Brussels, 6 February 2024

**SP(2024) 56**

Replies of the Commission to positions and resolutions adopted
by the European Parliament – December 2023 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 DECEMBER 2023 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**

**Follow up to the European Parliament legislative resolution on the proposal for a regulation of the European Parliament and of the Council on fees and charges payable to the European Medicines Agency, amending Regulation (EU) 2017/745 of the European Parliament and of the Council and repealing Council Regulation (EC) No 297/95 and Regulation (EU) 658/2014 of the European Parliament and of the Council**

**1. Rapporteur:** Cristian-Silviu BUŞOI (EPP / RO)

**2. Reference numbers:** 2022/0417 (COD) / A9-0224/2023 / P9\_TA(2023)0446

**3. Date of adoption of the resolution:** 12 December 2023

**4. Legal basis:** Articles 114 and 168(4), points (b) and (c), 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.

**ORDINARY LEGISLATIVE procedure**

**Follow up to the European Parliament legislative resolution on the proposal for a directive of the European Parliament and of the Council amending and correcting Directive 2005/36/EC as regards the recognition of professional qualifications of nurses responsible for general care trained in Romania**

**1. Rapporteur:** Adam BIELAN (ECR / PL)

**2. Reference numbers:** 2023/0307 (COD) / A9-0381/2023 / P9\_TA(2023)0447

**3. Date of adoption of the resolution:** 12 December 2023

**4. Legal basis:** Articles 46, 53(1) and 62, 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**

**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 ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020**

**1. Rapporteur:** Nicola BEER (RENEW / DE)

**2. Reference numbers:** 2023/0079 (COD) / A9-0260/2023 / P9\_TA(2023)0454

**3. Date of adoption of the resolution:** 12 December 2023

**4. Legal basis:** Article 114 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. The Commission presented the following statement:

“In the upcoming review of Directive 2012/19/EU on waste electrical and electronic equipment (WEEE), the Commission will assess the feasibility of introducing information requirements and targets for the collection and recovery of critical raw materials from waste electrical and electronic equipment and take that assessment into account as appropriate in any possible subsequent legislative proposal.”

**ORDINARY LEGISLATIVE procedure**

**Follow up to the European Parliament legislative resolution on the proposal for a decision of the European Parliament and of the Council on an authorisation addressed to France to negotiate a bilateral agreement with Algeria on matters related to judicial cooperation in civil and commercial matters**

**1. Rapporteur:** Ilana CICUREL (RENEW / FR)

**2. Reference numbers:** 2023/0028 (COD) / A9-0356/2023 / P9\_TA(2023)0448

**3. Date of adoption of the resolution:** 12 December 2023

**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:** accepts all amendments.

**SPECIAL LEGISLATIVE procedure**

**Follow up to the European Parliament legislative resolution on the proposal for a Council decision on an authorisation addressed to France to negotiate a bilateral agreement with Algeria on matters related to judicial cooperation concerning family law matters**

**1. Rapporteur:** Ilana CICUREL (RENEW / FR)

**2. Reference numbers:** 2023/0027 (CNS) / A9-0355/2023 / P9\_TA(2023)0449

**3. Date of adoption of the resolution:** 12 December 2023

**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:** accepts all amendments.

**SPECIAL LEGISLATIVE procedure**

**Follow up to the European Parliament legislative resolution on the proposal for a Council regulation on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood**

**1. Rapporteur:** Maria-Manuel LEITÃO-MARQUES (S&D / PT)

**2. Reference numbers:** 2022/0402 (CNS) / A9-0368/2023 / P9\_TA(2023)0481

**3. Date of adoption of the resolution:** 14 December 2023

**4. Legal basis:** Article 81(3) of the Treaty on the Functioning of the European Union

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

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

The Commission is open to supporting discussions in Council addressing the amendments that maintain the logic of the proposal and are consistent with measures aiming to facilitate the recognition of parenthood between Member States.

As to the amendment according to which the proposal would ensure that the child does not lose the rights derived from parenthood established in one Member State in a cross-border situation, the Commission notes that the proposal aims to ensure that children do not lose their parenthood status in cross-border situations within the Union, but does not aim to ensure that children do not lose the rights derived from parenthood under the national law of the Member State in which parenthood was established, as the rights derived from parenthood under national law are to be determined by the law of each Member State where parenthood is invoked.

Concerning the amendments regarding public policy in connection with the establishment of parenthood, the Commission notes that there is no separate proceeding to appeal against the use of public policy in establishing parenthood but only an appeal against the resulting decision establishing parenthood, and that the situation covered by the amendments is unrelated to the use of public policy to refuse the recognition of parenthood already established in another Member State.

Regarding the amendment removing from Member States the competence to decide which authorities within their territory should deal with parenthood matters with cross-border implications, the Commission notes that the Member States’ competence to decide those authorities (for example, courts, notaries, registrars, tax authorities, population authorities, municipalities, consulates, central authorities or regional authorities) is different from the international jurisdiction of each Member State to deal with parenthood matters with cross-border implications, for which the proposal already lays down jurisdiction grounds. Removing from Member States the competence to decide on their internal organisation could be considered not to be in accordance with the principle of proportionality.

In relation to the amendments referring to the best interests of the child instead of the child’s interests, the Commission notes that the proposal defines ‘child’ as a person of any age; that, as explained in the recitals, any reference to the ‘best interests of the child’ applies only to minor children and that, accordingly, Member States should take into account the interests of all children whose parenthood is to be recognised and not only those of minors.

With regard to the amendments on digital communication, the Commission notes that the digitalisation of communications in the context of Union instruments on civil and commercial matters is a costly, resource-intensive and complex legal and IT process for both the Union institutions and the Member States. The Commission would not consider it proportionate to require digital communication for all kinds of proceedings covered by the proposal and for communications between Member State courts or authorities. The Commission notes that the provisions of the proposal on digital communication already cover proceedings for the recognition (or refusal) of parenthood and matters concerning the European Certificate of Parenthood, that proceedings for the establishment of parenthood are typically domestic, that parenthood is only seldom established by courts, and that provisions on cooperation between Member State authorities are not considered necessary in matters of civil status (unlike other areas such as parental responsibility matters).

**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 DECEMBER 2023 PART-SESSION**

* The unknown status of Mikalai Statkevich and the recent attacks on Belarusian politicians’ and activists’ family members (2023/3023 (RSP))

EP: RC9-0509/2023

Date: 14-12-2023

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 Maasai Communities in Tanzania (2023/3024 (RSP))

EP: RC9-0511/2023

Date: 14-12-2023

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 abduction of Tibetan children and forced assimilation practices through Chinese boarding schools in Tibet (2023/3025 (RSP))

EP: RC9-0510/2023

Date: 14-12-2023

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.

* EU-US relations (2023/2126 (INI))

EP: A9-0372/2023

Rapporteur: Tonino PICULA

Date: 13-12-2023

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.

* EU-China relations (2023/2127 (INI))

EP: A9-0375/2023

Rapporteur: Hilde VAUTMANS

Date: 13-12-2023

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.

* The situation of children deprived of liberty in the world (2022/2197 (INI))

EP: A9-0371/2023

Rapporteur: María Soraya RODRÍGUEZ RAMOS

Date: 13-12-2023

Competence: Josep BORRELL FONTELLES

Reason: The Commission will not be responding formally to this resolution, as the issues raised have been comprehensively addressed during the earlier stages of the process leading to its adoption.

* EU-Japan relations (2023/2107 (INI))

EP: A9-0373/2023

Rapporteur: Reinhard BÜTIKOFER

Date: 13-12-2023

Competence: Valdis DOMBROVSKIS

Reason: The Commission will not be responding formally to this resolution, as the issues raised have been comprehensively addressed during the earlier stages of the process leading to its adoption.

* Attempt of coup d’Etat in Guatemala (2023/3031 (RSP))

EP: RC9-0526/2023

Date: 14-12-2023

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.