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

Brussels, 19 January 2005

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| **SP(2005)239** |  |  |

**Commission Communication
on the action taken on opinions and resolutions adopted by Parliament
at the December 2004 I and II part-sessions**

**The first part of this communication informs Parliament of the action taken by the Commission in respect of amendments to proposed legislation adopted by Parliament during the December 2004 I and II part-sessions.**

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

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**Part One
Legislative opinions**

**CODECISION PROCEDURE – 1st reading**

**Proposal for a Decision of the European Parliament and of the Council establishing a multi-annual Community programme on promoting safer use of the Internet and new online technologies**

**1. Rapporteur:** Edith Mastenbroek

**2. EP No:** A6-0033/2004

**3. Date of adoption of the report:** 2 December 2004

**4. Subject:**

Proposal for a decision of the European Parliament and of the Council establishing a multi-annual Community programme on promoting safer use of the Internet and new online technologies

**5. Inter-institutional reference**: 2004/0023(COD)

**6. Legal basis:** Article 153(2) CE

**7. Competent parliamentary committee:** Civil Liberties, Justice and Home Affairs

**8. Commission’s position:** Compromise amendments agreed by EP, Council and Commission: see fiche GRI / GAP.

**9. Outlook for the amendment of the proposal:** See point 8.

**10. Outlook for the adoption of the common position:** Political agreement of the Council on 9 December 2004.

CODECISION PROCEDURE – Second reading

**Proposal for a Regulation of the European Parliament and of the Council on maximum residue levels of pesticides in products of plant and animal origin**

**1. Rapporteur:** Robert William Sturdy

**2. EP No:** A6-0049/2004

**3. Date of adoption of the report:** 15 December 2004

**4. Subject:**

Proposal for a Regulation of the European Parliament and of the Council on maximum residue levels of pesticides in products of plant and animal origin

**5. Inter-institutional reference:** 2003/0052(COD)

**6. Legal basis:** Articles 37 and 152 (4) (b) of the treaty

**7. Competent parliamentary committee:** Committee on the Environment, Public Health and Food Safety

**8. Commission’s position:** Commission accepts all amendments adopted in the EP plenary of 15 December 2004.

**9. Forecast of Commission’s opinion:** See point 8.

**10. Outlook for the adoption of the proposal:** The proposal will be adopted as soon as all translations become available.

**CONSULTATION PROCEDURE REQUIRING A SINGLE READING**

**Proposal for a Council Regulation on standards for security features and biometrics in passports and travel documents issued by Member States**

**1. Rapporteur**: CarlosCoelho

**2. EP No:** A6-0028/2004

**3. Date of adoption of the report:** 2 December 2004

**4. Subject:**

Proposal for a Council Regulation on standards for security features and biometrics in passports and travel documents issued by Member States

**5. Inter-institutional reference:** 2004/0039(CNS)

**6. Legal basis:** Article 62 (2) EC Treaty

**7. Competent parliamentary committee:** Committee on Civil Liberties, Justice and Home Affairs

**8. Commission’s position:**

Commission rejects all the amendments, as they were at least partly already integrated into the proposal by the Council following the opinion of the Article 29 Working Party on data protection or because they were not covered by the legal basis.

**9. Outlook for amendment of the proposal:** N/A as all amendments were rejected.

**10. Outlook for the adoption of the proposal:** Proposal adopted by the Council on 13 December 2004.

**CONSULTATION PROCEDURE REQUIRING A SINGLE READING**

**Proposal for a Council Decision granting a Community guarantee to the European Investment Bank against losses under loans for certain types of projects in Russia and the Western New Independent States (WNIS)**

**1. Rapporteur:** Esko Olavi Seppänen

**2. EP No:** A6-0066/2004

**3. Date of adoption:** 14 December 2004

**4. Subject:** Proposal for a Council Decision granting a Community guarantee to the European Investment Bank against losses under loans for certain types of projects in Russia and the Western New Independent States (WNIS)

**5. Inter-institutional reference:** 2004/0121(CNS)

**6. Legal basis:** Article 181a of the Treaty

**7. Competent parliamentary committee:** Committee on Economic and Monetary Affairs

**8. Commission's position:**

The Commission can accept certain amendments.

1. Commission can accept the new title: “*Proposal for a Council decision granting a Community guarantee to the European Investment Bank against losses under loans for certain types of projects in Russia,* ***Ukraine, Moldova and Belarus****”**(to apply throughout the text).* This amendment was also accepted by the Council.
2. Commission can accept the change of the legal base from 308 to 181a (Commission’s legal service has also accepted this): Citation 1 of the decision “*Having regard to the Treaty establishing the European Community, and in particular* ***Article 181 a*** *thereof*,”. This amendment was also accepted by the Council.
3. Commission can only partially accept the following amendment to recital 5: *“The lending mandate should be subject to**appropriate conditionality**consistent**with* ***European Union policies and*** *EU high-level agreements on political and macro-economic aspects****. The EIB and the Commission should ensure the necessary coordination*** *with other international financial institutions on sectoral and project aspects.* ***This may involve, in particular,*** *appropriate work-sharing between the EIB****, as an Institution of the European Union and its Member States,*** *and the European Bank for Reconstruction and Development (EBRD).*”

Concerning the amendment stating that *“… the EIB,* ***as an Institution of the European Union and its Member States****”,*the Commission would not add this qualification, since this statement does not bring any legislative value added to the text. The Commission can accept other modifications. The Council did not accept these amendments at all.

1. Commission can accept the amendment to recital 7: “*Russia,* ***Ukraine, Moldova and Belarus*** *should be fully taken into account for the 2006 review of the EIB general mandate under Council Decision 2000/24/EC of 22 December 1999 granting a Community guarantee to the European Investment Bank against losses under loans for projects outside the Community (Central and Eastern Europe, Mediterranean countries, Latin America and Asia and the Republic of South Africa).* ***Consideration should also be given to including countries of the South Caucasus and Central Asia at the time of this review****.”*The Council did not accept these amendments.
2. Commission does accept the amendment to Article 2 stating that *“Eligible projects shall be economically viable and of significant interest to the European Union. Eligible sectors shall be environment****,*** *as well as transport, telecommunications and energy infrastructure,* ***including nuclear safety,*** *on priority Trans-European Network (TEN) axes having cross-border implications for a Member State”*. Commission would like to highlight that the current Euratom regulation already allows Community lending in countries such as Russia and Ukraine. The Council did not accept this amendment.
3. Commission can only partially accept the proposed amendments in Article 3. As stated before the amendment specifying that *“… the EIB,* ***as an Institution of the European Union and its Member States****”,*the Commission would not add this qualification, since this statement does not bring any legislative value added to the text. The Council did not accept these amendments.
4. Amendment to Article 4: *“Individual countries shall become eligible under the ceiling as and when they fulfil specific conditionality consistent with European Union* ***policies and*** *high level agreements with the country in question on political and macro-economic aspects. The Commission shall determine when an individual country has fulfilled the specific conditionality and shall notify the EIB thereof* ***after having informed the European Parliament and the Council and stated its reasons****.”* Commission could accept to inform the European Parliament and the Council in the framework of existing inter-institutional arrangements. The Council did not accept this amendment.
5. Parliament wanted to include a new article 4a which is not acceptable for the Commission. In Commission view, early preparation for any possible future extension of mandate is certainly advisable, but cannot prejudge actual decision. The proposed amendment is as follows: ***“The EIB is invited to prepare feasibility studies on the possible inclusion in the general mandate, as from 2007, of countries of the South Caucasus and Central Asia regions****.”*The Council did not accept this amendment.

**9. Outlook for the amendment of the proposal:** N/A see points 8 and 10.

**10. Outlook for the adoption of the proposal:** The proposal was adopted by the Council on 21 December 2004 (Agriculture and Fisheries Council in Brussels, 2633rd Council meeting, 15873/04).

**CONSULTATION PROCEDURE REQUIRING A SINGLE READING**

**Proposal for a Council Regulation amending Regulation (EC) No 850/98 as regards the protection of deep-water coral reefs from the effects of trawling in certain areas of the Atlantic Ocean**

**1. Rapporteur:** Sérgio Ribeiro

**2. EP No:** A6-0037/2004

**3. Date of adoption:** 16 December 2004

**4. Subject:** Protection of deep-water coral reefs in the Atlantic Ocean

**5. Inter-institutional reference:** 2004/0020(CNS)

**6. Legal basis:** Article 37 of the EC Treaty

**7. Competent parliamentary committee:** Fisheries Committee

**8. Commission's position:**

**Amendment 1 -** Acceptable but deemed unnecessary. There is no need to specify the role of RACs in a technical Regulation.

**Amendment 2 -** Acceptable.

**Amendment 3 -** Acceptable. According to ICES, bottom trawls are the main threat to these habitats.

**Amendment 4 -** Not acceptable. RACs are not to be consulted on implementation but only on the development of the proposals for legislation.

**Amendment 5 -** Not acceptable. There is no need to anticipate when a revision should be made. It will anyhow be done whenever it is deemed necessary in the light of scientific evidence.

**Amendment 7 -** Not acceptable. The damage of passive gear (gillnet, longlines) is minimal compared to the damage caused by erosion of bottom trawls. As for the area, the whole economic exclusive zones of the Isles contain very little or no threatened fishing grounds beyond those comprised in the Commission proposal.

**Amendment 8 -** Not acceptable. Update of scientific assessments of deep-water habitats is currently done by ICES. There is no need to give this additional task to the Commission.

**9. Outlook for the amendment of the proposal:** Likely to be approved by the Council.

**10. Outlook for the adoption of the proposal:** Adoption envisaged during the Luxembourg Presidency.

**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 Islamic Federal Republic of the Comoros on fishing off the Comoros for the period from 28 February 2004 to 31 December 2004**

**1. Rapporteur:** Philippe Morillon

**2. EP No:** A6-0040/2004

**3. Date of adoption:** 16 December 2004

**4. Subject:**

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 Islamic Federal Republic of the Comoros on fishing off the Comoros for the period from 28 February 2004 to 31 December 2004

**5. Inter-institutional reference:** 2004/0185(CNS)

**6. Legal basis:**

Art. 37 of the EC Treaty and Art. 300(2), first sub-paragraph, and Art. 300 (3), first sub-paragraph, of the EC Treaty.

**7. Competent parliamentary committee:** Fisheries Committee

**8. Commission's position:**

The Commission rejects all amendments.

**On amendment 1:** We fully share the concern to keep the EP informed on the various aspects of the implementation of Fishery Agreements. In fact, the Commission provides already the Parliament, before the renewal of each Protocol, the essential elements of an assessment report covering the key features and implementing results of the expiring protocol.

The Commission transmits such information to the European Parliament in respect of the current inter-institutional arrangements.

Therefore, the Commission considers that this amendment is not necessary.

**On amendment 2:** (First part) This amendment goes against the principles regarding the nature of the Protocols to the Fisheries Agreements. As Protocols are annexed to the framework agreements, their periodic renewal does not require any new directive for negotiations.

(Second part) The assessment report made available by the Commission to the covers all aspects of the implementation of fishery agreements, including targeted actions.

The monitoring of targeted actions is of course an important characteristic of EC fishery agreements. In this respect, the Commission invites the third country to establish a permanent political dialogue with its services in order to improve the management of the Agreement and strengthen the Community’s contribution to the management of fishing resources.

However, it must be underlined that, according to the provisions of the Agreement, the way such a contribution is used depends exclusively on the responsibility of the third country, which has negotiated the agreement with the Community as a sovereign state.

Therefore, the programming of the activities, their implementation and the information about the results on their implementation to be provided to the Commission remain within the competence of the third country.

For these reasons, the Commission considers that this amendment (2 parts) is contrary to the inter-institutional Agreement and the financial and budgetary rules. Therefore, it cannot be accepted.

**9. Outlook for the amendment of the proposal:** Negative (for both amendments).

**10. Outlook for the adoption of the proposal:** End of January / February 2005.

**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 DECEMBER 2004 I AND II PART-SESSIONS**

- Resolution of the European Parliament on financial perspectives, with a view to the European Council meeting of December 2004

(EP: B6-0189/04)

Minutes, Part 2, 2 December 2004

Competence: José Manuel BARROSO/Dalia GRYBAUSKAITÉ

 Secretariat General / DG Financial Programming and Budget

**Explanation**: The Commission will not be responding formally, as it considers that:

* the Resolution has a political objective which mainly concerns the Council;
* the Resolution does not contain any new technical aspects compared with Parliament’s Resolution of 22 April 2004, to which the Commission has already reacted;
* the Commission has taken account of Parliament’s wishes in its proposals, in particular regarding flexibility, European integration and cohesion.

- Resolution of the European Parliament on Zimbabwe

(EP: B6-0212/04)

Minutes, Part 2, 16 December 2004

Competence: Louis MICHEL

 DG Development

**Explanation**: The Commission will not be responding formally, as Commissioner Grybauskaité replied to the requests contained in the Resolution at the plenary part-session.

- Resolution of the European Parliament on Bhopal

(EP: B6-0216/04)

Minutes, Part 2, 16 December 2004

Competence: Benita FERRERO-WALDNER

 DG External Relations

**Explanation**: The Commission will not be responding formally, as Commissioner Grybauskaité replied to the requests contained in the Resolution at the plenary part-session.

- Resolution of the European Parliament on the EU-Russia Summit held in The Hague on 25 November 2004

(EP: B6-0197/04)

Minutes, Part 2, 15 December 2004

Competence: Benita FERRERO-WALDNER

 DG External Relations

**Explanation**: The Commission will not be responding formally, as Commissioner Ferrero-Waldner replied to the requests contained in the Resolution at the plenary part-session.

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