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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, 15 December 2004

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| **SP(2004)3173** |  |  |

**Commission Communication on the action taken on opinions and resolutions adopted by the European Parliament at the November 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 its legislative proposals during the November 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**

CO-DECISION PROCEDURE – First reading

**Proposal for a Directive amending Directive 94/62/EC on packaging and packaging waste**

**1. Rapporteur:** Dorette Corbey

**2. EP No:** A6-0027/2004

**3. Date of adoption of the report:** 17 November 2004

**4. Subject:**

Proposal for a Directive amending Directive 94/62/EC on packaging and packaging waste

**5. Inter-institutional references:** 2004/0045(COD)

**6. Legal basis:** Article 95 EC Treaty

**7. Competent Parliamentary Committee:**

Environment, Public Health and Food Safety

**8. Commission Position:**

On 17 November 2004, the European Parliament adopted three amendments which will lead to adoption at first reading and which the Commission can support.

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

The Commission will inform the Council orally of the acceptance of the EP amendments.

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

The Council is about to adopt the Directive at first reading.

**CONSULTATION PROCEDURE REQUIRING A SINGLE READING**

**Proposal for a Council Regulation amending Council Regulation (EC) No 2667/2000 on the European Agency for Reconstruction**

**1. Rapporteur:** Anders Samuelsen

**2. EP No:** A6-0031/2004

**3. Date of adoption of the report:** 17 November 2004

**4. Subject:**

Proposal for a Council Regulation amending Council Regulation (EC) No 2667/2000 on the European Agency for Reconstruction

**5. Inter-institutional references:** 2004/0133(CNS)

**6. Legal basis:** Article 181 a, paragraph 2, first sentence EC

**7. Competent parliamentary committee:** Foreign Affairs Committee

**8. Commission’s position:**

The Commission can accept the principle of amendment 2 (albeit with a slight modification as to the timing of the report), as well as amendment 3. However, the Commission considers amendment 1 not necessary.

As for amendment 4, the Commission continues to make itself available to discuss with the European Parliament any issue surrounding the division of tasks between the Agency and the Commission’s Delegations, but it considers that this is not the appropriate context for such a legal text.

**9. Outlook for amendment of the proposal:** not applicable (cf point 10).

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

Adoption by the Council on 29 November 2004.

**CONSULTATION PROCEDURE REQUIRING A SINGLE READING**

**Proposal for a Council Regulation establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot community**

**1. Rapporteur :** Mechtild Rothe

**2. EP No:** A6-0032/2004

**3. Date of adoption of the report:** 17 November 2004

**4. Subject:**

Proposal for a Council Regulation establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot community

**5. Inter-institutional reference:** 2004/0145(CNS)

**6. Legal basis:** Article 308 EC

**7. Competent Parliamentary Committee:** Committee on Foreign Affairs

**8. Commission position:**

The Commission can accept certain amendments.

The Commission can continue to take, in the Council, a globally positive attitude towards the substance of the amendments except the one on comitology (amendment 3 to Article 3), which constitutes a departure from standard rules on committees. The amendment relating to property rights (amendment 6 to Article 6a) can be accepted in substance, as it aligns the text with the position taken in the Council on this issue, which has been accepted by the EC, and corresponds to standard practice of the Commission in the PHARE countries.

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

At this stage of the discussion, amendments may be discussed orally in the Council.

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

The proposal is still pending in the Council, where some Member States have reservations on other aspects of the package relating to the Turkish Cypriot community.

**CONSULTATION PROCEDURE REQUIRING A SINGLE READING**

**Commission proposal for a Council Decision amending Decision No 2002/463/EC adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme)**

**1. Rapporteur:** Martine Roure

**2. EP No:** A6-0019/2004

**3. Date of adoption of the report:** 17 November 2004

**4. Subject:** European Action Programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO)

**5. Inter-institutional references:** 2004/0122(CNS)

**6. Legal basis:** Article 66, TEC

**7. Competent parliamentary committee:**

Committee on Civil Liberties, Justice and Home Affairs (LIBE)

**8. Commission’s position:**

The Commission welcomed the full support of the LIBE Committee for its proposal, though it does not formally accept the amendments proposed by the Committee and adopted by the EP in the Plenary Session of 17 November 2004. The Commission is of the opinion that its proposal adequately reflects the objectives of the amendment of the ARGO Decision in making it easier for Member States to gain access to the Programme's grants, which now cover purely national actions. However, the Commission committed itself informally to converting the substance of the most important amendment proposed by the EP – i.e. the annual ceiling on funds allocated to these new actions – into a formal provision of the annual working programme of the ARGO Programme. In this way the EP position is taken on board without formally amending the proposal.

The EP amendments are described below.

1. Amendment 1 aims to delete recital 4, mentioning the substantial increase in ARGO Programme funds for the external borders in 2004.

**The Commission** cannot agree to the amendment proposed by Parliament, though it was considered acceptable. The reference to the increase is a political statement, fully compatible with the rest of the proposal.

2. Amendment 2 to recital 5 to introduce a reference to facilitating the national services’ access to ARGO funds.

**The Commission considers** this reference to accessibility as redundant and cannot agree to the amendment proposed by Parliament because facilitating Member States’ access to ARGO funds is the very reason for the reform of the ARGO decision.

3) Amendment to incorporate a new recital 6a underlining the need for national actions to provide added value and setting the annual ceiling on funds allocated to such actions.

**Though the Commission does not accept** the amendment proposed by Parliament, it is ready to give it due consideration in drafting the annual work programme.

4) Amendment to Article 1.1 of the proposal to insert mention of the EU added value of new national actions.

**The Commission** cannot agree to the amendment proposed by the European Parliament, as it is redundant since the added value of both the old and the new actions is a necessary requirement for the selection of the national actions submitted for grants.

5) Amendment 5 aims to insert in Article 1, paragraph 3, a) a reference to the annual ceiling on funds allocated to new national actions.

The Commission cannot accept the amendment suggested by Parliament and proposes to take it into account with a specific reference to the “ceiling” on these funds in the annual working programme, so as to achieve the same objective.

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

There was agreement within the Council to accept two amendments proposed by the European Parliament: the first one deals with the recital covering the establishment of an annual ceiling on funds allocated to new national actions and the second aims to insert in Article 1, paragraph 3, a) of the amending decision a reference to the ceiling on funds for these new national actions in the annual budget. Similarly, there will be a reference to the application of the comitology consultative procedure for the selection of the actions.

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

Agreement on the modified text having been reached at the JHA Counsellors’ meeting on 22 November 2004, the text has been sent to the linguists before going to COREPER and to the Council, which is expected to formally adopt the proposal in December 2004.

**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 NOVEMBER 2004 PART-SESSION**

- European Parliament resolution on Cuba

(EP : B6-0156/04)

Minutes, Part 2, 17 November 2004

Competence : Louis MICHEL

 DG Development

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

- European Parliament resolution on the situation in Côte d’Ivoire

(EP : B6-0166/04)

Minutes, Part 2, 18 November 2004

Competence : Louis MICHEL

 DG Development

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

- European Parliament resolution on the human rights situation in Eritrea

(EP : B6-0167/04)

Minutes, Part 2, 18 November 2004

Competence : Louis MICHEL

 DG Development

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

- European Parliament resolution on the Council's fifth Annual Report according to Operative Provision 8 of the European Union Code of Conduct on Arms Exports (2004/2103(INI))

Report by Raül ROMEVA RUEDA (EP : A6-0022/04)

Minutes, Part 2, 17 November 2004

Competence : Benita FERRERO-WALDNER

 DG External Relations

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

- European Parliament resolution on Tibet and the case of Tenzin Delek Rinpoche

(EP : B6-0169/04)

Minutes, Part 2, 18 November 2004

Competence : Benita FERRERO-WALDNER

 DG External Relations

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

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