fight against domestic violence** (the creation of a European observatory on domestic violence might be proposed).

- **Financial markets regulation and supervision**

This autumn, the Commission adopted a package of legislative proposals to strengthen the supervision of the financial sector in Europe. The proposal creating a **European Systemic Risk Board** and the package setting-up the **new EU supervision architecture** should be dealt with in June together with other important pieces of legislation on financial services, such as the Directive on **Alternative Investment Fund Managers** and the **Capital Requirement Directive**.

- **Energy, climate change, sustainable use of natural resources**

On the basis of the results of the UN Climate Conference in Copenhagen (7-18 December) aimed at reaching a **post-Kyoto agreement** on global emissions reductions, the trio of presidencies hope to steer the adoption of a **new Energy Action Plan** (2010-2012) pursuing three objectives: efficiency, security and diversification of supply. The Spanish Presidency should also encourage further progress of the **internal energy market**.

The Spanish Presidency aims at paving the way for the reinforcement of the **Common Agricultural Policy** (CAP) and the revision of the **Common Fisheries Policy** (CFP). Spain would also promote initiatives aiming at protecting **biodiversity** and ensuring a sustainable use of **water**. The consolidation and development of **ultraperipheral regions** will also be a priority.

- **Freedom, Security and Justice Area (FSJA)**

After the European Council has adopted the new Multiannual strategic work programme in the Freedom, Security and Justice Area (10-11 December), the priority will be to adopt an **Action plan** to implement the **Stockholm programme** which will specify the framework for EU police and customs cooperation, rescue services cooperation, criminal and civil law cooperation (with a particular focus on organised crime and terrorism) as well as asylum, migration and visa policy for the period 2010-2014.

- **Implementation of the Lisbon Treaty**

A smooth implementation of the new Treaty will entail a high level of inter-institutional cooperation on a number of issues in view of a **political and institutional renovation**:

- relations to establish with the new President of the European Council, with the High Representative for Foreign Affairs and Security,
- new prerogatives of the EP in the legislative and budgetary fields,
- development of the new competences of the Union (such as education, energy or public health),
- involvement of national (and where appropriate regional) parliaments in the legislative process
- establishment of the European External Action Service...

- **External relations**

The overarching objectives of the incoming presidency are to reinforce the EU as a global actor, to promote human rights and fight for the eradication of poverty.

Nine **summits** are foreseen under Spanish Presidency: The United States (with a view to relaunching the Transatlantic Agenda), Russia, Japan, Canada, Union for the Mediterranean, Latin America, Morocco, Pakistan and Mexico.

Spain should also give further impetus to the **Mediterranean dimension** of the EU policy, in particular through the Union for the Mediterranean. Special attention should be given to a balanced development of the two dimensions of the Neighbourhood policy.

Accession negotiations will continue with Croatia and Turkey under the term of the trio of presidencies, as well as the follow-up to the application for membership placed by Iceland. Moreover, the trio will pay special attention to the situation in the Western Balkans.

II. **Overview of parliamentary committees' key dossiers :**

As is tradition, the Conference of Committee Chairs will receive the incoming Presidency before the start of its term to have an exchange of views on its priorities. On the occasion of the meeting with Mr Diego LOPEZ GARRIDO, Spanish Secretary of State for the European Union, scheduled on 15 December in Strasbourg, parliamentary committees have identified a limited number of key dossiers, notably of horizontal nature, to serve as a basis for the discussions:

a. **Treaty of Lisbon**

- For all parliamentary committees, the priority for the next months will be to successfully implement the new provisions of the Treaty of Lisbon such as:

- an improved **inter-institutional programming**, since the Treaty foresees that *"the Commission shall initiate the Union's annual and multiannual programming with a view to achieving inter-institutional agreements"*;
 - the scrutiny of the **Commission's delegated or implementing powers**:
 - the imminent Communication by the Commission outlining the Institution's view on various aspects of the delegation of powers by the co-legislator, including the issue of non binding standard wording, will be carefully analysed by committees within the Conference of Committee Chairs ;
 - a general alignment of the *acquis* to the new system of delegated acts will be necessary ;
 - As regards the new system of implementing acts, a draft regulation laying down mechanisms for control of the **Commission implementing powers** is also expected in the coming month under the OLP ; in the meantime, an interim arrangement limited in time, should be envisaged to avoid a legislative blockage.
 - the **subsidiarity check** carried out by National Parliaments which will give a new impetus to inter-parliamentary initiatives undertaken at committee level to focus on "issue based contacts", in line with the resolution adopted by Parliament on 7 May 2009.
- The Treaty has an even greater impact on some committees responsible for areas where **Parliament prerogatives** were significantly increased:
- the annual and multiannual budget of the Union,
 - the Common Commercial Policy,
 - the Freedom, Security and Justice Area,
 - the Common Agricultural Policy,
 - the Common Fisheries Policy.

In the short term, committees concerned will analyse all **pending legislative proposals** to check possible new legal bases and/or procedures and to assess whether some opinions given by Parliament in consultation procedures could be reconfirmed as first readings in codecision bearing in mind the new legal framework created by the Treaty with the subsidiarity check and the new delegated or implementing acts.

With regard to **agriculture**, an inter-institutional issue is looming as regards the scope of the exceptions where Parliament is granted neither codecision nor consultation rights (measures on price fixing, levies, aid and quantitative limitations).

- The implementation of the Treaty will also require the overall adjustment of the **financial framework** of the Union through proposals:
- For **amending the Budget for 2010** to finance the setting-up of the European External Action Services and of the secretariat for the President of the European Council but also to cater for the needs of all Institutions - in particular Parliament - to enable them to properly exercise their new responsibilities.

- For the transition from the current Inter-Institutional Agreement on budgetary discipline and sound management to the **future Multi-annual Financial Framework**, to be adopted unanimously by Council after Parliament's consent. Formal proposals are not expected before 2010 under the responsibility of the new Commission. In Parliament's view, the mid-term review of the financial perspectives should encompass a mid-term evaluation of ongoing legislative programmes.
 - For the revision of the **Financial Regulation**.
- Finally, the entry into force of the Treaty, as of 1 December, will trigger in the short and medium term the presentation of a number of draft legislative acts needed to implement some of its new provisions:
- the **European External Action Services package** which includes:
 - the draft Council Decision setting-up the EEAS presented by the High-Representative for Foreign Affairs and Security Policy upon which Parliament will be consulted
 - the amendment of the Budget for 2010,
 - adjustments to the Financial Regulation and to the Staff Regulation all subject to the ordinary legislative procedure (OLP)
 - the draft Regulation laying down the procedures and conditions for a **citizens' initiative** to be adopted under the OLP. Ahead of this proposal, a green paper has already been published by the Commission on 11 November. The Council is committed to work swiftly on the future proposal with a view to its adoption during the first semester of 2010.
 - the EU accession to the **European Convention for the Protection of Human Rights and Fundamental Freedoms** (subject to Parliament's consent)

b. External relations, foreign affairs and security policy

In preamble, it must be noted that the mixed system of presidencies introduced by the Treaty of Lisbon will entail **structural changes** whose magnitude remains to be seen in particular as to how the priorities identified by the rotating presidencies will fit in the new Foreign Affairs Council chaired by the High Representative? What will be the dynamics between the Foreign Affairs Council, chaired by the HR, and the General Affairs Council, chaired by the Minister for Foreign Affairs of the presidency-in-office? How will it impact on the dynamics of the Council's preparatory bodies? How the external representation of the Union will be handled between the HR, the President of the European Council, the Head of State or Government of the country holding the six month presidency and his Foreign Affairs Minister?

On the substance, besides the setting-up of the **EEAS**, the following topics should also feature prominently on Parliament's agenda in the coming months:

- **New EU Strategy for Latin America** which will be the focus of the EU-Latin America Summit in May,

- Relaunching the **Union for the Mediterranean**,
- **Mid-term review of the RELEX financial instruments**: this mid-term review concern the European Neighbourhood and Partnership Instrument (ENPI), the Instrument for Stability (IFS), the Instrument for Development and Cooperation (DCI), the European Instrument for Democracy and Human Rights (EIDHR) and the instrument for cooperation with industrialised countries (ICI),
- Multilateral negotiations in the WTO **Doha Development Round**,
- Implementation of the **Common Security and Defense Policy** in particular as regards the three major innovations introduced by the Treaty of Lisbon: (1) the mutual assistance clause in the case of armed aggression by a third country (2) the solidarity clause in the case of a terrorist attack or of a man-made or natural disaster and (3) the permanent structured cooperation.

c. Specific issues:

Apart from the main issues listed as part of Spain likely priorities - the renewal of the Lisbon Strategy, the financial markets regulation and supervision, the follow-up to Copenhagen ... - the following topics have been flagged up by parliamentary committees as additional key dossiers for the coming months:

- The Community programme for Employment and social solidarity and the **Progress Micro-finance Facility** to put in place targeted financial support to new entrepreneurs (depending on the outcome of the ongoing interinstitutional talks with the Swedish Presidency which aims at a first reading agreement but the budgetary issues remains unsolved ; plenary vote scheduled for December 2009)
- **Working time in the road transport** sector (the main objective of this revision is to include self-employed drivers in the scope of the Directive ; this is very sensitive for Spain which counts many independent lorry drivers ; Spanish Presidency would aim for a political agreement at the Transport Council in March 2010)
- **Pharmaceutical package** (the two proposals concerning "information to patients" are the most difficult part of the package - in particular the distinction between information and advertising ; Swedish Presidency concentrated its efforts on the second set of proposals on pharmacovigilance in the hope to reach agreement on this part of the package but MEPs insist on keeping the package together ; EP first reading scheduled for April/May 2010)
- **Human organs** intended for transplantation (main Spanish Presidency topic on health policy; EP 1st reading scheduled for April 2010)
- **Biocidal products** (main issues are the definition of low-risk products, exclusion criteria, incentives for research an development, scope of comitology measures ; a policy debate is expected at the Environment Council in December)
- **Electronic Waste package** (WEEE/RoHS) (the main issue of this revision is the appropriate

scope of both legal instruments ; 1st reading scheduled during the May session ; Spanish Presidency would aim for political agreement at the Environment Council of June)

- **Food information to consumers** (the main issues are the nutrition labeling, country of origin labeling, allergens, exemption for alcoholic drinks ; EP first reading expected in May 2010)
- **Security of Gas Supply** (Parliament first reading is expected in March/April 2010); a number of initiatives are expected from the new Commission in the field of energy, such as a new Energy Action Plan, the follow-up to Copenhagen Summit and proposals concerning nuclear energy.
- **Consumer Rights Directive** (the main issue at stake is the appropriate level of harmonisation - a full harmonisation across the board or limited to a number of selected areas leaving room for possible higher national protection - discussions expected beyond Spanish Presidency since the first reading is scheduled for November 2010)
- **Late payments in commercial transactions** (an agreement was found between IMCO and JURI to work in close cooperation on this proposal due to be voted in plenary in May 2010)
- **Passengers rights** - maritime and buses/coaches (Parliament adopted its first reading on both proposals under the sixth term but progress in Council has been uneven: while a political agreement has already been reached on the maritime passengers file it is not clear whether the Swedish presidency efforts to broker a deal on the second proposal by the end of 2009 will be successful; in any case, the objective for Parliament would remain to conduct negotiations on both files as a package)
- **Cross border enforcement in the field of road safety** (the key issue is the legal base since Parliament objects to using the third pillar, as proposed by the Council ; the entry into force of the Lisbon Treaty could result in a revised proposal by the new Commission to unblock the situation)
- the **European Union Solidarity Fund** (the proposal has been kept on hold by the Council since Parliament adopted its first reading in May 2006; however, at the end of the previous legislature, the Commission made a commitment to propose further measures with a view to unblocking the situation in Council)
- Reform of the **Common Fisheries Policy** (the Green Paper published last May should result in a series of legislative proposals towards the end of 2010 or beginning of 2011 ; the ongoing public consultation on the GP will end on 31/12/09 ; debate in plenary possibly in February)
- New Strategy for European **Aquaculture** (proposed by the Commission in April 2009; debate in plenary possibly in April)
- The so-called "**Technical measures**" aimed at improving selectivity in the capture of certain fish (this is a very sensitive file upon which Parliament adopted its opinion in consultation under the previous term but since the Council did not manage to reach an agreement before the entry into force of the Treaty, this file qualifies for reconsideration by EP under the ordinary legislative procedure)

- New proposal for a **European Heritage Label** (expected in February 2010),
- Possible proposal by the new Commission for a short multiannual programme in the field of **sport** (new legal base introduced by the Treaty of Lisbon)

Annex: draft 18 month programme of the Council prepared by the future Spanish, Belgian and Hungarian presidencies