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Commission communication on the action taken on opinions and resolutions adopted by Parliament at the February 2019 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 2019 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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PART TWO – NON-LEGISLATIVE RESOLUTIONS

Part One
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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 amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism

1. **Rapporteur:** Elisabetta GARDINI (EPP / IT)
2. **Reference numbers:** 2017/0309 (COD) / A8-0180/2018 / P8_TA-PROV(2019)0070
3. **Date of adoption of the resolution:** 12 February 2019
4. **Legal basis:** Article 196 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 following statement was tabled:

Joint political declaration of the European Commission, European Parliament and the Council of the EU on budget

The additional financial envelope for the implementation of the UCPM in 2019 and 2020 has been set to EUR 205.6 million. Without prejudice to the powers of the budgetary authority, part of the total rescEU budget increase should be made available through redeployments on the Heading 3 (security and citizenship) and Heading 4 (Global Europe) of the 2014 - 2020 MFF. The three institutions recall that part of the redeployments is already included in the budget 2019 and EUR 15.34 million were already included in the financial programming for 2020.

In the framework of the budgetary procedure for 2020 the Commission is invited to propose additional EUR 18.24 million of redeployments [in order to reach 50 % for 2019 and 2020] under the same headings.

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 a multiannual plan for fish stocks in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulation (EU) 2016/1139 establishing a multiannual plan for the Baltic Sea, and repealing Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008

1. **Rapporteur:** Alain CADEC (EPP / FR)
2. **Reference numbers:** 2018/0074 (COD) / A8-0310/2018 / P8_TA-PROV(2019)0069
3. **Date of adoption of the resolution:** 12 February 2019
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 tabled the following statement:

Statement on European seabass

Inclusion of European seabass in the list of species in Article 1(1) of the Plan does not imply that a TAC would need to be established.

Commission statement on variations in scientific advice

Where, on the basis of the best available scientific advice, the Commission proposes setting TACs that deviate by more than 20% from the previously established TAC level, these cases will be listed in the explanatory memorandum of the Commission Proposal, providing, where appropriate, the underlying reasons for the TAC variations.

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 and correcting Regulation (EU) No 167/2013 on the approval and market surveillance of agricultural and forestry vehicles

- 1. Rapporteur:** Nicola DANTI (S&D / IT)
- 2. Reference numbers:** 2018/0142 (COD) / A8-0318/2018 / P8_TA-PROV(2019)0072
- 3. Date of adoption of the resolution:** 12 February 2019
- 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 on minimum requirements for water reuse

1. **Rapporteur:** Simona BONAFÈ (S&D / IT)
2. **Reference numbers:** 2018/0169 (COD) / A8-0044/2019/ P8_TA-PROV(2019)0071
3. **Date of adoption of the resolution:** 12 February 2019
4. **Legal basis:** Article 192(1) of the Treaty on the Functioning of the European Union
5. **Competent Parliamentary Committee:** Committee on the Environment, Public Health and Food Safety (ENVI)
6. **Commission's position:** the Commission reserves its position on all the amendments of the European Parliament and takes note, in particular, of the following proposed changes:
 - The resolution proposes that Member States may choose to use reclaimed waters also for other uses than agricultural irrigation.
 - The resolution proposes to introduce additional actors and further responsibilities and obligations, namely for distributors of reclaimed water and storage operators. These include an obligation to maintain the quality of the water they received from the reclamation plant, thereby extending the chain of responsibility.
 - The resolution proposes to require a dedicated infrastructure for the distribution and storage of reclaimed waters.
 - The resolution proposes that the national competent authority would oversee the process of preparing the risk management plan.
 - The resolution proposes to introduce additional permit requirements for distributors (i.e. the party operating or controlling the reclaimed water distribution infrastructure) and storage operators.
 - The resolution proposes changes to the evaluation process, shortening the time available for the evaluation of the regulation from 6 to 5 years after the date of entry into force. It requires to evaluate specific elements, in particular whether there is a need to extend the scope of the regulation to other specific uses, to cover also indirect use of treated water¹, and to lay down minimum requirements for the purpose of aquifer recharge.

¹ Indirect reuse means the discharge of treated wastewater back into surface or groundwater bodies, from where it is then abstracted to be used again.

- The resolution proposes, for Annex I, some additional parameters for the minimum quality requirements (e.g. salmonella). For the monitoring requirements, it introduces changes to the validation monitoring provisions. For annex II, microplastics is added to the list of items to be analysed by the risk management plan in view of possible additional requirements.
- The resolution proposes to delete the provisions granting empowerment to the Commission to develop: 1) delegated acts to adapt the minimum requirements set out by the Regulation to technical and scientific progress; 2) delegated acts to adapt the key risk management tasks of Annex II to technical and scientific progress; and 3) an implementing act to lay down detailed rules regarding the format and presentation of information to be provided to the public.

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 (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters

1. **Rapporteur:** Emil RADEV (EPP / BG)
2. **Reference numbers:** 2018/0203 (COD) / A8-0477/2018 / P8_TA-PROV(2019)0103
3. **Date of adoption of the resolution:** 13 February 2019
4. **Legal basis:** Articles 81 of the Treaty on the Functioning of the European Union
5. **Competent Parliamentary Committee:** Committee on Legal Affairs (JURI)
6. **Commission's position:** The Commission reserves its position on all the amendments of the European Parliament. However, it expresses its particular concern regarding the following:
 - Amendment 5 (proposed new Recital by the Parliament) which sets up an obligation and a deadline for the Commission to make a legislative proposal with regard to eCODEX.
 - Amendment 22 (proposed new Article 17 a(1a) by the Parliament) which requires prior consent of the person to be heard via videoconference or any other appropriate distance communication technology.
 - Amendment 28 (proposed new Article 17 a(3b) by the Parliament) regarding procedural guarantees for the parties and their legal representatives with regard to the hearing via videoconference or via any other appropriate distance communication technology.

Amendment 30 (Article 17 b(1) of the Commission proposal) with regard to the proposed supervision by a court of the taking of evidence by diplomatic officers.

ORDINARY LEGISLATIVE PROCEDURE – First reading

Follow up to the European Parliament legislative resolution the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents)

1. **Rapporteur:** Sergio Gaetano COFFERATI (S&D / IT)
2. **Reference numbers:** 2018/0204 (COD) / A8-0001/2019 / P8_TA-PROV(2019)0104
3. **Date of adoption of the resolution:** 13 February 2019
4. **Legal basis:** Articles 81(2)(b) of the Treaty on the Functioning of the European Union
5. **Competent Parliamentary Committee:** Committee on Legal Affairs (JURI)
6. **Commission's position:** The Commission reserves its position on all the amendments of the European Parliament. However, it expresses its particular concern regarding the following:
 - Amendment 3 (proposed new Recital by the Parliament) which sets up an obligation and a deadline for the COM to make a legislative proposal with regard to eCODEX.
 - Amendment 4 (proposed new Recital by the Parliament) and amendment 32 (Article 7a of the Commission proposal) removing of the possibility for the Member States to oblige parties to appoint a representative in the forum Member States for the purposes of service of documents and making it optional.
 - Amendment 5 (Recital 5 of the Commission proposal), amendment 6 (Recital 6 of the Commission proposal) and amendment 34 (Article 8(1) of the Commission proposal) providing for the documents to be served only in the language the addressee understands and not in the language of the Member States addressed.
 - Amendment 14 (Article 1 (3) of the Commission proposal) deleting the article which stipulates that the regulation will not apply to service of documents on the party's authorised representative.
 - Amendment 36 (Article 8 (3) of the Commission proposal) according to which the party is obliged to send back the documents which the party refused to accept.
 - Amendment 7 (Recital 7 of the Commission proposal), amendments 45, 46 and 47 (Article 15a of the Commission proposal) with regard to the proposed cumulative requirements in case of electronic service directly on the recipient, i.e. the use of qualified electronic registered delivery services and a separate consent of the party for these services to be used in the particular case.

- Amendment 9 (proposed new Recital by the Parliament) and amendment 54 (Article 19 (2)(b) of the Commission proposal) with regard to the proposed deletion of the 6-month period before the judge renders a default judgment.
- Amendment 48 (proposed new Article 15a (1a) by the Parliament) which envisages delegated acts to establish detailed arrangements for the functioning of the qualified electronic registered delivery service.

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 the law applicable to the third-party effects of assignments of claims

1. **Rapporteur:** Pavel SVOBODA (EPP / CZ)
2. **Reference numbers:** 2018/0044 (COD) / A8-0261/2018 / P8_TA-PROV(2019)0086
3. **Date of adoption of the resolution:** 13 February 2019
4. **Legal basis:** Article 81(2) of the Treaty on the Functioning of the European Union
5. **Competent Parliamentary Committee:** Committee on Legal Affairs (JURI)
6. **Commission's position:** The European Parliament supports the proposal and its aims. The Commission reserves its position on all the amendments of the European Parliament. However, it expresses its particular concern regarding the following:
 - ❖ **Amendment 12** (Recital 28 of COM proposal) together with **amendment 22** (Article 4(3) of COM Proposal) on the elimination of the choice of law for securitisation.

ORDINARY LEGISLATIVE PROCEDURE – First reading

European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council on streamlining measures for advancing the realisation of the trans-European transport network

1. **Rapporteur:** Dominique RIQUET (ALDE / FR)
2. **Reference numbers:** 2018/0138 (COD) / A8-0015/2019 / P8_TA-PROV(2019)0109
3. **Date of adoption of the resolution:** 13 February 2019
4. **Legal basis:** Article 172 of the Treaty on the Functioning of the European Union
5. **Competent Parliamentary Committee:** Committee on Transport and Tourism (TRAN)
6. **Commission's position:**

The text adopted by the European Parliament contains 51 amendments, most of which are acceptable to the Commission.

In particular, the Commission welcomes the possibility for the Member States to extend the scope to the comprehensive TEN-T network (amendment 16). The Commission also welcomes the various clarifications brought to the text of the regulation (such as amendments 19, 23, 28, and 39).

In amendment 4 the European Parliament stipulates that the Member States that do not have national legislation providing for priority treatment for certain project categories based on their strategic importance for the Union, should adopt rules to provide for priority treatment. In line with the principle of subsidiarity, the Commission does not support the current wording, since it deals with national legal frameworks of the Member States, which are defined locally. The Commission concurs with the objective to have priority treatment in all Member States and could support text which encourages Member States to adopt such procedures, without having a legal obligation.

In amendment 6 as well as in amendment 24, the European Parliament states that the Union should put in place a common, simplified and centralised procedure, which fulfils the requirements of the different environmental assessments necessary which arise from various European directives and national rules. For the Commission it is important to ensure that the wording remains within the scope of this proposal and is without prejudice to the existing environmental legislation.

In amendments 3, 15 and 16 the European Parliament agrees to the scope covering projects of common interest on the core network of the TEN-T, as proposed by the Commission, and goes further to provide for the possibility for the Member States to extend the application of the proposal to projects of common interest on the comprehensive network of the TEN-T. Furthermore, amendment 15 specifies the inclusion of pre-selected projects on the core network of the TEN-T network, including the pre-selected projects listed in Part III of the Annex to the Regulation establishing the 'Connecting Europe Facility' 2021-2027 (the CEF Regulation). The Commission can agree with these suggestions.

Moreover, amendment 44 links the effective implementation of this regulation to the evaluation and selection process of projects under the Connecting Europe Facility 2021-2027. The proposed link with CEF funding may trigger faster and more effective implementation of the proposed rules and thereby advance the positive outcomes of the regulation. This is in line with the Commission objectives, but since the present proposed regulation does not amend the CEF Regulation, this new article in its current drafting goes beyond the scope of the proposal.

Through amendments 9, 21, 33 and 46 the European Parliament allows for establishing a joint competent authority in charge of facilitating the permit granting procedures related to cross border projects of common interest. The joint authority is to be established by mutual agreement between the single competent authorities from two or more Member States, or from one or more Member States and one or more third countries. While this would be a positive proposal that could lead to enhanced cooperation between countries and assist the timely completion of such cross-border projects, establishing a joint authority was not part of the initial proposal, because Member States bear individual responsibility for decisions taken in implementing EU law – for instance, for environmental assessments. Moreover, the existence of a joint authority would raise legal difficulties, in particular with regard to third countries, which would have to be addressed by the provisions of the proposed regulation, such as the judicial review of decisions of such an authority (see judgment in case C-562/12). Therefore, amendments 9, 21, 33 and 46, on a joint authority, are problematic from the legal standpoint.

Through amendments 35, 36, 37, 42 and 43 the European Parliament goes further than the Commission with regard to the deadlines proposed for the permit granting procedure. While this would provide for a quicker and more efficient permit granting procedure some actors view the timeframes proposed by the Commission as very challenging therefore shortening deadlines may be counterproductive. Amendment 35 provides for 18 months for the pre-application phase (instead of two years as provided by the Commission), amendment 36 gives one month (instead of two) for the single competent authority to accept or reject the notification by a project promoter thereby launching the permit granting procedure. Amendment 37 provides the single competent authority with two months (instead of three) to establish and communicate to the project promoter a detailed application outline. Amendment 42 gives the project promoter 15 months (instead of 21) to submit the application file and amendment 43 establishes that the single competent authority shall assess the application and adopt a comprehensive binding decision within 6 months (instead of the 1 year proposed by the Commission).

Amendment 26 introduces the obligation to establish the single competent authority no later than 31 December 2020, but the legal drafting needs to be clarified to have a single clear deadline. Amendment 51 provides more clarity regarding the entry into force of individual elements of this regulation, explaining that Articles 4 to 7 enter into force after the designation of the single competent authority. This amendment is partially unacceptable since it implies that the date of application of Articles 4 to 7 will depend on a decision of each Member State and since the rules on the public procurement (Article 7) should enter into force as soon as possible.

Through amendments 7, 27 and 38 the European Parliament provides more precision to the rules on the delegation of powers of the single competent authority to another authority at the appropriate regional, local or administrative level. However, under amendment 27 it is not possible to delegate the power of the taking the comprehensive decision and this is to be limited to the single competent authority. The Commission would encourage a more flexible approach catering for the needs of federal Member States or largely decentralised administrative set-ups.

Under amendment 34 the single competent authority is obliged to inform the Commission of the start date of the permit granting procedure and the comprehensive decision. The Commission does not need to be informed about the start of the permit granting procedure for each project; and unnecessary administrative burden should be avoided.

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 interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union (recast)

- 1. Rapporteur:** Massimiliano SALINI (EPP / IT)
- 2. Reference numbers:** 2017/0128 (COD) / A8-0199/2018 / P8_TA-PROV(2019)122
- 3. Date of adoption of the resolution:** 14 February 2019
- 4. Legal basis:** Article 91(1) 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.

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 a framework for screening of foreign direct investments into the European Union

1. **Rapporteur:** Franck PROUST (EPP / FR)
2. **Reference numbers:** 2017/0224 (COD) / A8-0198/2018 / P8_TA-PROV(2019)121
3. **Date of adoption of the resolution:** 14 February 2019
4. **Legal basis:** Article 207(2) of the Treaty on the Functioning of the European Union
5. **Competent Parliamentary Committee:** Committee on International Trade (INTA)
6. **Commission's position:** Accepts all amendments. The Commission tabled the following statement:

Following the request of the European Parliament, the European Commission undertakes to:

- share with the European Parliament the standardised forms which the European Commission will prepare to facilitate compliance of Member States with the annual reporting obligations under Article [5] of the Regulation once they are finalised, and
- share with the European Parliament such standardised forms each year, in parallel to presenting the annual report to the European Parliament and to the Council, in accordance with Article [5(3)] of the Regulation.

ORDINARY LEGISLATIVE PROCEDURE – First reading

European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services

1. **Rapporteur:** Roberts ZĪLE (ECR / LV)
2. **Reference numbers:** 2017/0288 (COD) / A8-0032/2019 / P8_TA-PROV(2019)0125
3. **Date of adoption of the resolution:** 14 February 2019
4. **Legal basis:** Article 91 (1) of the Treaty on the Functioning of the European Union
5. **Competent Parliamentary Committee:** Committee on Transport and Tourism (TRAN)
6. **Commission's position:**

The adopted text contains 29 compromise amendments, reflecting those previously adopted in the Committee on Transport and Tourism (TRAN) and adding one additional amendment (AM83) of recital 10, which is very limited in substance and nature.

The Commission welcomes the report and the compromise amendments which add valuable detail and clarity to the Commission proposal particularly as regards the role of the national regulators and for public service contracts granted with an exclusive right. It is indeed very important to have a regulator with sufficient powers to carry out the necessary economic equilibrium tests and to deal with possible appeals.

Likewise, it is essential to strike the right articulation between public services and those provided on a commercial basis. The compromise amendments reflect an appropriate balance between protecting adequately public service contracts while at the same time, allowing commercial offers to flourish.

On certain other points, such as on administrative burden on operators and on the definition of bus terminals, the Commission understands the good intentions behind compromise amendments but believes more work is still needed.

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 the mutual recognition of goods lawfully marketed in another Member State

- 1. Rapporteur:** Ivan ŠTEFANEC (EPP / SK)
- 2. Reference numbers:** 2017/0354 (COD) / A8-0274/2018 / P8_TA-PROV(2019)123
- 3. Date of adoption of the resolution:** 14 February 2019
- 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 amending Regulation (EC) No 924/2009 as regards certain charges on cross-border payments in the Union and currency conversion charges

- 1. Rapporteur:** Eva MAYDELL (EPP / BG)
- 2. Reference numbers:** 2018/0076 (COD) / A8-0360/2018 / P8_TA-PROV(2019)0124
- 3. Date of adoption of the resolution:** 14 February 2019
- 4. Legal basis:** Article 114 of the Treaty on the Functioning of the European Union
- 5. Competent Parliamentary Committee:** Committee on Economic and Monetary Affairs (ECON)
- 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 on a mechanism to resolve legal and administrative obstacles in a cross-border context

- 1. Rapporteur:** Matthijs VAN MILTENBURG (ALDE / NL)
- 2. Reference numbers:** 2018/0198 (COD) / A8-0414/2018 / P8_TA-PROV (2019)0118
- 3. Date of adoption of the resolution:** 14 February 2019
- 4. Legal basis:** Article 175, third paragraph, of the Treaty on the Functioning of the European Union
- 5. Competent Parliamentary Committee:** Committee on Regional Development (REGI)
- 6. Commission's position:** Given that the Council has not yet established its position, the Commission reserves its position on all the amendments put forward by the European Parliament.

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 adapting Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency [as amended by Directive 2018/XXX/EU] and Regulation (EU) 2018/XXX of the European Parliament and of the Council [Governance of the Energy Union], by reason of the withdrawal of the United Kingdom from the European Union

1. **Rapporteur:** Miroslav POCHE (S&D / CZ)
2. **Reference numbers:** 2018/0385 (COD) / A8-0014/2019 / P8_TA-PROV(2019)0126
3. **Date of adoption of the resolution:** 14 February 2019
4. **Legal basis:** Article 192(1) and Article 194 (2) 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.

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 health technology assessment and amending Directive 2011/24/EU

1. **Rapporteur:** Soledad CABEZON-RUIZ (S&D/ ES)
2. **Reference numbers:** 2018/0018 (COD) / A8-0289/2018 / P8_TA-PROV(2019)0120
3. **Date of adoption of the resolution:** 14 February 2019
4. **Legal basis:** Articles 114 and 168(4) 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:** The Commission welcomes the overall positive approach set out in the resolution. While waiting for the Council position, it reserves its position on the amendments of the European Parliament. However, the Commission expresses concerns regarding the following ones:
 - ❖ **Amendment 45** (recital 25 of the Commission proposal) together with **amendments 154 and 208/rev** (Article 22(1) of the Commission proposal)
Changes to the standard wording for empowerments to adopt implementing acts and introduction of a requirement for the Commission to adopt implementing acts developed by another entity.
 - ❖ **Amendment 49** (recital 26 of the Commission proposal) together with **amendments 139, 162, 191, and 192** (Articles 17, 23 and 31 of the Commission proposal)
Deletion of empowerments for delegated acts, replacing them with empowerments for implementing acts.
 - ❖ **Amendment 115** (Article 9 (1) of the Commission proposal) together with **amendments 116, 117, and 118** (Article 9 (1) and (2) of the Commission proposal)
Introduction of a possibility for the Member States or health technology developers to request updates of joint clinical assessments and requirement for updates five years after the initial assessment.
 - ❖ **Amendment 153** (Article 20 of the Commission proposal)
Deletion of harmonised rules for joint clinical assessment and national clinical assessments.

SPECIAL LEGISLATIVE PROCEDURE – Consultation

Follow-up to the European Parliament legislative resolution on the proposal for a Council directive amending Directive 2006/112/EC as regards the introduction of the detailed technical measures for the operation of the definitive VAT system for the taxation of trade between Member States

1. **Rapporteur:** Fulvio MARTUSCIELLO (EPP / IT)
2. **Reference number:** 2018/0164 (CNS) / A8-0028/2019 / P8_TA-PROV(2019)0074
3. **Date of adoption of the resolution:** 12 February 2019
4. **Legal basis:** Article 113 of the Treaty on the Functioning of the European Union
5. **Competent Parliamentary Committee:** Committee on Economic and Monetary Affairs (ECON)
6. **Commission's position:**

The Parliament's resolution addresses the Commission's proposal that provides the detailed arrangements for putting into operation the definitive value added tax (VAT) regime for intra-Union business-to-business trade in goods. The resolution calls for more details on the criteria for the certification to grant “certified taxable person” status and the refusal and withdrawal of the status, among others. It also calls for the setting up of a publicly accessible Union VAT web information portal. Finally, it also calls on the Commission to come up with a report on the implementation and application of the new provisions and on the exchange of information between Member States. While in general the Commission welcomes the spirit of most of the amendments, the Commission cannot accept them for the reasons set out hereafter.

Recitals and addition of new recitals (amendments 1 to 17)

With amendments 1 to 17, the European Parliament proposes to modify some recitals to provide further explanations on some points and to add certain new recitals which correspond to new legal provisions introduced by the European Parliament in the main body of the proposal. These further explanations are not necessary for understanding the legal provisions. As regards the new provisions, these are not acceptable to the Commission for the reasons set out below, the recitals explaining these new provisions can therefore not be accepted either. *Therefore, the Commission cannot accept these amendments.*

The concept of Certified Taxable Person (amendments 19 to 32)

The Commission's proposal introduces the concept of "certified taxable person", which allows a business, by proving compliance with pre-defined criteria, to be considered as a reliable taxpayer.

With amendments 19 to 32, the European Parliament proposes to modify certain provisions of the proposal by including more details on the criteria for certification, the certification procedure, the refusal and withdrawal of the status, references to the publication by the Commission of guidelines and implementing regulations.

With regard to these amendments, further clarification of the criteria contained in the proposal for certification, as well as of the procedure for granting, refusing and withdrawing the status

is indeed necessary in order to ensure a uniform application by the tax authorities of the Member States. However, these clarifications would be included in an implementing regulation rather than in Directive 2006/112/EC. The Commission would, according to its proposal, table a proposal for an implementing regulation sufficiently in time for allowing its adoption and implementation at the date of entry into force of the present proposal for amending Directive 2006/112/EC. *For this reason, the Commission, while understanding the spirit of amendments 19 to 32, cannot accept them.*

Addition of the “European Parliament” (amendments 18 and 33 to 38)

With these amendments, the European Parliament suggests amending existing provisions of the VAT Directive not touched upon by the Commission’s proposal, in view of providing that the Commission should in future present appropriate proposals not only to the Council but also to the European Parliament.

However, the wording of these existing provisions of the VAT Directive is fully in line with Article 113 of the Treaty on the Functioning of the European Union (which provides for a special legislative procedure) and *thus the Commission cannot accept amendments 18 and 33 to 38.*

Request for Commission reports (amendments 39 and 40)

With amendments 39 and 40, the European Parliament suggests introducing into Directive 2006/112/EC legal provisions that would impose on the Commission the obligation to present a report on the implementation and application of the new provisions and on the exchange of information between Member States.

With the adoption of Council Directive (EU) 2018/1910 on 4 December 2018, the Council decided to delete Article 404 of Directive 2006/112/EC, which stipulated that the Commission should present a report to the Council and the European Parliament on the operation of the common VAT system in the Member States. The proposed amendments would now re-introduce an obligation for the Commission to present a report that would however cover only partially the operation of the VAT system, namely the provisions of the new directive. Introducing such reporting obligation in each new proposal would only result in fragmented views on the operation of the VAT system of the European Union. Moreover, in its Communication of 4 October 2017, which sets out the different steps to be taken for the implementation of a single EU VAT area, the Commission already indicated that the functioning of the provisions covered by this proposal would be evaluated by the Commission five years after their entry into force. *For this reason, the Commission cannot accept amendments 39 and 40.*

Creation of a VAT web information portal (amendment 41)

With amendment 41, the European Parliament proposes the setting up of a publicly accessible Union VAT web information portal, mainly with a view to ensuring that taxable persons may obtain accurate information on VAT rates.

VAT rates are the subject of a separate Commission’s proposal. In the explanatory memorandum to that proposal it is mentioned that the Commission would publish updated information about VAT rates via the existing “Taxes in Europe” database (the TEDB web portal). *For that reason, the Commission, while understanding the spirit of this amendment, cannot accept it.*

Administrative Cooperation Regulation 910/2010 (amendments 42 and 43)

With amendments 42 and 43, the European Parliament suggests amending Regulation 904/2010 on Administrative Cooperation in the field of VAT. This is outside the scope of the

Commission's proposal that only proposes to amend Directive 2006/112/EC.

In addition, the Commission has already indicated in the explanatory memorandum to the proposal its intention to revisit the administrative cooperation arrangements in a separate proposal. The Commission will table this proposal sufficiently in time for allowing its adoption and implementation at the date of entry into force of the present proposal for amending Directive 2006/112/EC. *The Commission, while understanding the spirit of amendments 42 and 43, can therefore not accept them.*

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 EU Anti-Fraud Programme

1. **Rapporteur:** José Ignacio SALAFRANCA SANCHEZ-NEYRA (EPP / ES)
2. **Reference numbers:** 2018/0211 (COD) / A8-0064/2019 / P8_TA-PROV(2019)0068
3. **Date of adoption of the resolution:** 12 February 2019
4. **Legal basis:** Articles 325 and 33 of the Treaty on the Functioning of the European Union
5. **Competent Parliamentary Committee:** Committee on Budgetary Control (CONT)
6. **Commission's position:** The Commission reserves its position on all the amendments of the European Parliament. However, it expresses its particular concerns as regards the following ones:
 - ❖ **Amendments 6 and 24** (new recital 11a and Article 7 of the proposal of the Commission) establishing maximum co-financing rates for grants.
 - ❖ **Amendments 11, 12 and 21** (recital 14, recital 15a (new) and Article 4(1)) encouraging eligibility to the programme of entities established in countries which entered into an association agreement with the European Union and, on the other hand, deleting the provision intended in particular to allow the participation of the United Kingdom after its withdrawal from the European Union.
 - ❖ **Amendments 14, 28, 36 and 44** (recital 23, Article 10, Articles 13 and 14) establishing the principle that the work programmes are to be adopted by means of delegated Acts in accordance with Article 290 of the Treaty on the Functioning of the European Union; the Commission opposes to this approach. At the same time, the proposed delegation of powers for establishing a monitoring and evaluation framework is deleted, and replaced by a much narrower delegation for modifying the performance indicators.
 - ❖ **Amendment 19** (new article 3(2a)) limiting the flexibility in the re-allocation of amounts among the three envelopes of the programme, by establishing that such re-allocation must be made by means of delegated act if it involves more than 10% of individual amounts.
 - ❖ **Amendments 39, 40, 41 and 42 and 43** (annex 2 of the Commission proposal) establishing several new indicators that would not be in line with the request of the European Court of Auditors and the European Parliament to keep the number of indicators limited.

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 Programme for single market, competitiveness of enterprises, including small and medium-sized enterprises, and European statistics and repealing Regulations (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014, (EU) No 258/2014, (EU) No 652/2014 and (EU) 2017/826

1. **Rapporteur:** Nicola DANTI (S&D / IT)
2. **Reference numbers:** 2018/0231(COD) /A8-0052/2019/P8_TA-PROV(2019)0073
3. **Date of adoption of the resolution:** 12 February 2019
4. **Legal basis:** Article 43(2), Article 168(4)(b) and Articles 114, 173 and 338 of the Treaty on the Functioning of the European Union
5. **Competent Parliamentary Committee:** Committee on the Internal Market and Consumer Protection (IMCO)
6. **Commission's position:** The Commission reserves its position on all the amendments of the European Parliament. However, it expresses particular concerns regarding the amendments concerning the change of budget allocation, the revision of the general objective on statistics; capping administrative expenditure, the use of delegated acts for the adoption of the Work Programmes and to amend the list of designated beneficiaries under consumer affairs.

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 an exchange, assistance and training programme for the protection of the euro against counterfeiting for the period 2021-2027 (the “Pericles IV programme”)

1. **Rapporteur:** Dennis DE JONG (GUE/NGL / NL)
2. **Reference numbers:** 2018/0194 (COD) / A8-0069/2019 / P8_TA-PROV(2019)0087
3. **Date of adoption of the resolution:** 13 February 2019
4. **Legal basis:** Article 133 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:** The Commission reserves its position on all the amendments of the European Parliament. However, it expresses its particular concerns regarding the following ones:
 - ❖ **Impact assessment:** amendment 5 (recital 6 of the proposal of the Commission) stating that, contrary to standard procedure, a separate impact assessment of the Programme was not carried out. In line with the requirements set out by the EU Financial Regulation, programmes which provide continuity as regards content and structure or have a relatively small budget, do not require an impact assessment but rather an ex ante evaluation in the form of a Staff Working Document.
 - ❖ **Delegated act for the work programme:** amendments 10, 18, 19, 20 and 21 (recital 12, Article 10 and Article 11 of the proposal of the Commission) establishing that the work programmes are to be adopted by means of delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU). This amendment is not in line with the relevant treaty provisions (Articles 290 and 291 TFEU). A work programme neither amends nor supplements the legislative act; it merely puts into effect the rules and conditions set out by the legislator and therefore clearly falls within the implementing powers of the Commission pursuant to Article 291 TFEU.
 - ❖ **Coordination with ECB and Europol:** amendment 13 (Article 4(2) of the proposal of the Commission) proposing that when preparing the work programmes the Commission shall take into account existing and planned ECB (European Central Bank) and Europol activities against euro counterfeiting and fraud to ensure consistency and avoid overlap. There is a risk to create a burdensome procedure and might entail further delays in the adoption of the work programmes. In addition, the Commission’s Euro Counterfeiting Experts

Group, in which the ECB, Europol and the Member States participate, provides a framework for regular coordination of activities against euro counterfeiting. This group contributes together with the Commission's participation in anti-counterfeiting expert meetings of the ECB and of Europol already to ensuring consistency and avoiding overlaps.

- ❖ **Additional key performance indicators:** amendments 25, 26, 27, 28 and 29 (annex I of the proposal of the Commission) introducing a set of three new Key Performance Indicators: a) the number of Member States and third countries, of which competent national authorities have participated in the activities under the Programme; b) the number of participants and their satisfaction rate as well as any other feedback they may have given concerning the usefulness of the activities under the Programme; c) information received from national competent authorities of the number of counterfeit euros detected and illegal workshops dismantled as a direct consequence of improved co-operation through the Programme. The amendments would create an administrative burden, in particular the suggested key performance indicator c. The Commission proposed core performance indicators, which effectively measure the performance of the Programme (two indicators are used for the current Programme and have demonstrated their usefulness) without creating an administrative burden.

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 2019 PART-SESSIONS**

State of the debate on the future of Europe (2018/2094 (INI))
Rapport de Ramón JÁUREGUI ATONDO (PE: A8-0427/2018)
Minutes, Part 2, 13 February 2019
Commissioner responsible: Frans TIMMERMANS
Secretariat General

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they have been comprehensively addressed in plenary by Commissioner Vella on behalf of President Juncker.

NAIADES II – An action programme to support inland waterway transport (2018/2882 (RSP))
(PE: B8-0079/2019)
Minutes, Part 2, 14 February 2019
Commissioners responsible: Violeta BULC, Maroš ŠEFČOVIČ
Directorate General for Mobility and Transport

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they have been comprehensively addressed in plenary by Commissioner Bulc.

Implementation of the Charter of Fundamental Rights of the European Union in the EU institutional Framework (2017/2089 (INI))
Report by Barbara SPINELLI (PE: A8-0051/2019)
Minutes, Part 2, 12 February 2019
Commissioners responsible: Věra JOUROVÁ, Frans TIMMERMANS
Directorate General for Justice and Consumers

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they have been comprehensively addressed in plenary by Commissioner Jourová.

The need for a strengthened post-2020 Strategic EU Framework for National Roma Inclusion Strategies and stepping up the fight against anti-Gypsyism (2019/2509 (RSP))
(PE: B8-0098/2019)
Minutes, Part 2, 12 February 2019
Commissioners responsible: Věra JOUROVÁ, Frans TIMMERMANS
Directorate General for Justice and Consumers

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they have been comprehensively addressed in plenary by Commissioner Jourová during the debate that took place on 30 January 2019.

Right to peaceful protest and the proportionate use of force (2019/2569 (RSP))
([PE: B8-0104/2019](#))

Minutes, Part 2, 14 February 2019

Commissioners responsible: Věra JOUROVÁ, Frans TIMMERMANS

Directorate General for Justice and Consumers

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they have been comprehensively addressed in plenary by Commissioner Vela on behalf of Commissioner Jourová.

The future of the LGBTI List of Actions (2019-2024) (2019-2024) (2019/2573 (RSP))
([PE: B8-0127/2019](#))

Minutes, Part 2, 14 February 2019

Commissioners responsible: Věra JOUROVÁ, Frans TIMMERMANS

Directorate General for Justice and Consumers

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they have been comprehensively addressed in plenary by Commissioner Jourová.

Experiencing backlash in women's rights and gender equality in the EU
(2018/2684 (RSP))

([PE: B8-0096/2019](#))

Minutes, Part 2, 13 February 2019

Commissioners responsible: Věra JOUROVÁ, Frans TIMMERMANS

Directorate General for Justice and Consumers

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they have been comprehensively addressed in plenary by Commissioner Jourová.

The rights of intersex people (2018/2878 (RSP))

([PE: B8-0101/2019](#))

Minutes, Part 2, 14 February 2019

Commissioners responsible: Věra JOUROVÁ, Frans TIMMERMANS

Directorate General for Justice and Consumers

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they have been comprehensively addressed in plenary by Commissioner Jourová.

Implementation of the Treaty provisions related to EU citizenship (2018/2111 (INI))

[Report by María Teresa PAGA ZAURTUNDÚA RUIZ \(PE: A8-0041/2019\)](#)

Minutes, Part 2, 12 February 2019

Commissioners responsible: Věra JOUROVÁ, Frans TIMMERMANS

Directorate General for Justice and Consumers

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they have been comprehensively addressed in plenary by Vice-President Timmermans.

Zimbabwe (2019/2563 (RSP))
(PE: B8-0110/2019)
Minutes, Part 2, 14 February 2019
Commissioner responsible: Federica MOGHERINI
European External Action Service

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

Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Singapore, of the other part (2018/403M (NLE))
Rapport de Antonio LÓPEZ-ISTÚRIZ WHITE (PE: A8-0023/2019)
Minutes, Part 2, 13 February 2019
Commissioner responsible: Federica MOGHERINI
European External Action Service

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they were comprehensively addressed in plenary by Commissioner Malmström during the joint debate on all three agreements between EU and Singapore.

The situation in Chechnya, and the case of Oyub Titiev (2019/2562 (RSP))
(PE: B8-0107/2019)
Minutes, Part 2, 14 February 2019
Commissioner responsible: Federica MOGHERINI
European External Action Service

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

Women's rights defenders in Saudi Arabia (2019/2564 (RSP))
(PE: B8-0111/2019)
Minutes, Part 2, 14 February 2019
Commissioner responsible: Federica MOGHERINI
European External Action Service

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

The future of the INF Treaty and the impact on the European Union (2019/2574 (RSP))
(PE: B8-0128/2019)
Minutes, Part 2, 14 February 2019
Commissioner responsible: Federica MOGHERINI
European External Action Service

Reason: The Commission will not be responding formally to the requests addressed in the resolution as they were comprehensively addressed in plenary by the Presidency of the Council (Minister Ciamba) on behalf of High Representative / Vice-President Mogherini.