Brussels, 21 December 2022

**SP(2022) 718 final**

**Replies of the Commission to positions and resolutions adopted by the European Parliament – November II 2022 part-session**

**CONTENTS**

[**PART ONE – Legislative Resolutions**](#PARTONE)

[**ordinary legislative procedure** – **First reading**](#OLP)

* [Resilience of critical entities](#RCE)
* [Access to Union waters](#waters)
* [European standards and European standardisation deliverables](#standards)
* [Non-recognition of Russian travel documents issued in occupied foreign regions](#russian)
* [Path to the Digital Decade](#Digital)

[**special legislative procedure** – **First reading**](#OLP)

* [System of own resources of the European Union](#resources)

[**PART TWO – Non-legislative resolutions**](#PARTTWO)

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

**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 on the resilience of critical entities**

**1. Rapporteur:** Michal ŠIMEČKA (Renew / SK)

**2. Reference numbers:** 2020/0365 (COD) / A9-0289/2022 / P9\_TA(2022)0394

**3. Date of adoption of the resolution:** 22 November 2022

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

**5. Competent Parliamentary Committee:** Committee on Civil Liberties, Justice and Home Affairs (LIBE)

**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 amending Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013, as regards restrictions to the access to Union waters**

**1. Rapporteur:** Pierre KARLESKIND (Renew / FR)

**2. Reference numbers:** 2021/0176 (COD) / A9-0206/2022 / P9\_TA(2022)0395

**3. Date of adoption of the resolution:** 22 November 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 following statements were presented:

Statement by the Commission

In the event that it considers a review of the CFP Regulation, the Commission will conduct an impact assessment, along the lines of the Better Regulation principles. The Commission will make available to the co-legislators the impact assessment at the moment it publishes such proposal. Alternatively, it will consider reporting on the implementation of the Common Fisheries Policy at the latest by 2032.

Statement by the Commission and the European Parliament

The Commission and the European Parliament take note of the situation of fisheries in the Channel and the concerns raised by local and regional fisheries stakeholders, including fishers, regarding the use of demersal seines by numerous vessels. The Commission and the European Parliament encourage close cooperation between those stakeholders and initiatives from them and invite Member States to follow-up, where relevant, with the submission of joint recommendations. The Commission will follow-up with measures, where appropriate, including technical measures, based on consultations of stakeholders and an assessment by the relevant scientific bodies including an assessment of socio-economic impacts. In this regard, the Commission will ensure that funding is available for scientific research and advice.

**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 (EU) No 1025/2012 as regards the decisions of European standardisation organisations concerning European standards and European standardisation deliverables**

**1. Rapporteur:** Svenja HAHN (Renew / DE)

**2. Reference numbers:** 2022/0021 (COD) / A9-0206/2022 / P9\_TA(2022)0396

**3. Date of adoption of the resolution:** 22 November 2022

**4. Legal basis:** Article 114 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.

**ORDINARY LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a decision of the European Parliament and of the Council on the non-recognition of Russian travel documents issued in occupied foreign regions**

**1. Rapporteur:** Juan Fernando LÓPEZ AGUILAR (S&D / ES)

**2. Reference numbers:** 2022/0274 (COD) / P9\_TA(2022)0413

**3. Date of adoption of the resolution:** 24 November 2022

**4. Legal basis:** Article 77(2)(a) and (b) of the Treaty on the Functioning of the European Union

**5. Competent Parliamentary Committee:** Committee on Civil Liberties, Justice and Home Affairs (LIBE)

**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 decision of the European Parliament and of the Council establishing the 2030 Policy Programme “Path to the Digital Decade”**

**1. Rapporteur:** Martina DLABAJOVÁ (Renew / CZ)

**2. Reference numbers:** 2021/0293 (COD) / A9-0159/2022 / P9\_TA(2022)0414

**3. Date of adoption of the resolution:** 24 November 2022

**4. Legal basis:** Article 173(3) of the Treaty on the Functioning of the European Union

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

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

**SPECIAL LEGISLATIVE procedure – First reading**

**Follow up to the European Parliament legislative resolution on the proposal for a Council decision amending Decision (EU, Euratom) 2020/2053 on the system of own resources of the European Union**

**1. Rapporteur:** José Manuel FERNANDES (EPP / PT), Valérie HAYER (Renew / FR)

**2. Reference numbers:** 2021/0430 (CNS) / A9-0266/2022 / P9\_TA(2022)0404

**3. Date of adoption of the resolution:** 23 November 2022

**4. Legal basis:** Article 311 of the Treaty on the Functioning of the European Union

**5. Competent Parliamentary Committee:** Committee on Budgets (BUDG)

**6. Commission's position:** accepts some amendments.

The European Parliament considers the Commission proposal as an accurate operationalisation of the first step spelled out in the roadmap of the Interinstitutional Agreement towards the introduction of new own resources and calls for swift endorsement of the Commission proposal with only a few amendments. Overall, the Commission welcomes the opinion of the European Parliament as it strongly supports the Commission proposals. However, it would suggest not to accept the following changes:

* ***Amendments that include references to the Interinstitutional Agreement of 16 December 2020***

The Commission takes note of the proposed amendments 1 to 3 clarifying elements of the Interinstitutional Agreement. In a Communication on the ‘next generation of own resources for the EU Budget’[[1]](#footnote-1), the Commission committed in December 2021 to advance the proposals for a second basket of new own resources by one year to 2023, compared to the timeline set out in the Interinstitutional Agreement (IIA). Furthermore, recital 2 of the Commission proposal already quotes the most important elements of the IIA.

* ***Amendment committing the Commission to propose a digital levy or similar measure in case of a lack of progress as regards the implementation of the OECD/G20 IF Pillar 1 agreement***

According to amendments 6 and 10, the Commission would be legally bound to propose a new own resource in connection with the single market, such as a digital levy or a similar measure, in order to generate revenues by 2026 if by the end of 2023 the process of ratification of the Multilateral Convention implementing Pillar 1 of the OECD/ G20 IF (Organisation for Economic Co-operation and Development and the G20 Inclusive Framework) Agreement has not started in a critical mass of countries. The Commission will carefully monitor the process of ratification of the Multilateral Convention implementing Pillar 1 of the OECD/G20 IF Agreement and will take appropriate measures in relation to own resources in case Pillar 1 will not succeed. However, an automatic obligation to propose a new own resource, such as digital levy or a similar measure, if the ratification has not started in a critical mass of countries by the end of 2023, would interfere with the Commission’s right of initiative.

* ***Amendment to increase the call rate for CBAM (Carbon Border Adjustment Mechanism) revenues***

According to amendment 9, 100% of the revenues from the sale of CBAM certificates would be allocated to the EU Budget against 75% in the Commission proposal. As the issues of collection of CBAM revenues and financing of CBAM operations are not settled yet, it seems premature to agree with the approach proposed by the Parliament resulting in Member States not retaining any share of the revenue, but the issue may need to be discussed during the negotiations on the Own Resource Decision after the conclusion of the negotiations on CBAM.

* ***Amendment to mention OECD Pillar One revenue estimates***

The Parliament would like to explicitly mention the amount expected to be generated by the residual profit based own resource in a new recital (amendment 7)[[2]](#footnote-2). The Commission considers that the inclusion of revenue estimates in a recital seems not to be appropriate as there is no link to the content of the corresponding articles. Moreover, the estimate for the residual profit based own resource is particularly volatile given that the underlying Multilateral Convention is still being negotiated at OECD/G20 Inclusive Framework level.

**Part Two**
**Non-legislative resolutions**

**THE COMMISSION DOES NOT INTEND TO RESPOND FORMALLY TO THE FOLLOWING NON-LEGISLATIVE RESOLUTIONS, ADOPTED BY THE
EUROPEAN PARLIAMENT DURING THE NOVEMBER I AND NOVEMBER II 2022 PART-SESSIONS**

* E-sport and videogames (2022/2027 (INI))

EP: A9-0244/2022

Rapporteur: Laurence FARRENG

Date: 10-11-2022

Competence: Thierry BRETON, Margrethe VESTAGER

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they were comprehensively addressed in plenary by Commissioner Breton*.*

* Recognising the Russian Federation as a state sponsor of terrorism (2022/2896 (RSP))

EP: RC9-0482/2022

Date: 23-11-2022

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 Johansson, on behalf of the High Representative/Vice-President Borrell.

* Situation in Libya (2021/2113 (INI))

EP: A9-0252/2022

Rapporteur: Giuliano PISAPIA

Date: 23-11-2022

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 Várhely, on behalf of the High Representative/Vice-President Borrell.

* Promoting regional stability and security in the broader Middle East region (2020/2113 (INI))

EP: A9-0256/2022

Rapporteur: Manu PINEDA

Date: 23-11-2022

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 Várhely, on behalf of the High Representative/Vice-President Borrell.

* Human rights situation in Egypt (2022/2962 (RSP))

EP: RC9-0505/2022

Date: 24-11-2022

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 Lenarčič, on behalf of the High Representative/Vice-President Borrell.

* The Human rights situation in Afghanistan especially the deterioration of women´s rights and attacks against educational institutions (2022/2955 (RSP))

EP: RC9-0506/2022

Date: 24-11-2022

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 Lenarčič, on behalf of the High Representative/Vice-President Borrell.

* The continuing repression of the democratic opposition and civil society in Belarus (2022/2956 (RSP))

EP: RC9-0508/2022

Date: 24-11-2022

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 Lenarčič, on behalf of the High Representative/Vice-President Borrell.

* Forced displacement of people as a result of escalating conflict in Eastern Democratic Republic of Congo (DRC) (2022/2957 (RSP))

EP: RC9-0507/2022

Date: 24-11-2022

Competence: Josep BORRELL FOTELLES

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

* Situation of human rights in the context of the FIFA world cup in Qatar (2022/2948 (RSP))

EP: RC9-05385/2022

Date: 24-11-2022

Competence: Josep BORRELL FOTELLES

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

1. [COM(2021) 566 final](http://www.cc.cec/sg/vista/home?documentDetails&DocRef=COM/2021/566&ComCat=SPINE) [↑](#footnote-ref-1)
2. Between EUR 2.5 and 4 billion/year [↑](#footnote-ref-2)