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|  | EUROPEAN COMMISSION  SECRETARIAT GENERAL  Directorate G  **Relations with the European Parliament, the European Ombudsman, the European Economic and Social Committee, the Committee of the Regions and National Parliaments** |

Brussels, 16 June 2005

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| **SP(2005)2482/2 (cancels and replaces document SP(2005)2482)** |  |  |

**Commission Communication on follow-up to opinions and resolutions adopted by the European Parliament at the May 2005 I and II part-sessions**

**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 May 2005 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, to which it does not intend to respond formally.**

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**Part One   
Legislative opinions**

**CODECISION PROCEDURE - Second reading**

**Proposal for a Directive of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive 76/160/EEC**

**1. Rapporteur**: Jules Maaten

**2. EP No**: A6-0102/2005

**3. Date of adoption**: 10 May 2005

**4. Subject**: Proposal for a Directive of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive 76/160/EEC.

**5. Interinstitutional reference**: 2002/0254(COD)

**6. Legal basis**: Article 175 (1)

**7. Competent Parliamentary Committee**: Committee on the Environment, Public Health and Food Safety (ENV)

**8. The Commission’s position:** The Commission can accept certain amendments.

On 11 May 2005, the European Parliament adopted 26 of the 54 amendments that were tabled. Out of the 26 amendments adopted, the Commission can accept 10 amendments in full, one amendment in part and a further three amendments in principle. Twelve of the adopted amendments are not acceptable to the Commission.

Amendments accepted in full

Amendments **9, 17, 19, 21 and 33** concern improvements to the provision of information to the public and the Commission is happy to accept them. Amendment **2** changes the text of recital **11** to include references to directives dealing with access to environmental information and public participation in the drawing up of plans and programmes. Amendments **13 and 26** bring forward respectively the dates for developing beach profiles and for the entry into force of the directive. Amendment **25** allows the technical updating of the directive to include viruses as well as bacterial indicators. Amendment **10** is a minor wording change to Article 5.

Amendments accepted in part or in principle

Amendment **15** concerns the consultation and participation of interested parties in a number of the measures foreseen in the directive. The Commission can accept most of the text as proposed but considers that Member states can only be required to create the conditions for interested parties to give their input to the process: Member States may not be able to identify all such parties and they certainly cannot oblige them to take part.

Amendments **16** and **22** concern the establishment by the Commission of an EU-wide symbol (16) or system of symbols (22) for providing information to the public. The Commission can accept the development of standard symbols but these should be restricted to providing information on the classification of the bathing water quality according to the directive and perhaps warnings in the case of short-term pollution incidents.

Amendment **55** proposes quality standards for the “sufficient” classification category which are considerably more stringent than those in the common position. While the standards as proposed in the amendment are far too severe to gain the necessary support in the Council, a certain degree of tightening-up of the standards is a possible option for bridging the gap between the two institutions.

Amendments not acceptedd

Amendments **1, 3** and **14** concern emergency planning provisions which do not need to be included in a directive dealing with bathing water. Amendments **6** and **7** seek to advance the dates for compliance with the quality standards in the directive. The dates as proposed in these amendments are unrealistic. Amendment **4** seeks to introduce a new definition of short-term pollution which is ambiguous and difficult to implement. Amendment **11** introduces information elements which are already present in the common position and is therefore redundant. Amendment **20** requires translations of information in English and French to be made available to the public. However, the local authorities are far better placed to decide upon the appropriate languages to be used. Amendments **23** and **24** impinge upon the Commission’s right of initiative and for that reason cannot be accepted. Amendment **34** allows calculation methods to be used in cases where water samples are not stored or processed correctly. This will simply encourage bad practice and is not acceptable. Amendment **36** seeks to limit the period for use of the “sufficient” classification category to 8 years after the entry into force of the directive. As this would mean that the “sufficient” category would disappear by 2013 and the deadline for compliance with the quality standards is 2015, this amendment is not compatible with the rest of the text and cannot be accepted.

**9. Outlook for the Commission’s Opinion:** The Commission services are preparing their Opinion.

**10. Outlook for adoption of the Proposal:** Conciliation discussions will start on 7 June 2005.

**CODECISION PROCEDURE – Second reading**

**Amended proposal for a Directive of the European Parliament and of the Council on the recognition of professional qualifications**

**1. Rapporteur**: Stefano Zappalà

**2. EP No**: A6-0119/2005

**3. Date of adoption of the report**: 11 May 2005

**4. Subject** : Proposal for a Directive on the recognition of professional qualifications

**5. Interinstitutional reference :** 2002/0061(COD)

**6. Legal basis** : Articles 40, 47§1, 47§2 and 55 of the EC Treaty

**7. Competent Parliamentary Committee** : Committee on Internal Market and Consumer Protection (IMCO)

**8. The Commission’s position :** As a result of earlier interinstitutional contacts, the Commission has been able to accept all the amendments voted on by the Parliament.

**9. Outlook for the Commission’s Opinion :** The Commission’s Opinion is expected at the end of May / beginning of June 2005.

**10. Outlook for adoption of the proposal :** The Directive was formally adopted on 6 June 2005, under the Luxembourg Presidency.

**CODECISION PROCEDURE – Second reading**

Proposal for a Directive of the European Parliament and of the Council amending Council Directive 74/408/EEC relating to motor vehicles with regard to the seats, their anchorages and head restraints

**1.** **Rapporteur** **:** Dieter-Lebrecht Koch

**2.** **EP No** **:** A6-0115/2005

**3.** **Date of adoption of the report** **:** 26 May 2005

**4. Subject**: Proposal for a Directive of the European Parliament and of the Council amending Council Directive 74/408/EEC relating to motor vehicles with regard to the seats, their anchorages and head restraints

**5.** **References** **:** 2003/0128(COD)

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

**7.** **Competent Parliamentary Committee :** Committee on Transport and Tourism (TRAN)

**8.** **The Commission’s position on Parliament’s amendments** **:** The Commission accepts the two amendments adopted by the European Parliament.

These amendments seek to allow a temporary exemption from the prohibition on the installation of side-facing seats in certain types of coach, subject to the fitting of two-point safety belts.

Although it believes that these measures will not provide optimum protection in the case of frontal or rear collisions, the Commission takes the view that the granting of a five-year exemption period should enable the industry to come up with the technical solutions best suited to this seat configuration.

**9.** **Outlook for amendment of the proposal** **:** The Commission will amend its proposal accordingly.

**10.** **Outlook for adoption of the act:** The Council is expected to adopt the Directive shortly.

CODECISION PROCEDURE – First reading

**Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies**

**1. Rapporteur**: Dagmar Roth-Behrendt

**2. EP No:** A6-0098/2005

**3. Date of adoption of the report:** 10 May 2005

**4. Subject:** Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies

**5. Interinstitutional reference:** 2004/0270(COD)

**6. Legal basis:** Article 152(4) (b) of the Treaty

**7. Competent Parliamentary Committee:** Committee on the Environment, Public Health and Food Safety (ENV)

**8. The Commission’s position:** Accepts all amendments.

**9. Outlook for amendment of the proposal:** The Commission will modify its proposal orally to enable the Council to act quickly.

**10. Outlook for the adoption of a common position:** The Council adopted the text, as amended by the Parliament, and accepted by the Commission, at the Agriculture and Fisheries Council on 30 May 2005.

**CODECISION PROCEDURE -** **First reading**

**Proposal for a Recommendation of the European Parliament and of the Council on film heritage and the competitiveness of related industrial activities**

**1. Rapporteur :** Gyula Hegyi

**2. EP No:** A6-0101/2005

**3. Date of adoption:** 10 May 2005

**4. Subject:** Protection of cinematographic heritage

**5. Interinstitutional reference:** 2004/0066(COD)

**6. Legal basis:** Article 157 TEC

**7. Competent Parliamentary Committee:** Committee on Culture and Education (CULT)

**8.** **The Commission’s position:** The Commission accepted those amendments which corresponded to the Presidency’s compromise proposal because the text was based on a political agreement between Presidency and rapporteur which was acceptable for the Commission. The amendments mainly concerned the scope of the obligation to deposit films, the accessibility of deposited works, the increased use of digital technology for film restoration and the introduction of an educational dimension.

**9. Outlook for amendment of the proposal:** (see point 8).

**10. Outlook for the adoption of a common position:**

Adoption as an ‘A’ point expected at the next Council meeting and likely to be adopted in first reading**.**

**CODECISION PROCEDURE – First reading**

**Proposal for a directive of the European Parliament and of the Council amending Directive 2003/88/EC concerning certain aspects of the organisation of working time**

**1. Rapporteur:** Alejandro Cercas

**2. EP No:** A6-0105/2005

**3. Date of adoption:** 11 May 2005

**4. Subject:** Proposal for a directive of the European Parliament and of the Council amending Directive 2003/88/EC concerning certain aspects of the organisation of working time

**5. Interinstitutional reference :** 2004/0209(COD)

**6. Legal basis:** Article 137(2)

**7. Competent Parliamentary Committee**: Committee on Employment and Social Affairs (EMPL)

**8. The Commission’s position :** The Commission accepts some of the amendments.

**Amendment 1**: accepted in substance: reference to the Lisbon European Council in a new recital.

**Amendment 2**: accepted: preferred wording.

**Amendment 3**: accepted: preferred wording.

**Amendment 4**: accepted in part: as regards reconciliation of work and family life.

**Amendment 5:** rejected: imprecise from the legal point of view, with no counterpart in the body of the text.

**Amendment 6**: rejected: no counterpart in the body of the text.

**Amendment 7**: rejected: contradicts the text proposed for Article 22.

**Amendment 8**: accepted, subject to redrafting: provides some added value.

**Amendment 9**: rejected: no added value and legally questionable wording.

**Amendment 10**: rejected: does not give the required legal certainty and does not wholly solve the problems raised by the case-law of the Court.

**Amendment 11:** accepted, subject to redrafting: reflects the Commission’s previous interpretation.

**Amendment 12**: accepted: this amendment provides genuine added value, without placing unreasonable constraints on businesses.

**Amendment 13**: accepted: technical amendment.

**Amendment 14**: rejected: not included in the articles submitted for review.

**Amendment 15**: rejected: idem. The derogation depends on the specific characteristics of the work carried out, and must remain so.

**Amendment 16**: accepted, subject to redrafting: reference to national legislation or collective agreements in relation to compensatory rest. Compatible with the consensus reached at Council level.

**Amendment 17**: accepted: corrects a printer’s error in the proposal.

**Amendment 18:** accepted, subject to redrafting: reference to national legislation or collective agreements in relation to compensatory rest. Compatible with the consensus reached at Council level.

**Amendment 19**: accepted in part, subject to redrafting: the principle of information and consultation prior to introduction or modification of the reference period, coupled with the need to take measures to prevent or remedy risks to the health and safety of workers. Rejected: the impossibility of setting the 12-month reference period for workers covered by a collective agreement.

**Amendment 20**: rejected, although the Commission, while unable to accept this amendment as it stands, is prepared to consider the substance of the amendment in the context of its proposal.

**Amendment 21**: rejected: too restrictive. There is no reason to limit the use of the opt-out to changes in the volume of orders.

**Amendment 22**: rejected: the Commission hopes to review the provisions on the reporting requirement in the light of the solution found as regards the individual opt-out.

**Amendment 23**: rejected: idem.

**Amendment 24**: accepted, subject to redrafting: acceptance of the principle aiming at greater legal certainty for the period following the entry into force of the amended Directive. A new form of wording is necessary to provide greater clarity.

**Amendment 25**: rejected: the clause on those to whom the Directive is addressed cannot be amended.

**9. Outlook for amendment of the proposal:** on 31 May, the Commission adopted an amended proposal incorporating the amendments accepted in full, in part or subject to redrafting (COM(2005) 246 final).

**10. Outlook for adoption of the common position:**

a)dossier not likely to be closed at first reading;

b) Council common position: during the British Presidency.

**CODECISION PROCEDURE – First reading**

**Proposal for a directive of the European Parliament and of the Council on cross-border mergers of companies with share capital**

**1. Rapporteur:** Klaus-Heiner Lehne

**2. EP No** : A6-0089/2005

**3. Date of adoption of the report** : 10 May 2005

**4. Subject:** Proposal for a directive of the European Parliament and of the Council on cross-border mergers of companies with share capital

**5. Interinstitutional reference:** 2003/0277(COD)

**6. Legal basis** : Article 44(1) EC Treaty

**7. Competent Parliamentary Committee** : Committee on Legal Affairs (JURI)

**8. The Commission’s position :** The Commission accepts all the amendments approved by the Parliament.

**9. Outlook for amendment of the proposal**: N/A

**10. Outlook for adoption of the act:** first meeting of the Competitiveness Council in September (subject to finalisation of the different language versions of the text).

**CODECISION PROCEDURE – First reading**

Amended proposal for a Directive of the European Parliament and of the Council on enhancing port security

**1. Rapporteur :** Jeanine Hennis-Plasschaert

**2. EP No** : A6-0031/2005

**3. Date of adoption of the report** : 10 May 2005

**4. Subject :** Amended proposal for a Directive of the European Parliament and of the Council on enhancing port security (COM(2004) 393 final)

**5. Interinstitutional reference** : 2004/0031(COD)

**6. Legal basis** : Article 80(2)

**7. Competent Parliamentary Committee :** Committee on Transport and Tourism (TRAN)

**8. The Commission’s position** : The Commission can accept all the amendments adopted by the European Parliament.

**9. Outlook for adoption of the amended proposal :** An amended proposal should not be necessary, since an agreement has been reached between the three institutions.

**10. Timetable anticipated for adoption :** The Council will be in a position to endorse the European Parliament’s amendments as an A point at a forthcoming meeting, given that they correspond to the compromise negotiated between the three institutions. Adoption of the legislative act ought therefore to take place without delay.

**CODECISION procedure - First reading**

**Proposal for a directive of the European Parliament and of the Council relating to the use of frontal protection systems on motor vehicles and amending Council Directive 70/156/EEC**

**1. Rapporteur:** Ewa Hedkvist Petersen

**2. EP No:** A6-0053/2005

**3. Date of adoption of the report:** 26 May 2005

**4. Subject:** Proposal for a directive of the European Parliament and of the Council relating to the use of frontal protection systems on motor vehicles and amending Council Directive 70/156/EEC

**5. Interinstitutional reference:** 2003/0226(COD)

**6. Legal basis:** Article 95

**7. Competent Parliamentary Committee:** Committee on Transport and Tourism (TRAN)

**8. The Commission’s position:** Accept all 59 Parliamentary amendments.

**9. Outlook for amendment of the proposal:** The Commission accepts all 59 amendments adopted by the European Parliament.

**10. Outlook for adoption of the directive:** It is to be expected that the Council will adopt the directive in first reading without further delay.

**CODECISION procedure - First reading**

**Proposal for a European Parliament and Council decision amending Decision 2000/819/EC on a multilateral programme for enterprises and entrepreneurship, and in particular for small and medium-sized enterprises (SMEs) (2001-2005)**

**1. Rapporteur:** Britta Thomsen

**2. EP No:** A6-0118/2005

**3. Date of adoption of the report:** 26 May 2005

**4. Subject :** Proposal for a European Parliament and Council decision amending Decision 2000/819/EC on a multilateral programme for enterprises and entrepreneurship, and in particular for small and medium-sized enterprises (SMEs) (2001-2005).

**5. Interinstitutional reference:** 2004/0272(COD)

**6. Legal basis:** Article 157(3)

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

**8. The Commission’s position:** Accept the single Parliamentary amendment.

**9. Outlook for amendment of the proposal:** The Commission accepts the single amendment adopted by the European Parliament.

**10. Outlook for adoption of the decision:** It is to be expected that the Council will adopt the decision in first reading without further delay.

**CODECISION PROCEDURE – First reading**

**Addition of vitamins and minerals and of certain other substances to foods**

**1. Rapporteur:** Karin Scheele

**2. EP No:** A6-0124/2005

**3. Date of adoption:** 26 May 2005

**4. Subject:** Proposal for a Regulation of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods.

**5. Interinstitutional reference:** 2003/0262(COD)

**6. Legal basis:** Article 95 of the Treaty

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

**8. The Commission’s position:** The Commission can accept certain amendments.

The Commission can accept 22 amendments, either completely, subject to redrafting, in part or in principle, and rejects 22.

Two amendments are acceptable: 11 and 44.

Two amendments are acceptable partially: 2 (first part), 40 (except “or if a Member State so requests”).

Three amendments are acceptable partially and subject to redrafting: 38 (all but second part subject to redrafting), 42 (first sentence subject to redrafting), 55.

*Amendment 55* can be acceptedd partially and with drafting changes.

Six amendments are acceptable in principle: 13, 22, 28, 31, 34, 35.

Nine amendments are acceptable in principle and subject to redrafting: 4, 12, 16, 17, 39, 41, 45, 46, 49.

*Amendment 49* concerns an exception for tonic wine. The Commission can accept this amendment in principle with drafting changes.

Amendments implying an increased number of notifications to the Commission (*16, 17, 39*) can be acceptedd in principle and subject to redrafting.

22 amendments cannot be acceptedd: 1, 3, 5, 6, 9, 10, 14, 15, 19, 20, 21, 23, 24, 25, 26, 27, 29, 30, 32, 36, 37, 43.

The Commission cannot accept *amendments 20-21* that would impose a time limit for the establishment of maximum/minimum levels and purity criteria.

*Amendment 24* aiming at uncoupling the declaration of the addition of vitamins and minerals from the rules stipulated in the proposal on claims cannot be acceptedd. Likewise those amendments proposing to modify the provision of nutrition labelling in this Regulation (*amendments 5, 10, 25, 30*) are not acceptable.

*Amendment 32* on the notifications to the Commission is not acceptable as it would cause unnecessary bureaucratic burden without obvious benefits.

**9. Outlook for amendment of the proposal:** The Commission modified its proposal orally to enable the Council to act quickly.

**10. Outlook for adoption of the common position:** The Council reached a political agreement on a text on 3 June 2005, and will adopt the common position shortly thereafter.

**CODECISION PROCEDURE – First reading**

**Proposal for a Regulation of the European Parliament and of the Council on nutrition and health claims made on foods**

**1. Rapporteur:** Adriana Poli Bortone

**2. EP No:** A6-128/2005

**3. Date of adoption:** 26 May 2005

**4. Subject:** Proposal for a Regulation of the European Parliament and of the Council on nutrition and health claims made on foods

**5. Interinstitutional reference:** 2003/0165(COD)

**6. Legal basis:** Article 95 of the Treaty

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

**8. The Commission’s position:** The Commission can accept certain amendments**.**

18 amendments can be acceptedd: 6, 12, 14, 20, 21, 26, 27, 31, 32, 33, 41, 50, 62, 74, 80, 87, 88, 91

Nine amendments acceptable, subject to redrafting: 7, 18, 28, 42, 45, 52, 61, 76, 84

Seven amendments acceptable in principle: 10, 13, 15, 37, 38, 51, 101

One amendment acceptable in principle, subject to redrafting: 54

14 amendments partially acceptable: 1, 2, 4, 9, 16, 17, 30, 43, 44, 67, 71, 72, 78, 93

Six amendments partially acceptable, subject to redrafting: 8, 36, 59, 73, 92, 102

51 amendments should be rejected: 3, 5, 11, 19, 23, 24, 25, 29, 34, 35, 39, 40, 46, 47, 48, 49, 53, 55, 56, 57, 58, 60, 63, 64, 65, 66, 68, 69, 70, 75, 77, 79, 81, 82, 83, 85, 86, 89, 90, 94, 95, 96, 97, 98, 99, 100, 103, 104, 105, 106, 107

No position on amendment 22 (linguistic issue)

Amendment 29 is deleting Article 4 of the proposal that is related to nutrient profiles and restriction of claims for alcoholic beverages. The Commission cannot accept the deletion of the main principle of the proposal, namely the setting of criteria based on the nutritional properties of foods to allow claims.

Amendment 47 would replace the authorisation procedure by a simple notification procedure and therefore cannot be supported. A simple notification would not be sufficient to control misleading claims, as they could only be prohibited several months after they had been introduced on the market.

Amendment 85 can not be supported as it foresees exemption for trademarks to be subject to the provisions of the Regulation. Such exemption could allow circumvention of all the restrictions in the proposal.

**9. Outlook for amendment of the proposal:** The Commission modified its proposal orally to enable the Council to act quickly in its meeting of 3 June 2005.

**10. Outlook for the adoption of a common position:** The Council reached a unanimous political agreement on 3 June 2005, and will adopt a common position shortly thereafter.

**CODECISION PROCEDURE – First reading**

**Proposal for a directive of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering, including terrorist financing**

**1. Rapporteur**: Hartmut Nassauer

**2. EP No:** A6-0137/2005

**3. Date of adoption:** 26 May 2005

**4. Subject:** Proposal for a directive of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering, including terrorist financing

**5. Interinstitutional reference**: 2004/0137(COD)

**6. Legal basis:** Article 47(2), first and second sentences, and Article 95

**7. Competent Parliamentary Committee**: Committee on Civil Liberties, Justice and Home Affairs (LIBE) and the Committee for Economic and Monetary Affairs (ECON) for 9 amendments

**8. The Commission’s position:** The Commission accepts all amendments adopted by the Parliament.

**9. Outlook for amendment of the proposal:** N/A

**10. Outlook for adoption of the Commission proposal:** Agreement was reached at the ECOFIN Council on 7 June 2005. Provided all translations are available, formal adoption could take place in September 2005.

**CONSULTATION PROCEDURE REQUIRING A SINGLE READING**

**Proposal for a Council regulation amending Regulation (EC) No1868/94 establishing a quota system in relation to the production of potato starch**

**1. Rapporteur:** Janusz Wojciechowski

**2. EP No:** A6-0096/2005

**3. Date of adoption:** 11 May 2005

**4. Subject:** Article 2 of Council Regulation (EC) No 1868/94 fixes the potato starch quotas for producer Member States for the 2002/03, 2003/04 and 2004/05 marketing years. The Commission is proposing a rollover of the quotas currently fixed for 2004/05 for a further two years (2005/06 and 2006/07 marketing years).

**5. Interinstitutional reference:** 2004/0269(CNS)

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

**7. Competent Parliamentary Committee:** Committee on Agriculture and Rural Development (AGRI)

**8. The Commission's position:** The Commission cannot accept the Parliament’s two proposed amendments on the substance of the proposal. A rollover of the quotas of four instead of two years is not necessary to allow for a proper assessment of the effects of the CAP reform and of enlargement on the potato starch sector. The second proposed amendment requested a retroactive allocation of unused quotas, which the Commission cannot accept, since this could lead to production increases in the expectation of quota transfers.

**9. Outlook for amendment of the proposal**: N/A

**10. Outlook for adoption of the proposal:** The proposal was discussed in the SCA on 13 December 2004 and on 17 May 2005, when the Presidency concluded that there was a qualified majority in favour of the Commission proposal as it stands. This proposal was adopted by the Council at its meeting on 30 May 2005.

**CONSULTATION PROCEDURE REQUIRING A SINGLE READING**

**Proposal for a Council regulation on the financing of the Common Agricultural Policy (CAP)**

**1. Rapporteur:** Agnes Schierhuber

**2. EP No:** A6-0127/2005

**3. Date of adoption:** 26 May 2005

**4. Subject:** Proposal for a Council regulation on the financing of the Common Agricultural Policy (CAP)

**5. Interinstitutional reference:** 2004/0164(CNS)

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

**7. Competent Parliamentary Committee:** Committee on Agriculture and Rural Development (AGRI)

**8. The Commission's position:** The Commission can accept certain amendments.

The Commission accepts amendments 2, 3, 4 and 5. Amendment 7 was also accepted, albeit with slight drafting changes. Although the purpose of amendment 1 was accepted, it was not considered opportune, from a legal point of view, to include it in Article 5, taking into account the limitation of Article 13. Amendment 6 was not accepted.

**9. Outlook for amendment of the proposal:** The proposal including the accepted amendments was discussed in the Council meeting of 30 May 2005, where a political agreement was reached (with a qualified majority).

**10.** **Outlook for adoption of the proposal:** Formal adoption as an A point is foreseen at a forthcoming Council meeting.

**CONSULTATION PROCEDURE REQUIRING A SINGLE READING**

**Proposal for a Council decision on guidelines for the employment policies of the Member States**

**1. Rapporteur:** Ana Mato Adrover

**2. EP No:** A6-0149/2005

**3. Date of adoption:** 26 May 2005

**4. Subject:** Report on the proposal for a Council decision on guidelines for the employment policies of the Member States

**5. Interinstitutional reference:** 2005/0057(CNS)

**6. Legal basis:** Article 128(2) EC Treaty

**7. Competent Parliamentary Committee:** Employment and Social Affairs (EMPL)

**8. The Commission's position:** The Commission can accept certain amendments**.**

The Commission has no major substantive problems with the EP opinion and supports its main thrust. It is noted that the opinion largely endorses the proposed refocusing of the Lisbon Strategy on growth and jobs, and that it subscribes to the three leading employment policy priorities set by the European Council (increased labour supply, adaptability and investment in human capital).

The amendments do not aim to alter the structure of the guidelines (except by adding a guideline on accident prevention), and merely seek to put more emphasis on the circumstances faced by particular target groups such as women, older people, youth and people with disabilities, and furthermore on partnership, the role of the social economy, on health and safety and on the balance between labour market flexibility and security.

The Commission can go along with the large majority of amendments, although some restriction should be observed and extensive wording of the guidelines avoided, in order to preserve their focus and the overall balance in the package they form together with the Broad Economic Policy Guidelines. Commissioner Spidla has indicated this before the vote in the EP plenary.

In particular, the Commission can fully agree, although with different wording, with:

* amendment **1** (an equivalent text to be taken from the Spring European Council conclusions);
* amendment **15** (replacement of "flexibility and security" by adaptability which is neutral).

The Commission does not support:

* amendment **5** (which is too open towards intermediate changes until 2008);
* amendment **6** (which tends to subordinate guidelines to the recommendations, whereas the two are equivalent instruments);
* amendment **14** (a separate guideline on accidents is not justified as this issue is not foreseen in the Spring European Council as a major key challenge);
* the last part of amendment **10** referring to "voluntary early retirement" which is in contradiction with Stockholm European Council conclusions foreseeing an extension of the exit age by 5 years until 2010.

The Commission agrees in substance with all the other amendments (**2-4; 7-9; first part of 10**; **11-13; 16-23)** which are implicitly reflected in the Council version, although with considerably less wording.

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

The Council meeting on 2-3 June noted the agreement on a revised version of the Employment Guidelines, which also takes into account the outcome of the consultation of the competent consultative committees (Employment Committee in liaison with the Social Protection Committee). During the meeting of the Council's Social Questions Group prior to Coreper, all amendments were examined. The final text goes along with the EP suggestions to amend the recitals in a way to underline the lack of progress in the last five years, and to give more prominence to social cohesion and to the environmental dimension in the Lisbon Strategy. As to the precise guidelines, the text reflects the main thrust of the EP opinion, with notably strengthened references to gender equality, youth, partnership and the social economy. The emphasis on accident prevention will be present, although not in the form of a separate guideline on accident prevention.

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

Following the EPSCO Council on 2-3 June 2005, the European Council (16-17 June) will endorse the guidelines package (Employment Guidelines and BEPGs), which will be subsequently adopted by a Council in July, after the Economic and Social Committee and the Committee of the Regions have delivered their opinion.

**CONSULTATION PROCEDURE REQUIRING A SINGLE READING**

**Proposal for a Council regulation on the conclusion of the Protocol setting out, for the period from 1 July 2004 to 30 June 2007, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire**

**1. Rapporteur:** Philippe Morillon

**2. EP No:** A6-0114/2005

**3. Date of adoption:** 26 May 2005

**4. Subject:** Proposal for a Council regulation on the conclusion of the Protocol setting out, for the period from 1 July 2004 to 30 June 2007, the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire.

**5. Interinstitutional reference**: 2004/0211(CNS)

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

**7. Competent Parliamentary Committee:** Fisheries Committee (PECHE)

**8. The Commission’s position:** The Commission rejects all the amendments.

**Amendments 1, 5 and 7,** the Commission fully shares the concern to keep the EP informed on the various aspects of the implementation of the Protocol. However, it should be pointed out that the Commission already complies with the transmission of this kind of information in line with the current inter-institutional arrangement. Therefore, the Commission considers that these amendments are not necessary.

**Amendment 8,** this amendment goes against the principles regarding the nature of the Protocols to Fisheries Agreements. Since the Protocols are annexed to the Framework Agreements, their periodical renewal does not require any new mandate.

**Amendment 2**, the Council conclusions of 19 July 2004 on the Commission Communication on Fisheries Partnership Agreements already ensure a greater coherence between the political initiatives of the Community, notably those relating to development policy. It is therefore not necessary to repeat these conclusions in this Regulation.

**Amendment 3**, again, the Council conclusions of 19 July 2004 on the Commission Communication on Fisheries Partnership Agreements already requests that the Commission carries out for each agreement ex-ante and ex-post evaluations as well as an impact assessment. It is therefore not necessary to repeat these conclusions in the Regulation.

**Amendment 4**, the Commission agrees with the general approach of the EP. However, the definition of the sectoral policy for fisheries is the responsibility of the third country and the Council Regulation adopting the Protocol should not deal with this issue.

**Amendment 6**, the Commission believes that the availability of resources to ensure the implementation of the agreement should not be achieved through the provisions being proposed by the Parliament but that the necessary resources are ensured through the relevant headings in the Community budget.

**Amendment 9**, this amendment does not correspond to the current practice for this fishery agreement and other similar ones.

**9. Outlook for amendment of the proposal**: N/A

**10. Outlook for adoption of the proposal:** The proposal was adopted by the Council on 20 June 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 MAY 2005 I AND II PART-SESSIONS**

- European Parliament resolution on simplification of the common organisation of the market in fruit and vegetables (2004/2193(INI))

Report by HERRANZ GARCIA, (EP : A6-0121/05)

Minutes, Part 2, 11 May 2005

Competence : Mariann FISCHER BOEL

DG Agriculture and Rural Development

**Justification** : The Commission will not be responding formally, given that it intends to present legislative proposals modifying the common organisation of the market in fruit and vegetables during the second half of 2006.

- European Parliament resolution on the EU strategy for the Almaty Conference on the Aarhus Convention

(EP : B6-277/05)

Minutes, Part 2, 12 May 2005

Competence : Stavros DIMAS

DG Environment

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

- European Parliament resolution on the drought in Spain

(EP : B6-0307/05)

Minutes, Part 2, 12 May 2005

Competence: Mariann FISCHER BOEL

DG Agriculture and Rural Development

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

- Human rights in Burma/Myanmar

(EP : B6 0284/05)

Minutes, Part 2, 12 May 2005

Competence: Benita FERRERO-WALDNER

DG External Relations

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

- European Parliament resolution on Togo

(EP : B6-0282/05)

Minutes, Part 2, 12 May 2005

Competence: Louis MICHEL/Benita FERRERO WALDNER

DG Development/DG External Relations

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

- European Parliament resolution on the situation in Kyrgyzstan and Central Asia

(EP : B6-0295/05)

Minutes, Part 2, 12 May 2005

Competence: Benita FERRERO-WALDNER

DG External Relations

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

- European Parliament resolution on the situation in Sudan

(EP : B6-0300/05)

Minutes, Part 2, 12 May 2005

Competence: Louis MICHEL

Humanitarian Aid Office/DG Development

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

- European Parliament resolution on the institutional aspects of the European External Action Service

(EP : B6-0320/05)

Minutes, Part 2, 26 May 2005

Competence: Benita FERRERO-WALDNER, José Manuel BARROSO

DG External Relations, Secretariat-General

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

- European Parliament resolution on EU-Russia relations (2004/2170(INI))

Report by Cecilia MALMSTRÖM, (EP : A6-0135/05)

Minutes, Part 2, 26 May 2005

Competence: Benita FERRERO-WALDNER

DG External Relations

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

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