Brussels, 9 November 2022

**SP(2022) 623**

Replies of the Commission to positions and resolutions adopted by the European Parliament – October I part-session

**THE FIRST PART OF THIS DOCUMENT INFORMS PARLIAMENT OF THE POSITION OF THE COMMISSION ON AMENDMENTS ADOPTED BY THE PARLIAMENT RELATING TO PROPOSED LEGISLATION DURING THE OCTOBER I 2022 PART-SESSION.**

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

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**Part One**
**Legislative opinions**

**ORDINARY LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 851/2004 establishing a European Centre for disease prevention and control**

**1. Rapporteur:** Joanna KOPCIŃSKA (ECR / PL)

**2. Reference numbers:** 2020/0320 (COD) / A9-0253/2021 / P9\_TA(2022)0332

**3. Date of adoption of the resolution:** 4 October 2022

**4. Legal basis:** Article 168(5) of the Treaty on the Functioning of the European Union

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

**6. Commission's position:** Accepts all amendments. The Commission presented the following statement

“The Commission welcomes the overall agreement reached by the co-legislators on the proposal for a Regulation on the extension of the mandate of the European Centre for Disease Prevention and Control.  The new Regulation will reinforce the capacity of the Centre to support the EU and its Member States in the prevention and control of communicable disease threats and improve European preparedness for future health challenges.

The Commission regrets that the agreed text does not fully align the Regulation with the principles of the Common Approach on the EU decentralised agencies, as regards the voting regime of the Management Board concerning the rules governing the languages of the Centre. Therefore the agreement reached between the European Parliament and the Council on the language regime of the agency is without prejudice to any future legislative texts. The Commission remains convinced of the benefits of following all aspects of the Common Approach in relation to decentralised agencies.”

**ORDINARY LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council on serious cross-border threats to health repealing Decision No 1082/2013/EU**

**1. Rapporteur:** Véronique TRILLET-LENOIR (Renew / FR)

**2. Reference numbers:** 2020/0322 (COD) / A9-0247/2021 / P9\_TA(2022)0333

**3. Date of adoption of the resolution:** 4 October 2022

**4. Legal basis:** Article 168(5) of the Treaty on the Functioning of the European Union

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

**6. Commission's position:** Accepts all amendments. The Commission presented the following statement:

“The Commission welcomes the overall agreement reached by the co-legislators on the proposal for a Regulation on serious cross-border threats to health. This new Regulation provides for a strong health security framework in the EU and will strengthen EU-level protection, prevention, preparedness and response against cross-border health challenges.

The Commission regrets that the agreed text does not fully align the Regulation with the principle of one Commission and singles out one specific internal Commission service, whereas the Regulation will be implemented by the Commission (including other Commission departments) and other actors. Therefore, the agreement reached between the European Parliament and the Council on the provisions that refer to a specific Commission internal service is without prejudice to any future legislative texts.

Moreover, the Commission also regrets that the co-legislators agreed to include a review clause, which includes an assessment of the need to establish the European Health Emergency preparedness and Response Authority (HERA) as a distinct entity from the Commission. Such an assessment goes beyond the scope of the Regulation and should remain within the Commission’s remit as HERA is a Commission service. Moreover, it duplicates the assessment that is to be carried out under the Council Regulation on a framework of measures for ensuring the supply of crisis-relevant medical countermeasures in the event of a public health emergency at Union level.”

**ORDINARY LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council laying down management, conservation and control measures applicable in the Indian Ocean Tuna Commission (IOTC) Area of Competence, amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007**

**1. Rapporteur:** Gabriel MATO (EPP / ES)

**2. Reference numbers:** 2021/0058 (COD) / A9-0312/2021 / P9\_TA(2022)0336

**3. Date of adoption of the resolution:** 4 October 2022

**4. Legal basis:** Article 43(2) of the Treaty on the Functioning of the European Union

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

**6. Commission's position:** Accepts all amendments. The Commission presented the following statement:

The European Parliament and the Council have on several occasions underlined the need to further improve the process of implementation of conservation measures adopted by Regional Fisheries Management Organisations (RFMOs), notably in terms of their timely adoption.

Against this background the Commission regrets that its attempt to streamline the implementation process has not been fully retained by the European Parliament and the Council. The Commission will continue to work together with the European Parliament and the Council on further improvements to the implementation process.

**ORDINARY LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 2014/53/EU on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment**

**1. Rapporteur:** Alex AGIUS SALIBA (S&D / MT)

**2. Reference numbers:** 2021/0291 (COD) / A9-0129/2022 / P9\_TA(2022)0338

**3. Date of adoption of the resolution:** 4 October 2022

**4. Legal basis:** Article 114 of the Treaty on the Functioning of the European Union

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

**6. Commission's position:** Accepts all amendments.

**ORDINARY LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013**

**1. Rapporteur:** Ivan ŠTEFANEC (EPP / SK)

**2. Reference numbers:** 2020/0306 (COD) / A9-0279/2021 / P9\_TA(2022)0340

**3. Date of adoption of the resolution:** 4 October 2022

**4. Legal basis:** Articles 114 and 207 of the Treaty on the Functioning of the European Union

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

**6. Commission's position:** Accepts all amendments. The Commission presented the following statement:

“The Commission regrets that the original dates foreseen in the proposal for the Government-to-Government exchanges were not retained by the co-legislators, and that this will reduce the capacity of the Union to deliver on its commitments under the Green Deal for the management of ozone depleting substances and control and reduction of fluorinated greenhouse gases to prevent climate-relevant emissions. However, given the significant impact on customs of major current and past events the Commission understands that Member States are facing great pressure. At the same time, the Commission acknowledges that some Member States are already interconnected to the EU Customs Single Window - Certificate Exchange System (EU CSW-CERTEX), and some have asked for the possibility to interconnect before 2025. Therefore, notwithstanding the deadlines listed in the Annex, the Commission strongly encourages all Member States to take all the necessary steps to interconnect as soon as possible”.

**ORDINARY LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council on statistics on agricultural input and output and repealing Regulations (EC) No 1165/2008, (EC) No 543/2009, (EC) No 1185/2009 and Council Directive 96/16/EC**

**1. Rapporteur:** Petros KOKKALIS (The Left / GR)

**2. Reference numbers:** 2021/0020 (COD) / A9-0285/2021 / P9\_TA(2022)0341

**3. Date of adoption of the resolution:** 4 October 2022

**4. Legal basis:** Article 338(1) of the Treaty on the Functioning of the European Union

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

**6. Commission's position:** Accepts all amendments.

The Commission tabled the following statement in relation to Regulation (EU) 2022/...[[1]](#footnote-1)+, as regards on-going work to ensure the availability in electronic format of the records to be kept by professional users of plant protection products pursuant to Article 67(1) of Regulation (EC) No 1107/2009:

“The European Green Deal and the Farm to Fork Strategy establish a reduction in the use and risk of chemical pesticides as a key objective for the Union. In order to ensure effective and impactful policies, robust and comprehensive data on the use of pesticides at farm level is crucial. The on-going work to ensure the availability in electronic format of the records kept by professional users of plant protection products is an important enabling factor to implementing the reporting obligations on pesticides that are part of Regulation (EU) .../... of the European Parliament and of the Council[[2]](#footnote-2)[[3]](#footnote-3)++ (SAIO).

Therefore, the Commission has prepared a draft Commission Implementing Regulation, on the basis of Article 67(4) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council[[4]](#footnote-4), as regards the content and format of the records of the use of plant protection products to be kept by professional users in accordance with Article 67(1) of Regulation (EC) No 1107/2009.

That Implementing Regulation would, if adopted as currently foreseen, regulate the record-keeping required under Regulation (EC) No 1107/2009 in detail, including by identifying the elements to be recorded by the professional users, and by ensuring that those records will be available in electronic format from 1 January 2025 at the latest.

The draft of that Implementing Regulation is currently under discussion in the Standing Committee on Plants, Animals, Food and Feed, Section Phytopharmaceuticals - Legislation. The Commission intends to seek the opinion of the committee pursuant to Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council[[5]](#footnote-5) in the coming months.

The Commission intends to adopt that Implementing Regulation before the end of 2022.”

**ORDINARY LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Annexes IV and V to Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants**

**1. Rapporteur:** Martin HOJSÍK (Renew / SK)

**2. Reference numbers:** 2021/0340 (COD) / A9-0092/2022 / P9\_TA(2022)0342

**3. Date of adoption of the resolution:** 4 October 2022

**4. Legal basis:** Article 192(1) of the Treaty on the Functioning of the European Union

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

**6. Commission's position:** Accepts all amendments. The Commission presented the following statement on inclusion of waste code 17 05 04 “soil and stones other than those mentioned in 17 05 03” in part 2 of Annex V of Regulation (EU) 2019/1021

“The inclusion in part 2 of Annex V of the waste code for “soils and stones other than those mentioned in 170503” should not be understood to favour disposal of soil as waste over remediation in view of preventing waste generation.

Where disposal offers the best environmental waste management option, the exceptional derogation from destructive treatment is subject to the requirements of Article 7(4) of the Regulation (EU) 2019/1021”.

**ORDINARY LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 95/93 as regards temporary relief from the slot utilisation rules at Community airports due to the COVID-19 pandemic**

**1. Rapporteur:** Dominique RIQUET (Renew / FR)

**2. Reference numbers:** 2022/0214 (COD) / P9\_TA(2022)0348

**3. Date of adoption of the resolution:** 6 October 2022

**4. Legal basis:** Article 91 of the Treaty on the Functioning of the European Union

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

**6. Commission's position:** Accepts all amendments.

**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 OCTOBER I 2022 PART-SESSION**

* Access to water as a human right – the external dimension (2021/2187 (INI))

EP: A9-0231/2022

Rapporteur: Miguel URBÁN CRESPO

Date: 05-10-2022

Competence: Josep BORRELL FONTELLES

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they were comprehensively addressed in plenary by Commissioner Urpilainen, on behalf of the High Representative/Vice-President Borrell.

* The EU’s strategic relationship and partnership with the Horn of Africa
(2021/2206 (INI))

EP: A9-0207/2022

Rapporteur: Fabio Massimo CASTALDO

Date: 05-10-2022

Competence: Josep BORRELL FONTELLES

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they were comprehensively addressed in plenary by Commissioner Urpilainen, on behalf of the High Representative/Vice-President Borrell.

* The situation of human rights in Haiti in particular related to gang violence (2022/2856 (RSP))

EP: RC9-0427/2022

Date: 06-10-2022

Competence: Josep BORRELL FONTELLES

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they were comprehensively addressed in plenary by Commissioner Wojciechowski, on behalf of the High Representative/Vice-President Borrell.

* The Media freedom crackdown in Myanmar, notably the cases of Htet Htet Khine, Sithu Aung Myint and Nyein Nyein Aye (2022/2857 (RSP))

EP: RC9-0431/2022

Date: 06-10-2022

Competence: Josep BORRELL FONTELLES

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they were comprehensively addressed in plenary by Commissioner Wojciechowski, on behalf of the High Representative/Vice-President Borrell.

* The recent humanitarian and human rights situation in Tigray, Ethiopia, notably that of children (2022/2858 (RSP))

EP: RC9-0429/2022

Date: 06-10-2022

Competence: Josep BORRELL FONTELLES

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they were comprehensively addressed in plenary by Commissioner Wojciechowski, on behalf of the High Representative/Vice-President Borrell.

* The death of Mahsa Amini and the repression of women's rights protesters in Iran (2022/2849 (RSP))

EP: RC9-0434/2022

Date: 06-10-2022

Competence: Josep BORRELL FONTELLES

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they were comprehensively addressed in plenary by High Representative/Vice-President Borrell.

* Russia’s escalation of its war of aggression against Ukraine (2022/2851 (RSP))

EP: RC9-0430/2022

Date: 06-10-2022

Competence: Josep BORRELL FONTELLES

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they were comprehensively addressed in plenary by High Representative/Vice-President Borrell and Ursula von der Leyen, President of the European Commission.

* The EU’s response to the increase in energy prices in Europe (2022/2830 (RSP))

EP: RC9-0416/2022

Date: 05-10-2022

Competence: Kadri SIMSON, Frans TIMMERMANS

Reason: The Commission will not be responding formally to the requests addressed in the resolution. In view of the topics addressed in it, the Commission has intensively engaged in an open and transparent dialogue with the European Parliament. A debate on this topic took place in plenary on 13 September when Commissioner Simson gave a broad outline on the topics mentioned in the resolution. Commission President von der Leyen gave more details just a day later in the State of the Union address, where energy featured prominently in her speech. On 4 October, Commissioner Simson addressed again the ITRE committee on the points mentioned in the resolution. Meanwhile, President von der Leyen gave another outline on topics of the resolution in her speech in plenary on 5 October. On 18 October, the Commission adopted a communication and a legislative proposal addressing the issues mentioned in the resolution. The topics were again part of a plenary debate on 19 October, when the Commission was asked to give on overview on the preparation of the European Council on 20 and 21 October. Commissioner Simson addressed the ITRE committee again on 26 October on the topics.

1. *+ OJ: Please insert in the text the number of the Regulation in the document COD(2021)0020.* [↑](#footnote-ref-1)
2. Regulation (EU) .../... of the European Parliament and of the Council of ... on statistics on agricultural input and output, amending Regulation (EC) No 617/2008 and repealing Regulations (EC) No 1165/2008, (EC) No 543/2009 and (EC) No 1185/2009 and Council Directive 96/16/EC (OJ L ...). [↑](#footnote-ref-2)
3. *++ OJ: Please insert in the text the number, and in the footnote the number, the date and the OJ publication reference of the Regulation in the document COD(2021)0020.* [↑](#footnote-ref-3)
4. Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1). [↑](#footnote-ref-4)
5. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers (OJ L 55, 28.2.2011, p. 13). [↑](#footnote-ref-5)