Commission Communication
on the action taken on opinions and resolutions adopted by Parliament at the February part-session
THE FIRST PART OF THIS COMMUNICATION INFORMS PARLIAMENT OF THE ACTION TAKEN BY THE COMMISSION ON AMENDMENTS ADOPTED BY PARLIAMENT RELATING TO PROPOSED LEGISLATION DURING THE FEBRUARY 2007 PART SESSION.

IN THE SECOND PART, THE COMMISSION LISTS A NUMBER OF NON-LEGISLATIVE RESOLUTIONS ADOPTED BY PARLIAMENT DURING THE SAME PART-SESSION, WITH EXPLANATIONS AS TO WHY IT WILL NOT BE RESPONDING FORMALLY.
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CO-DECISION PROCEDURE – First reading


1. Rapporteur: Caroline Jackson
3. Date of adoption: 13 February 2007
5. Inter-institutional references: 2005/0281(COD)
6. Legal basis: Article 175 TEC
7. Competent Parliamentary Committee: Committee on the Environment, Public Health and Food Safety (ENVI)

On 26 September 2006, the European Parliament adopted 120 amendments to the Commission proposal.

Out of the 120 amendments, 16 are acceptable to the Commission and 32 are acceptable in principle or in part as they clarify and improve upon the Commission proposal. The Commission’s detailed position with regard to the amendments of the European Parliament is as follows:

**Amendments accepted fully by the Commission**

Amendments 23 and 34 clarify and improve the definitions concerned or are reasonable definitions for new terms introduced into the text.

Amendments 27, 28 and 31 are acceptable as these definitions already exist in Community law and are relevant to the text.

Amendments 44, 47, 49, 62, 90, 92, 94, 95 and 97 are acceptable as they clarify and improve the provisions concerned.

Amendment 78 is acceptable as it is a standard text.

Amendment 131 is acceptable as it puts back the original text from the Commission proposal.
Amendments accepted in part or in principle by the Commission

Amendments 1, 6, 7, 8 and 11 aim at improving the recitals, and are acceptable in part subject to redrafting.

Amendments 14 and 101 set out a five step waste hierarchy in its first part, which is acceptable subject to minor drafting modifications. The second part is unacceptable as it would create an excessive procedural burden.

Amendments 19, 21, 25, 96, 104 are acceptable subject to minor redrafting.

Amendment 20 is acceptable in part. The first part is not acceptable as it creates a definition of re-use that is incompatible with the definition of waste and fails to distinguish between waste and second hand products. The second part is an acceptable clarification.

Amendment 30 is acceptable, providing the reference to 'for recovery purposes' and the section from 'soil material' onwards is removed as these confuse the relationship of this definition to other Community legislation.

Amendment 33 would be acceptable if it referred to 'products and components' rather than 'substances and materials'.

For amendment 35, the Commission can accept the principle of producer responsibility, but not the obligation to take measures (should read 'may' instead of 'shall' in the first paragraph), nor the third indent of the first paragraph which could conflict with the internal market, nor the second paragraph that introduces unnecessary administrative burden.

Amendment 38 is acceptable in part (paragraph 2b) and in principle. The first paragraph of 2b is acceptable up to the word 'networks' and the second paragraph is acceptable up to the word 'objectives'. In addition, the words 'and waste' would need to be added after the word 'products' in the first paragraph, as the networks referred to often deal with the re-use of waste as well. Amendment 157 is acceptable only in the elements that duplicate Amendment 38 and taking into account the comments above.

For amendment 40, the Commission can accept the extension of the scope of the provision in the first sentence up to 'recovery or disposal', but not the other changes which could weaken the level of environmental protection offered by the Directive.

Amendment 45 is acceptable in part and in principle, subject to streamlining of the procedures set out, the preservation of comitology for the adoption of criteria, and the deletion of the fixed list of wastes that may be covered by the procedure.

Amendment 56 is acceptable in part and in principle. The first part of the amendment would be acceptable were it to link the existence of a separate collection obligation to an environmental benefit, rather than the notion of technical feasibility. The maintenance of a legally binding regeneration priority in the second part of the amendment is not acceptable as it conflicts with the proposal adopted by the Commission.

For amendment 63, the Commission can accept the objective of this provision, but it should specify that the records held must match the information needed by the competent authority.
Amendment 112 is acceptable in principle. Point 1 is acceptable subject to rewording that makes it clear that a legally binding priority is not being created. Point 2 is acceptable subject to being reworded to allow for the diversity of different national geographical and environmental conditions. Points 3, 4 and 5 are acceptable but should be undertaken in the context of the procedure contained in Article 11.

Amendment 64 is acceptable in part. The reference to consultation of one stakeholder group is not acceptable.

Amendment 66 is acceptable in part and in principle. The first part is acceptable (paragraph 3), other parts are acceptable if reworded, and the deletions are unacceptable.

Amendment 69 is acceptable in part and in principle. In the first part, 18 months is not acceptable as this would be before the transposition period. 24 months could be acceptable. In the second part, the aspirational targets for waste prevention are acceptable subject to rewording. The amendments to paragraph 2 are acceptable as local and regional authorities have an important role to play in developing the waste prevention programmes. New paragraph 2a is not acceptable as such systems already exist.

Amendment 74 is acceptable in part. The part specifying the retention of records for five years (paragraph 2) is acceptable in order to improve the traceability of such waste. Other parts would create disproportionate administrative burden.

Amendment 77 is acceptable in part. Effective sanctions for non-compliance must be applied by the Member States, but there is no reason to single out Article 16 in particular.

Amendment 140 is acceptable in principle. The Commission acknowledges that waste recycling and re-use targets can bring about concrete positive environmental results. However, in order to be meaningful, and in line with the Commission's legislative practice, targets have to be impact assessed. In addition targets cannot properly be set on such broad categories as industrial and manufacturing waste. Finally, for municipal and construction and demolition waste, several targets or obligations that encourage recycling and re-use already exist in Community law (such as the Landfill Directive, for example).

Amendment 141 is acceptable in principle as such schemes are an important part of delivering more and cleaner re-use, recycling and recovery, and already widely exist. However, the wording would need redrafting so that it takes into account geographical conditions and environmental benefit.

Amendments 168 and 173 are acceptable in principle and in part to the extent they clarify the relevant comitology procedure, (apart from the procedure relating to the list of waste that is incorrect), but are not acceptable where they narrow the scope of application of these procedures.

**Amendments not accepted by the Commission**

Amendments 2, 3, 4, 5, 9 and 10 are not acceptable as they focus the recitals on erroneous environmental objectives or are too vague, meaning that their practical implications are not clear.
Amendments 12 and 13 are not acceptable as they remove the explanatory recitals for key elements of the Commission proposal.

Amendments 15, 134, 102, 123, 126 are not acceptable because elements of these amendments relating to the scope of the Directive would either create environmental damage, or are unclear, or do not respect the Commission's right of initiative.

Amendments 17, 26, 29, 32 are not acceptable because they would create legal uncertainty or add unnecessary definitions to the text.

Amendment 24 is not acceptable as the definition of treatment is used in the text only as shorthand for recovery and disposal.

Amendments 36, 169, 48, 170 and 171 are not acceptable because there is no advantage in annexing the European waste list to the Directive or in making it directly applicable, and because the list is designed for waste classification rather than data collection purposes.

A target for waste stabilisation linked to material efficiency and life cycle thinking could be a useful complement to guide the Member States in developing their national waste prevention programmes. However, amendment 37 is not acceptable as the waste prevention targets are too blunt – too difficult for some Member States and not challenging enough for others. In addition, the items listed for obligatory action at the EU level infringe the Commission's right of initiative.

Amendments 43, 65, 83, 89, 107, 108, 109, 121 and 127 are not acceptable as they would create legal uncertainty and are likely to generate unnecessary litigation.

Amendments 41, 103, 138 and 153 infringe the Commission's right of initiative.

Amendments 46, 52 and 53 are unacceptable as they are unworkable.

Amendments 50, 51, 59, 61, 71, 72, 80, 161, 172 and 188 are not acceptable as they would create disproportionate administrative burden.

Amendment 54 is unacceptable as in some cases there is no environmental benefit from the action proposed.

Amendment 58 is unacceptable as amendments to the IPPC Directive should be undertaken in the context of the revision of that Directive.

Amendments 60 and 68 are not acceptable as comitology would be needed in order to make these provisions workable.

Amendments 67 and 151 simply repeat existing text from the Waste Shipment Regulation and could lead to confusion.

Amendment 70 is not acceptable as it is crucial that the national waste prevention programmes have objectives in order to measure the progress made.

Amendment 79 is not acceptable as it adds excessive procedural detail to the comitology procedure.
Amendments 39, 81, 82 and 84-88 are not acceptable as they are incompatible with the international obligations of the Community.

Amendment 91 is unacceptable as the Waste Framework Directive is not the appropriate place for such product related action. However, issues of product comparison are considered in other parts of EU legislation (such as labelling schemes, for example).

Amendment 93 is not acceptable as separate collection is not a waste prevention measure.

Amendments 98 and 113 are unacceptable as they pose risks to human and animal health and would remove a ban on the feeding of such catering waste to pigs that is laid down in animal and human health legislation and therefore under a different legal basis.

Amendment 115 is unacceptable as reports every three years allow the Commission to keep track of the implementation of the Directive.

Amendment 158 is unacceptable as although it improves the text of the initial amendment (Amendment 39) the remaining text is still not acceptable.

9. **Outlook for the adoption of an amended proposal:** The Commission services do not intend to present a written amended proposal as the amendments agreed or agreed in principle, or partially, are limited in number and content. However, the Commission will inform the Council of its position.

10. **Outlook for the adoption of a common position:** Full political agreement leading to a common position is likely under the German Presidency at the June Environment Council.
CO-DECISION PROCEDURE – First reading


1. Rapporteur: Herbert Bösch
3. Date of adoption: 13 February 2007
4. Subject: Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule II programme)
5. Inter-institutional reference: 2006/0114(COD)
6. Legal basis: Articles 251 and 280 EC Treaty
7. Competent Parliamentary Committee: Committee on Budgetary Control (CONT)
8. Commission’s position: The Commission can accept all the amendments which are based on the compromise text elaborated with the Council.
9. Outlook for amendment of the proposal: Not applicable (see point 8).
10. Outlook for the adoption of the proposal: The Decision is expected to be adopted by the Council shortly.
1. **Rapporteur:** Klaus-Heiner Lehne

2. **EP No:** A6-0024/2007

3. **Date of adoption:** 15 February 2007

4. **Subject:** Exercise of voting rights by shareholders of companies having their registered office in a Member State and whose shares are admitted to trading on a regulated market and amending Directive 2004/109/EC

5. **Inter-institutional reference:** 2005/0265(COD)

6. **Legal basis:** Articles 44(2) (g) and 95 of the EC Treaty

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

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

9. **Outlook for amendment of the proposal:** The Commission will not amend its proposal as Parliament's first reading is in line with the Coreper position of 19 January 2007 and therefore the proposal will be adopted in first reading.

10. **Outlook for the adoption of the proposal:** The Council is expected to adopt the proposal in first reading by summer 2007.
CONSULTATION PROCEDURE REQUIRING A SINGLE READING

European Parliament legislative resolution on the proposal for a Council decision on guidelines for the Employment Policies of the Member States

1. **Rapporteur:** Jan Andersson

2. **EP No:** A6-0008/2007

3. **Date of adoption:** 15 February 2007

4. **Subject:** Member States' employment policies

5. **Inter-institutional reference:** 2006/0271(CNS)

6. **Legal basis:** Article 128 TEC

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

8. **Commission's position:** The Commission accepts the single amendment 'in principle'.

The Resolution does not call for changes to the Guidelines, since the current Guidelines are agreed on for the years 2005-2008. The single amendment proposes to insert into the current recitals for the Guidelines that the Parliament is given 5 months when being consulted on the 2008-2010 guidelines. The 2008-2010 Guidelines will be decided next year.

The Commission accepts the amendment in principle. It will do all it can to ensure that Parliament is fully consulted throughout 2007 and 2008 on the new Guidelines.

9. **Outlook for amendment of the proposal:** The Commission will not amend its proposal since it cannot accept the inclusion of the amendment in the text as such. It is unlikely that the Council will accept the amendment requesting a five months consultation period since Member States need time to take the new guidelines into account when preparing their follow-up reports to the national reform programmes, sent to the Commission in October. The guidelines will most likely be discussed already in the Spring European Council in March 2008.

10. **Outlook for the adoption of the proposal:** The Commission proposal is likely to be adopted during the next EPSCO Council on 30-31 May 2007.
CONSULTATION PROCEDURE REQUIRING A SINGLE READING

European Parliament legislative resolution on the proposal for a Council decision on Providing Community macro-financial assistance to Moldova

1. Rapporteur: Béla Glattfelder
3. Date of adoption: 14 February 2007
4. Subject: Community macro-financial assistance to Moldova
5. Inter-institutional reference: 2006/0184(CNS)
6. Legal basis: Article 308 TEC
7. Competent Parliamentary Committee: Committee on International Trade (INTA)
8. Commission’s position: While the Commission can accept certain amendments, it finds others factually inaccurate and cannot accept those that entail changes in the inter-institutional balance and that are inconsistent with the Commission's management prerogatives:

**Amendment 1: New Recital 9a**: Rejected

The proposed recital does not translate in any legislative provisions in the proposed Council Decision and is therefore superfluous. Moreover, there is no evidence that Transnistria's trade in agricultural products has increased as a result of Russia's ban on Moldova's exports of wine (and of other agricultural products).

**Amendment 2: New Recital 9b**: Rejected

While factually accurate (Transnistria does not transfer any revenue to the State Budget of the Republic of Moldova), the proposed recital is superfluous for the same reason as Amendment 1.

**Amendment 3: New Recital 9c**: Accepted

**Amendment 4: New Recital 9d**: Accepted

The Commission accepts the amendment but suggests a revised wording: "The Community should ensure that the EU macro-financial assistance is designed and implemented consistently with the different areas of external action and other relevant Community policies."
Amendment 5: New Recital 9e: Rejected

The purpose of the proposed recital is to re-state the guiding principles for providing macro-financial assistance – the so-called Genval criteria – and to introduce the term of political preconditions. The Commission considers that:

(i) The preceding recitals refer already to the general principles guiding the provision of macro-financial assistance, and thus make the proposed recital superfluous;

(ii) The political framework of the EU-Moldova bilateral relations is set in the context of the European Neighbourhood Policy and the instrument of macro-financial assistance is not designed to address the questions of political relations.

Amendment 6: New Recital 9f: Rejected

See explanation for Amendment 7.

Amendment 7: New Recital 9g: Rejected

Macro-financial assistance is an instrument of balance-of-payments and budget support. It is not designed to target the wine-producing or other specific sectors. Other assistance programmes are addressing either food security or quality of the agricultural and food industry products of Moldova.

Amendment 8: Recital 10: Rejected

(i) The proposed text is too specific and detailed for a recital. The same ideas are already made explicit in Articles 2(1) and 3(3) of the draft Decision.

(ii) On the substance of the proposed Amendment, see explanation for Amendment 12.

Amendment 9: Article 1, Paragraph 1: Accepted

Amendment 10: Article 1, Paragraph 2: Rejected

The EP will be regularly informed on all MFA operations through the Annual reports prepared by the Commission (see also comments to Amendment 16). The EP should agree with the Council rather than with the Commission on reporting procedures on the proceedings of the Economic and Financial Committee.

Amendment 11: Article 1, Paragraph 3: Rejected

The Commission intends to complete the implementation of the programme within the two-year period. However, there may still be a need for some flexibility, in case of unforeseen circumstances.

Amendment 12: Article 2, Paragraph 1: Rejected

First part:

The Commission considers that the management of the instrument falls under the responsibility of the Commission.
Second part:

(i) The Commission considers that the Council decision should not prejudge areas of conditionality whose definition is also part of the management of the instrument.

(ii) To disclose the conditionalities of the macro-financial assistance, we would need to request the agreement of the co-signatory (the authorities of Moldova in this case). However, the Commission will explore the possibilities to improve public information on the design and the conditions of the assistance, e.g. through internet.

Amendment 13: Article 3, Paragraph 3: Accepted

Amendment 14: Article 3, Paragraph 4: Accepted

Amendment 15: Article 4: Accepted

Amendment 16: Article 5:

First part: Rejected

The Commission transmits its report officially to the European Parliament through its Secretariat.

Second part: Accepted

The Commission considers, however, that the "targets" should be replaced by "policy conditions", consistent with the language used in the preceding articles of the proposed Council Decision.

Amendment 17: New Article 5a: Rejected

The Commission conducts ex-post evaluations of all its assistance programmes. The evaluation reports are public documents and can be consulted by all the interested parties on the Commission's web-site.

9. Outlook for amendment of the proposal: The Commission services informed the Council (Financial Counsellors' group) orally of the Commission's position on the EP amendments on 20 February 2007. The Council decided unanimously to reject all the EP amendments that the Commission supported but one – the second part of Amendment 16, with the change in the language as suggested by the Commission.

10. Outlook for the adoption of the proposal: Second reading took place in the Council (Financial Counsellors' group) on 20 February 2007. The Council approval of the proposal is foreseen before the end of March.
CONSULTATION PROCEDURE REQUIRING A SINGLE READING

European Parliament legislative resolution on the proposal for a Council regulation laying down technical measures for the conservation of certain stocks of highly migratory species

1. **Rapporteur:** Rosa Miguélez Ramos

2. **EP No:** A6-0476/2006

3. **Date of adoption:** 14 February 2007

4. **Subject:** Technical measures for the conservation of stocks of highly migratory species

5. **Inter-institutional reference:** 2006/0030(CNS)

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

7. **Competent Parliamentary Committee:** Committee on Fisheries (PECH)

8. **Commission’s position:** The Commission **cannot accept any of the adopted amendments.**

**Amendment 1:** Rejected

At its last Annual meeting, held in Dubrovnik on 17-26 November 2006, ICCAT adopted a Multi-annual Recovery Plan for Bluefin Tuna. This Plan will be transposed in Community law. Therefore, the Commission considers that such amendment is not necessary.

**Amendment 2:** Rejected

The Multi-annual Recovery Plan addresses the main concerns expressed by the ICCAT Scientific Committee notably by implementing a gradual reduction of the TAC and the strengthening of control measures. Therefore, the Commission considers that such amendment is not necessary.

**Amendment 3:** Rejected

The Multi-annual Recovery Plan was adopted by consensus and covers all the steps from the catch to the market. The Recovery Plan was also adopted by the GFCM (General Fishery Commission for the Mediterranean) extending its application to other Mediterranean non ICCAT Contracting Parties. Therefore, the Commission considers that such amendment is not necessary.
Amendments 4 and 5: Rejected

The Multi-annual Recovery Plan foresees increased reporting requirements and strict monitoring measures, such as real time reporting, for the fishing and the farming activities. Therefore, the Commission considers that such amendment is not necessary.

Amendment 6: Rejected

The aim of the proposal is to transpose in Community law the technical measures adopted by RFMOs. There are currently underway in the Community several studies and pilot projects conducted at Member State level (involving the industry and research institutes) to investigate and develop more selective fishing gears. Therefore, the Commission considers this amendment is not suitable.

Amendment 7: Rejected

Inspection and control are covered by a different Regulation. The fight against IUU fishing (Illegal, Unregulated and Unreported) is a priority for the Commission which has included in its work programme for 2007 a package including a Communication from the Commission on a proposal for a Council Regulation on stepping up the fight against IUU fishing. Therefore, the Commission considers this amendment is not suitable.

9. **Outlook for the amendments of the proposal:** Not applicable. The proposal will be adopted by the Council as an A point, without any further debate.

10. **Outlook for the adoption of the proposal:** This proposal will be formally adopted in April/May 2007.
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 February 2007 part-session

- European Parliament Resolution on women's role in social, economic and political life in Turkey (2006/2214(INI))
  Rapporteur: Emine BOZKURT (PE: A6-0003/07)
  Minutes, Part 2, 13 February 2007
  Competence: Olli REHN
              DG Enlargement
  Grounds: The Commission will not be responding formally, given that the Commissioner, Ms Kuneva, has already replied in plenary to the requests contained in the Resolution.

- European Parliament Resolution on the input to the 2007 Spring Council in relation to the Lisbon Strategy
  (PE: B6-0048/07)
  Minutes, Part 2, 14 February 2007
  Competence: José Manuel BARROSO
              Secretariat-General
  Grounds: The Commission does not intend to respond formally given that, on 14 March 2007, the Commissioner, Mr Verheugen, took part in the debate on the outcome of the European Council and that the Commission wishes to maintain an ongoing dialogue with Parliament on all aspects of the Lisbon strategy.

- European Parliament Resolution on the external dimension of the fight against international terrorism (2006/2032(INI))
  Rapporteur: Luis YAÑEZ-BARNUEVO GARCÍA (PE: A6-0441/06)
  Minutes, Part 2, 15 February 2007
  Competence: Benita FERRERO-WALDNER
              DG External Relations
  Grounds: The Commission will not be responding formally, given that the Commissioner, Ms Ferrero-Waldner, has already replied in plenary to the requests contained in the Resolution.

- European Parliament Resolution on the dialogue between the Chinese Government and Envoys of the Dalai Lama
  (PE: B6-0051/07)
  Minutes, Part 2, 15 February 2007
  Competence: Benita FERRERO-WALDNER
              DG External Relations
  Grounds: The Commission will not be responding formally given that the Commissioner, Mr Figel', has already replied in plenary to the requests contained in the Resolution.
- European Parliament Resolution on refugees from Iraq
(PE: B6-0052/07)
Minutes, Part 2, 15 February 2007
Competence: Louis MICHEL, Benita FERRERO-WALDNER
Humanitarian Aid (ECHO), DG External Relations

Grounds: The Commission will not be responding formally given that the Commissioner, Mr Figel', has already replied in plenary to the requests contained in the Resolution.

- European Parliament Resolution on Guinea
(PE: B6-0049/07)
Minutes, Part 2, 15 February 2007
Competence: Louis MICHEL
DG Development

Grounds: The Commission will not be responding formally given that the Commissioner, Mr Figel', has already replied in plenary to the requests contained in the Resolution.