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|  | EUROPEAN COMMISSIONSECRETARIAT GENERALDirectorate E**Relations with the European Parliament, the European Ombudsman, the European Economic and Social Committee and the Committee of the Regions** |

Brussels, 5 October 2004

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| **SP(2004)2350** |  |  |

**Commission Communication on follow-up to opinions and resolutions adopted by the European Parliament at the September 2004 part-session**

**The first part of this Communication informs the European Parliament of the Commission's response to the amendments adopted by Parliament in respect of legislative proposals during the September 2004 part-session.**

**In the second part, the Commission lists a number of non-legislative resolutions adopted by Parliament during the same part-session, with an explanation as to why it will not be responding formally.**

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**Part One
Legislative opinions**

**CONSULTATION PROCEDURE REQUIRING A SINGLE READING**

**Proposal for a Council regulation on the conclusion of the Protocol defining for the period 1 January 2004 to 31 December 2006 the tuna fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Democratic Republic of Madagascar on fishing off Madagascar**

**1. Rapporteur:** Philippe Morillon

**2. EP No:** [A6-0002/2004](http://www2.europarl.eu.int/omk/sipade2?L=EN&OBJID=89403&LEVEL=4&MODE=SIP&NAV=X&LSTDOC=N)

**3. Date of adoption:** 15 September 2004

**4. Subject:**

European Parliament legislative resolution on the proposal for a Council regulation on the conclusion of the Protocol defining for the period 1 January 2004 to 31 December 2006 the tuna fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Democratic Republic of Madagascar on fishing off Madagascar (COM(2004) 0218)

**5. Inter-institutional reference:** 2004/0070(CNS)

**6. Legal basis:** Articles 37, Article 300(2) and 300(3), first subparagraph of the EC Treaty

**7. Competent Parliamentary Committee:** Fisheries Committee

**8. The Commission's position:**

The Commission rejects all the amendments.

**Amendment 1:**

The Commission is entirely in agreement with the spirit. The protection of the EU's fisheries interests in conjunction with the sustainable management of fishery resources and with the development of coastal populations living on fisheries are the main objectives of the EC Fisheries Agreements. Therefore the Commission considers that this amendment is not necessary.

**Amendment 2:**

The Commission is committed to undertaking impact assessment studies. Before any Protocol is renewed, the entire period which it covers is evaluated, measuring indicators relating to results (catches, value of catches) and impact (number of jobs created and maintained, relation between the cost of the Protocol and the value of catches). Therefore the Commission considers that this amendment is not necessary.

**Amendment 3:**

The Commission already addresses this concern, by allocating funds under targeted measures aiming at the development of traditional fisheries and by requesting an annual report on the implementation of these measures. Therefore, the Commission considers that this amendment is not necessary.

**Amendment 4:**

The Commission fully shares the concern to keep the EP informed on the various aspects of the implementation of the Protocol. However, the Commission already complies with the transmission of this kind of information in line with the current inter-institutional arrangements and in particular with the Framework Agreement between the Commission and the European Parliament of 5 July 2000. Therefore, the Commission considers that this amendment is not necessary.

**Amendment 5:**

*Same as previous argument.*

**Amendment 6:**

This amendment is not necessary. It goes against the principles regarding the nature of the Protocols to the Fisheries Agreements. Since the Protocols are annexed to the Framework Agreements, their periodical renewal does not require any new directive for negotiations.

**9. Outlook for the amendment of the proposal: -**

**10. Outlook for the adoption of the proposal:**

COREPER I: 13 October 2004 (foreseen)

COUNCIL: 19 October 2004 (foreseen)

**CONSULTATION PROCEDURE REQUIRING A SINGLE READING**

**Proposal for a Council regulation on the conclusion of the Protocol defining, for the period 3 December 2003 to 2 December 2007, the fishing opportunities and the financial compensation provided for by the Agreement between the European Economic Community and the Government of Mauritius on fishing in the waters of Mauritius**

**1. Rapporteur:** Philippe Morillon

**2. EP No:** [A6-0001/2004](http://www2.europarl.eu.int/omk/sipade2?L=EN&OBJID=89402&LEVEL=4&MODE=SIP&NAV=X&LSTDOC=N)

**3. Date of adoption:** 15 September 2004

**4. Subject:**

European Parliament legislative resolution on the proposal for a Council regulation on the conclusion of the Protocol defining, for the period 3 December 2003 to 2 December 2007, the fishing opportunities and the financial compensation provided for by the Agreement between the European Economic Community and the Government of Mauritius on fishing in the waters of Mauritius (COM(2004) 0197)

**5. Inter-institutional reference:** 2004/0071(CNS)

**6. Legal basis:** Articles 37, Article 300(2) and 300(3), first subparagraph of the EC Treaty

**7. Competent Parliamentary Committee:** Fisheries Committee

**8. The Commission's position:**

The Commission rejects all the amendments.

**Amendment 1:**

The Commission is entirely in agreement with the spirit. The protection of the EU's fisheries interests in conjunction with the sustainable management of fishery resources and with the development of coastal populations living on fisheries are the main objectives of the EC Fisheries Agreements. Therefore the Commission considers that this amendment is not necessary.

**Amendment 2:**

The Commission is committed to undertaking impact assessment studies. Before any Protocol is renewed, the entire period which it covers is evaluated, measuring indicators relating to results (catches, value of catches) and impact (number of jobs created and maintained, relation between the cost of the Protocol and the value of catches). Therefore the Commission considers that this amendment is not necessary.

**Amendment 3:**

The Commission already addresses this concern, by allocating funds under targeted measures aiming at the development of traditional fisheries and by requesting an annual report on the implementation of these measures. Therefore, the Commission considers that this amendment is not necessary.

**Amendment 4:**

The Commission fully shares the concern to keep the EP informed on the various aspects of the implementation of the Protocol. However, the Commission already complies with the transmission of this kind of information in line with the current inter-institutional arrangements and in particular with the Framework Agreement between the Commission and the European Parliament of 5 July 2000. Therefore, the Commission considers that this amendment is not necessary.

**Amendment 5:**

*Same as previous argument.*

**Amendment 6:**

This amendment is not necessary. It goes against the principles regarding the nature of the Protocols to the Fisheries Agreements. Since the Protocols are annexed to the Framework Agreements, their periodical renewal does not require any new directive for negotiations.

**9. Outlook for the amendment of the proposal: -**

**10. Outlook for the adoption of the proposal:**

COREPER I: 13 October 2004 (foreseen)

COUNCIL: 19 October 2004 (foreseen)

**CONSULTATION PROCEDURE REQUIRING A SINGLE READING**

**Proposal for a Council regulation on the conclusion of the Agreement in the form of an Exchange of Letters concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period 1 July 2004 to 30 June 2005**

**1. Rapporteur:** Philippe Morillon

**2. EP No:** A6-0003/2004

**3. Date of adoption:** 15 September 2004

**4. Subject:**

European Parliament legislative resolution on the proposal for a Council regulation on the conclusion of the Agreement in the form of an Exchange of Letters concerning the extension of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period 1 July 2004 to 30 June 2005 (COM(2004) 0183)

**5. Inter-institutional reference:** 2004/0058(CNS)

**6. Legal basis:** Articles 37, Article 300(2) and 300(3), first subparagraph of the EC Treaty

**7. Competent Parliamentary Committee:** Fisheries Committee

**8. The Commission's position:**

The Commission rejects all the amendments.

**Amendment 1:**

The Commission is entirely in agreement with the spirit. However, the Commission already complies with the transmission of this kind of information in line with the current inter-institutional arrangements. Therefore, the Commission considers that this amendment is not necessary.

**Amendment 2:**

Amendment 2 cannot be accepted by the Commission. May I recall in this respect the established principle regarding the nature of a Protocol to a Fisheries Agreement: in light of the fact that it is an annex to the Framework Agreement, its periodic renewal does not require a new mandate.

**Amendment 3:**

Amendment 3 cannot be accepted by the Commission. Given the recent speeding-up of Cape Verde’s absorption of the funds for targeted actions, such an amendment is not necessary. Allow me also to recall that under the new fishery partnership agreements the so-called “targeted actions” will be included in an overall policy dialogue with the third country. This new approach will be integrated also in the Protocol with Cape Verde at the time of its renewal.

**9. Outlook for the amendment of the proposal: -**

**10. Outlook for the adoption of the proposal:**

COREPER I: 13 October 2004 (foreseen)

COUNCIL: 19 October 2004 (foreseen)

**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 SEPTEMBER 2004 PART-SESSION**

- European Parliament resolution on the 35th Session of the Assembly of the International Civil Aviation Organisation (ICAO), from 28 September to 8 October 2004

(EP : B6-0037/04)

Minutes, Part 2, 16 September 2004

Competence : Loyola DE PALACIO

 DG Energy and Transport

**Explanation** : The Commission will not be responding formally, given that no request has been specifically addressed to it.

- European Parliament resolution on the EU strategic objectives for the 13th Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

(EP : B6-0029/04)

Minutes, Part 2, 16 September 2004

Competence : Margot WALLSTRÖM

 DG Environment

**Explanation** : During its intervention at the Strasbourg plenary in September 2004, the Commission referred to the key strategic objectives for the European Union at the then forthcoming Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) being held in Bangkok, Thailand, from 2 to 14 October 2004. The Commission, rather than making a follow-up statement limited to the strategic objectives of the Conference, will report directly to the Environment Committee on the outcome.

- European Parliament resolution on Burma/ASEM

(EP : B6-0046/04)

Minutes, Part 2, 16 September 2004

Competence : Chris PATTEN

 DG External Relations

**Explanation** : The Commission will not be responding formally, given that Commissioner Verheugen has already replied in plenary to the requests contained in the resolution.

- European Parliament resolution on harassment of minorities in Vojvodina

(EP : B6-0045/04)

Minutes, Part 2, 16 September 2004

Competence : Chris PATTEN

 DG External Relations

**Explanation** : The Commission will not be responding formally, given that Commissioner Verheugen has already replied in plenary to the requests contained in the resolution.

- European Parliament resolution on the political situation in the Maldives

Report by Nirj DEVA, Charles TANNOCK, Geoffrey VAN ORDEN and Thomas MANN, Pasqualina NAPOLETANO, Graham R. WATSON, Cristiana MUSCARDINI, (EP : B6-0044/04)

Minutes, Part 2, 16 September 2004

Competence : Chris PATTEN

 DG External Relations

**Explanation** : The Commission will not be responding formally, given that Commissioner Verheugen has already replied in plenary to the requests contained in the resolution.

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