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ACTION TAKEN ON OPINIONS

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by the European Commission

COMMISSION FOLLOW-UP TO OPINIONS OF THE
EUROPEAN ECONOMIC AND SOCIAL COMMITTEE
DELIVERED IN THE FOURTH QUARTER OF 2004

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A. EXPLORATORY OPINIONS

<p>3. European Business Competitiveness Exploratory Opinion - EESC 1439/2004 – October 2004 DG ENTR - Mr Verheugen</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>1. The EESC feels that four things, all interlinked, are vital to regaining business competitiveness in Europe: to restore the confidence of economic actors, to complete the basics of the single market, developing a dynamic economic union around the euro using an approach geared to the deadline of 2010, and implementing the structural reforms of the Lisbon strategy with more determination and consistency.</p>	<p>The Commission concurs with the EESC's four identified priorities set out in its opinion. While it would be unwise to limit Europe's attention solely to these four drivers of competitiveness, one should recognise the advantages stemming from a focused approach to restoring competitiveness. Such an approach is currently pursued by the Commission as outlined in its recent communication on the Lisbon mid-term review.</p>
<p>1.1 There has to be less red tape in Europe, which has to cope with too many administrative procedures and rules. This could be done, among other things, through reforming the preliminary impact analysis, systematic tests to examine alternatives to traditional regulation, checks on the effect of the project on simplification and competitiveness, systematic publication of the analysis with the draft rules.</p>	<p>Removing red tape is one aspect of the Commission's move towards Better Regulation in Europe. Where possible, regulations will be simplified and streamlined so as to make regulation more effective and efficient. The Commission has also agreed to that every future legislative proposal will undergo a competitiveness test in the form of a regulatory impact assessment. There will also be an increased appreciation of non-legislative forms of regulation, adding to a much needed reduction of the administrative burden on business.</p>
<p>1.2 It is high time to ensure the rapid completion of the essential provisions of the single market. The first thing is to ensure that directives are transposed more rigorously into national laws, and that the time limits set are actually respected. In addition, instead of the preponderance of directives, transposition would be easier if more use were made of regulations, which are of direct and uniform application.</p>	<p>In order to ensure rapid progress towards the single market the Commission will do its utmost to drive forward the transposition of Community law into Member States' national law and will closely monitor implementation efforts. To this end, the Commission will also aim to achieve an optimal mix of regulatory policy instruments at its disposal.</p>

<p>1.3 Harmonisation priorities of interest to competitiveness include:</p> <ul style="list-style-type: none"> – the rapid provision of a simple, effective and cheap Community patent, since the persistent delays in adoption here are giving the impression that Europe is structurally incapable of keeping its pledges on competitiveness; – the completion of a genuine internal market in services, with the active involvement of the professions concerned². 	<p>These two issues identified by the EESC are very high on the Commission's agenda and substantial progress is expected on these matters, which have already taken shape nicely. The Commission is satisfied that there will be a significant breakthrough regarding the community patent this year.</p> <p>Also, completion of the single market, in particular for services, can potentially deliver substantial economic benefits to the EU. With the prime objective of growth and employment for Europe in mind, the Commission has every reason to swiftly complete the ongoing efforts on the Services Directive.</p>
<p>1.4 One measure which would boost progress towards economic union would be to ensure a better linkage between the employment guidelines and the BEPG, rather than just juxtaposing them.</p>	<p>As outlined in its communication on the Lisbon mid-term review, the Commission will ask Member states to produce one annual report which condenses all reporting obligations and documents into a single, national action programme. The synchronisation problem of the various reporting cycles is therefore removed.</p>
<p>2. The EESC stresses the need to keep our eyes firmly fixed on the 2010 deadline, which must include both implementation of the Lisbon reforms and completion of the single market and a genuine, competitive economic union, making full use of monetary union, while taking full account of the demands of sustainable development.</p>	<p>While the Commission acknowledges the tremendous challenge that lies ahead for the next five years, it believes that there is no time for complacency or resignation at this moment in time. 2010 will therefore remain the primary deadline for delivery on the Lisbon targets but in order to ensure sustained competitiveness a long-term horizon needs to be adopted.</p>
<p>3. The EESC is pleased that the last European spring summit called upon the Member States to promote partnerships for reform involving the social partners, civil society and the public authorities. The EESC considers that such partnerships, both at European and national level, should show greater urgency in creating the conditions for success in rectifying Europe's competitive position, and in particular help to:</p> <ul style="list-style-type: none"> – speed up the optimum organisation of the internal market; – develop economic union up to the level of monetary union; 	<p>The Commission has set up the re-launch of the Lisbon Strategy as a Partnership for Employment and Growth. The role of the Commission in this Partnership is very much that of a facilitator and coordinator and it will adopt a strictly positive and constructive role when working together with the Member States. It is hoped that in this way the Commission can help reach the crucial issues addressed in this context by the EESC.</p>

² An EESC opinion is being prepared on the draft directive.

<ul style="list-style-type: none">- involve all the interests concerned in the reforms;- undertake new initiatives to achieve this, involving the public and private sectors and associations;- assess the progress of this partnership at the next spring summits.	
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<p>4. Ability of SMEs and social economy enterprises (SEEs) to adapt to changes imposed by economic growth Exploratory Opinion - EESC 1425/2004 – October 2004 DG ENTR- Mr Verheugen</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>4.2.1.1. The EESC suggests for the creation of a European Observatory for social economy enterprises (SEEs) to see not only into SEEs themselves but also into existing and potential interaction between SMEs and SEEs.</p>	<p>The Commission will assess the possibility to create a European Observatory for social economy enterprises in the context of the forthcoming new Multiannual (2006-2011) Programme for Innovation and Competitiveness.</p>
<p>4.2.1.3. The EESC also suggests that this observatory composed of representative organisations from social economy sector will carry out a three year research project in order to identify good practices on the potential interaction between SMEs and SEEs and how this interaction could be supportive to the economic development of SMEs in general. Sectors to be covered are the creation and conversion of businesses, enterprise clusters, systems for the development of innovation, SMEs groupings, access to finance and risk reduction and public utility services.</p>	<p>This study is a very interesting subject; however, it has to be said that if it is decided to go ahead with this specific action, the Commission must according to the Financial Regulation, publish an open call for tender in order to select the network of researchers, academics or organisations that will be in a position to make the research.</p>
<p>4.2.1.6. The EESC will ensure the good progress of the research carried out by the Observatory for social economy enterprises, and will assess the Observatory's conclusions at the end of the three-year period by studying the possible impact of these conclusions on the European Commission's policies for SMEs and SEEs.</p>	<p>All actions financed by the multiannual programme are subject to a continuous supervision by the Commission as to the progress of their implementation; this is done with the assistance of steering groups, while there will be intermediary and a final evaluation.</p>
<p>4.2.2.1 Full participation of SMEs and SEEs in European business support programmes. The EESC calls on the Commission to ensure that SEEs are able to participate, on equal terms, in the Multiannual Programme for Enterprise and Entrepreneurship (2006-2010), and to promote initiatives that encourage interaction between SMEs and SEEs,</p>	<p>SMEs and SEEs that reply to the European definition of an SME are eligible under the Multiannual programme for Enterprise and Entrepreneurship for 2001-2005 and in particular the financial instruments managed by the European Investment Fund on behalf of the European Commission. In addition it has to be</p>

<p>particularly the involvement of SEEs in cooperation between SMEs.</p>	<p>said that several cooperatives and non for profit organisations like charities have successfully submitted applications to get the status of financial intermediaries for the financing of SMEs.</p>
<p>4.2.2.2. The EESC further calls for the level of participation of SMEs and SEEs in EU programmes for access to research, innovation, and world markets to be made a top priority for European policies.</p>	<p>In principle all programmes are opened to all forms of businesses; in addition there are various programmes specific for SMEs. To all the above programmes SEEs, be they SMEs or large companies can participate on an equal footing as all other companies do, without discrimination based on the business form used by the beneficiaries.</p>
<p>4.2.2.3. The EESC considers that the number of Structural Fund projects for SMEs should be maintained, and that the number of projects for SEEs and interaction between SEEs and SMEs should be increased, especially when they are likely to create jobs and enhance rural development. Access to the Structural Funds must not be made dependent upon the sector in which the enterprise concerned operates.</p>	<p>The projects to be financed by Structural Funds are mainly decided at national level or regional level. However any barriers to the accession to European programmes can be reported to the Commission.</p>
<p>4.2.3.1. The EESC further recommends that the Commission extend application of the policy conclusions reached at the OECD Conference of ministers in Istanbul to SEEs.</p>	<p>The Commission in applying its various policies and in implementing the various programmes in favour of SMEs does not make any distinction between those SMEs which use the business type of Cooperatives, Mutuels, non for profit Associations and Foundations and those businesses which use the form of a stock company, of a private company, of a partnership or of a closed company.</p>
<p>4.2.4.1. The EESC believes that SME representation should be increased, if only to enhance the effectiveness of public policies for the promotion and regulation of these enterprises. Large enterprises and SMEs should also be able to set out their views on an equal footing.</p>	<p>SMEs like large enterprises are treated on an equal footing by the Commission in the context of the various consultation procedures.</p>

<p>4.2.4.2. The EESC recommends that the organisations that represent SEEs at EU or national level should be more structured and further strengthened. They should be included in social dialogue at Community and national levels.</p>	<p>The views of SEEs and SMEs are expressed in the context of the social dialogue through the existing and well established structures at national and European level.</p>
<p>4.2.4.2 (2nd sentence) The SEEs opinions should be granted greater consideration when regulations that affect enterprises are being drawn up.</p>	<p>For all new legislative proposals the Commission will make an overall assessment of the impact of the measure on the competitiveness of companies and mainly on SMEs.</p>
<p>4.2.5. The EESC recommends more research into methods for promoting worker participation in the decision-making processes and capital of enterprises.</p>	<p>The Council of Ministers has already adopted several measures in this area, like the directives on workers participation for the European Cooperative and the European Company and on employees' information and consultation for national companies as well as a Recommendation on the employees' financial participation to the profits of their company.</p>
<p>5.2. The EESC recommends that the Commission should re-examine existing and potential interaction between SMEs and SEEs, and help demonstrate that this interaction is beneficial to the development of both types of enterprise, within the context of the profound changes brought on by economic growth, and particularly, in regional development, social cohesion and innovation policies.</p>	<p>In this context, the Commission intends to launch in 2005 a call for tenders for a study on the impact on the competitiveness and life expectation of SMEs in case they are members of a cooperative networks and their advantages compared to businesses not integrated in networks.</p>

<p>12. Formation and productivity Exploratory opinions from Dutch Presidency – EESC 1435/2004 – October 2004 DG EMPL – Mr SPIDLA</p>

The Commission welcomes the comprehensive and well-reasoned opinion and will make use of it in pursuing the objectives of full employment, quality of work and productivity, and employment and cohesion that are all at the centre of EU policy.

31. The environment as an economic opportunity
Exploratory opinion - EESC 1446/2004 – October 2004
DG ENV – Mr DIMAS

Follow-up of this point is deferred to the next quarter.

B. OPINIONS TO WHICH THE COMMISSION HAS GIVEN A SUBSTANTIVE REPLY TO THE COMMITTEE'S SUGGESTIONS

<p>17 3rd quarter Proposal for a regulation of the European Parliament and of the Council on the implementation of the International Safety Management Code within the Community COM (2003) 767 final - EESC 953/2004 - July 2004 DG TREN – Mr BARROT</p>	
<p>Main points of the EESC opinion</p>	<p>Commission Position</p>
<p>3.3.4: The EESC as the guardian, inter alia, of the interests of small and medium-sized undertakings in Europe, is concerned about the mandatory application of the ISM Code on small and medium-sized shipping companies exclusively engaged in domestic voyages. In light of the above considerations, the proposed regulation should take into consideration the bureaucratic formalities and the cost of compliance regarding its application to the ships of such companies, Hence, flexibility of application and/or derogations will be required.</p>	<p>The Commission is aware of this problem and does not wish to burden SMEs with disproportionate costs.</p> <p>This is why, in the ongoing negotiations with the legislator, it has agreed to permit ships exclusively engaged in domestic voyages to be fully or partly exempted from the provisions of the ISM Code.</p>
<p>4.1.1: The EESC believes that derogations may be necessary for reasons of practicality in cases of small cargo ships and passenger ships engaged in domestic voyages and especially when such ships are operated by the owner himself or under its direct supervision.</p>	<p>In the ongoing negotiations, the Commission has agreed to permit ships exclusively engaged in domestic voyages to be fully or partly exempted from the provisions of the ISM Code.</p>
<p>4.2.1: By implication, the aforementioned ships may have to comply with the regime applicable to ships engaged on international voyages. The EESC believes that the Regulation should clearly stipulate the basic requirements of the ISM Code which may be relevant to such ships.</p>	<p>In the derogations article the Council proposed, in agreement with the Commission, expressly to indicate the provisions of the ISM Code which could be the subject of a derogation.</p>

<p>4.3.3: The EESC maintains that Art. 5 paragraphs 4 and 9 need clarification and streamlining with the ISM Code provisions because they place unnecessary restrictions and lead to confusion.</p>	<p>Aware of the situation, the Commission has accepted, in the negotiations with the legislator, the Council's amendments aimed at fully redrafting the text of Article 5.</p>
<p>4.4.1: The safeguard procedure does not, as it should, involve the Member State or the flag State that has issued the Document of Compliance and which may need to suspend the validity or withdraw the Document.</p>	<p>In its negotiations with the legislator, the Commission has agreed to withdraw the safeguard procedure from its proposal.</p>
<p>4.5.1: The article refers to a reporting form to be established by the Commission, however it does not stipulate what should be reported. It should be clarified if reporting of compliance of Member States with the Regulation and more specifically with the certification procedures is envisaged, or reporting of compliance of companies and their ships, as may be evidenced by flag and port state control.</p>	<p>The Commission refers to a model report and not to a form, with a view to eliciting comparable data from the Member States.</p> <p>This model report will be prepared jointly with the EMSA, as indicated in the Commission's proposal.</p>

<p>18 3rd quarter</p> <p>Proposal for a Directive of the European Parliament and of the Council on enhancing port security</p> <p>COM (2004) 76 final – EESC 954/2004 - July 2004</p> <p>DG TREN – Mr Barrot</p>	
<p>Main points of the EESC opinion</p>	<p>Commission Position</p>
<p>3.9, 3.9.1, 3.9.2 et 5.6. Costs of port security measures and their financing.</p>	<p>The Commission takes note of the EESC's suggestions to study the questions relating to financing maritime and port security measures and their distribution between public and private sectors.</p> <p>In its work programme for 2005, the Commission has included a Communication on safety in different modes of transport, including the matter of funding.</p>
<p>5.4: The EESC fully supports the proposed Directive to implement security measures in the wider port areas. The flexibility afforded to Member States under the proposed Directive should not result in the classification of foreign ports as 'safe' and blacklisting of 'unsafe' as they may lead to market distortion and could jeopardise the smooth flow of international trade.</p> <p>4.5: Inspections of compliance with port security measures in one Member State by security officials of another Member State should be carried out under the authority of the European Commission (Article 17.2 and 14.3).</p>	<p>The Commission takes note of the EESC's favourable opinion concerning the implementation of security measures in all port areas.</p> <p>It also considers that the Community inspection system, included in the Commission's proposal, is such as to avoid the risks of distortion between ports referred to in the EESC's opinion.</p>
<p>4.3: The advisory role of the envisaged port security committees will enhance the effective implementation of the port security plan. The EESC presumes that the committees will be established by the port security authorities, also for the purpose of identifying the elements of the port security plan. The EESC supports the participation of seamen and port workers representatives in ports security committees for the purpose of arriving at practical solutions.</p>	<p>The Commission will take note of the EESC's suggestions in subsequent negotiations with the other institutions.</p>

<p>20. Communication from the Commission to the European Parliament and the Council — Progress report on the GALILEO research programme as at the beginning of 2004 COM (2004) 112 final - EESC 956/2004 - June 2004 DG TREN – Mr Barrot</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
	<p>Generally, the Commission welcomes the EESC's opinion and accepts all the points included in this opinion, since the EESC fully supports the Commission's action concerning satellite radionavigation.</p>
<p>1.1 The GALILEO programme represents a major challenge for the European Union, its independence, its technological and scientific capacity, its economy and, primarily, its space and telecommunications industries.</p>	<p>The Commission fully agrees with the statement that the GALILEO programme represents a major challenge for the European Union.</p>
<p>2.1.1 The remaining problem is the question of its fiscal and social status, which is being discussed with the Belgian Government. The sums involved are by no means negligible (EUR 5 million per year).</p>	<p>According to the latest estimates, the question of fiscal and social status which is being discussed with the Belgian authorities represents a total sum of approximately six to eight million euro.</p>
<p>3.1 The Committee appreciates the decisive approach adopted by the Commission in its Communication in view of the fact that the project in question is clearly of the utmost importance and involves considerable difficulties. In this spirit — marked by a determination to succeed — sustained attention should be paid to the following issues:</p> <ul style="list-style-type: none"> — the building-in of the security requirements at the design stage of both the system and its management; — the conclusion of negotiations with the USA with a view to reaching an agreement based on symmetrical commitments and the goal of interoperability; — the endeavour to find adequate private funding and the guaranteed provision of long-term loans by the EIB; — the need to keep the cost of realising the programme within the confines of the 	<p>The Commission notes the four questions raised by the EESC with interest. A reply to the first three questions can be found in a new Communication which the Commission adopted on 6 October 2004. Besides, the Commission and the Council intend to minimise the additional costs of the programme development stage.</p>

<p>estimated budget.</p>	
<p>4.1 In its conclusions, the Commission appears to demonstrate some anxiety or uncertainty as regards the issue of financing. This is a matter of fundamental importance; if the financing were to be called into question, the whole programme could be placed in jeopardy. The EESC can only reaffirm the fact that the GALILEO project is of major strategic importance to the EU, to the future of its space industry and to the cause of promoting European integration.</p>	<p>As regards financing the later stages, on 14 July 2004 the Commission adopted a proposal for a Regulation of the European Parliament and of the Council with a view to obtaining the funds needed to continue the programme for the period from 1 January 2007 to 31 December 2013.</p>

<p>8. An industrial policy for enlarged Europe COM (2004) 274 final - EESC 1640/2004 – December 2004 DG ENTR - Mr Verheugen</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The EESC shares the view that the dynamics in the world economy require a renewed focus. It welcomes the fact that after a long period of time, "industrial policy" is again back as a priority on the EU agenda.</p>	<p>The Commission shares this view. The renewed interest in 'industrial policy' is accompanied by a renewed interest in the contribution that Industry can make to Europe's economy.</p>
<p>The EESC strongly endorses that more numerous in-depth studies of sectoral developments be undertaken in cooperation with business itself.</p> <p>This means that, in the view of the EESC, new style industrial policy has to be taken into account in the Mid-term review of the Lisbon Strategy in 2005. It may become a key pillar of that strategy in the future.</p>	<p>The Commission is committed to carry out further studies of sectoral developments to identify how best to adjust the 'policy mix' to the benefit of sectors, which usually are subject to sector-specific conditions. Indeed, at the beginning of 2005, a first initiative for the automotive industries, Car-21, has already been launched.</p> <p>The sectoral approach will be part of the Mid-term review, as the Commission pledges itself to a better understanding of industrial sectors.</p>
<p>This industrial policy must by no means fall back on incorrect policies of the past, that were characterised by market distortions of various kinds. The financial discipline that was brought about by EMU has also led to caution as regards financial and other state intervention in business. Except in a few specifically justified cases, it is generally accepted that in the long run intervention and public financial support do not serve business interests.</p>	<p>The Commission's Industrial Policy involves, if anything, a quest to remove market distortions and to improve the competitiveness of industry. It is in line with the current review of EU Competition rules for state aids.</p>
<p>Taking into account recent worldwide developments and after some years of trying to implement the Lisbon Strategy – in particular as regards ailing economic growth in Europe, productivity, the application of ICT and reallocation of investment – the time has also come for a reappraisal of manufacturing industry</p>	<p>The Commission's Industrial Policy advocates a policy of 'structural change' so that industry can enter into the knowledge economy. Europe cannot expect to compete with low cost competitors. It has to compete on the quality of its products and their knowledge-intensity. This implies</p>

<p>and, to that end, for sectoral approaches and concrete steps. These should target activities best suited to European socio-economic conditions, particularly activities making intensive use of highly-skilled workforces in both operational and back-office areas. The EESC endorses fully this approach and this objective.</p>	<p>higher investment in knowledge – in R&D, innovation, ICT, skills and training.</p> <p>This approach is accompanied by the Commission’s sectoral initiatives, to tailor horizontal policies to the needs of sectors.</p>
<p>The EESC is of the opinion that the Commission has to play an active role in this process. Putting industrial policy on the agenda serves in itself the objective of creating awareness. But much more can be done. First of all analyses, data and an adequate publication of these should be improved on:</p> <ul style="list-style-type: none"> - industrial Europe, both in terms of output and in employment; - individual sectors and clusters; - the interaction between industry and services; - technological inter-linkages; - the development of service industry itself; - worldwide comparisons. <p>The analyses should also take into account the differences of structure in the Member States given that some countries and regions have a stronger industrial base than others. In-depth knowledge of major industrial sectors will improve the objectivity of the debate on trends in, and consequences of the dynamics in the world economy.</p>	<p>The Commission intends to improve its understanding of industry over the coming years. This exercise will involve a better monitoring of the competitiveness of individual sectors (i.a. in order to identify when it is necessary to launch a sectoral initiative), but will also consider wider questions of industry as a whole, its place in the European economy, interaction with other sections of the economy, not to mention the competitiveness of Europe’s industry compared with that of our main competitors.</p> <p>It is also intended to improve the understanding of industry at a national and regional level.</p>
<p>Correct data are the basis of any sectoral approach. The EESC advocates the gathering of the results of such studies at EU-level with the support of Eurostat in order to create reliable and dynamic European databases on industry and services and to make SWOT analyses. Comprehensive and clear statistics will give a continuous picture of the ongoing changes.</p>	<p>See above. It is the intention of the Commission to carry out a systematic monitoring of the competitiveness of Europe’s industrial sectors.</p>

<p>The Commission rightly emphasises an integrated approach to policies, such as national corporate taxation systems, tax formalities, standards, trade, intellectual property, R&D, environment, labour market, training and education. The EESC strongly welcomes this objective, which has failed for too long, not only at European level, but also in a number of Member States.</p> <p>Unfortunately, such an approach is very difficult to realise in a complicated environment in which the EU institutions have to come to terms with 25 Member States. A viable solution would be that the Competitiveness Council, together with the Commission, defines a mid-term action plan, to be evaluated annually.</p>	<p>The mobilisation of EU policies to improve the competitiveness of EU industry is at the heart of the ‘new-style’ industrial policy. A number of examples of these synergies are published in the Commission’s communication. This approach will be widened, in a broader context, with the Commission’s mid-term review of the Lisbon process.</p> <p>The difficulties in this approach are recognised. The idea of a mid-term action plan is a positive one. It is likely to be implemented, in practice, through the list of actions that the Commission is proposing in the framework of its mid-term review of the Lisbon process.</p>
<p>It is also necessary that any policy affecting the competitiveness of industry in this action plan takes into account the different policy objectives of the EU in a balanced way. This has not always been the case in the past. Consequently, better exploitation of synergies between Community policies is needed.</p>	<p>See above.</p> <p>The Commission places great emphasis on the importance of ‘balance’ in its ‘new industrial policy’. In particular, one can note the need to ensure a balance between the 3 pillars of sustainable development in drafting policy.</p>
<p>The improvement of the regulatory framework implies, among other things, simplification and effective legislation at EU level. It must certainly not be limited to new regulations. "Better lawmaking" is related both to the past and to the future. The proposal of the Dutch Presidency to give greater attention to the simplification of legislation, and the reduction of the administrative burden must be worked out.</p>	<p>These are all themes that will be vigorously pursued by the Barroso Commission, in the framework of the mid-term review of the Lisbon process.</p> <p>The work proposed on ‘better regulation’ will include a rigorous methodology for impact assessment (which should include a competitiveness test), actions to reduce the administrative burden, and to begin to consider the cumulative burden of legislation.</p>

<p>Environmental directives have a special impact. Because these directives focus primarily on objectives, without harmonising implementation procedures, inconsistent application by Member States can lead to distortion of the market. Impact assessment and implementation are of utmost importance, since credibility of policies depends on their effectiveness.</p>	<p>However, an emphasis has to be placed on better implementation by Member States, to ensure that the implementation by those Member States is properly compatible with the original EU text.</p>
<p>Market monitoring will have to be stepped up regarding products originating from outside the EU.</p> <p>In this connection, the EESC calls upon the Commission to strengthen its efforts in ensuring that appropriate labour, environmental and product standards are observed by all global players.</p> <p>Another important element of industrial policy is the safeguarding of a level playing field worldwide as regards trade. Trade-policy measures need to be implemented resolutely, when the relevant criteria are met.</p>	<p>The importance of trade policy, and creating a ‘level playing field’ has been highlighted in the Industrial Policy Communication, as well as in the mid-term review of the Lisbon process. This emphasises the need for both defensive and offensive actions, i.e. work to extend the single market disciplines to our main trading partners, as well as to exert trade defence mechanisms when necessary.</p>
<p>Sectoral analyses will show the dynamics of the developments in world context.</p> <p>Consequently, business should be consulted more often at an early stage – when impact assessments are done – in order to identify desirable rules and procedures at EU level.</p> <p>In this respect the Commission methodology for tackling competitiveness problems based on analysis, consultation and action (page 19) has to be extended. The Commission rightly cites cases as G10, STAR 21 and Leadership as examples.</p> <p>Other sectors may follow. There is no one-size-fits-all model. As the Member States themselves and their policies are also involved, it is desirable that tailor-</p>	<p>See above on the sectoral approach.</p> <p>The Commission ‘methodology’ for sectoral inquiries, as well as for impact assessments, involves a widespread consultation with all stakeholders, including business.</p> <p>The methodology for Commission sectoral initiatives starts with an analysis of the sector’s competitiveness, followed by widespread consultation with stakeholders, and only then consideration (on the basis of the above results) what policy initiatives can or should be taken. There is no ‘sectoral blueprint’; the sectoral methodology involves adapting the policy mix to the specific challenges governing each sector.</p>

<p>made approaches as a consequence of these sectoral analyses will result in commitments of the industry, the Commission and the Member States alike. As far as the Member States are concerned such commitments may also contribute to promote exchanges of experiences and best practice. In the EESC's view, sectoral observatories at EU level could be very useful and should be set up.</p>	
<p>The EESC notes that, in view of a "new style" industrial policy, there is an urgent need for a confidence-inspiring institutional framework in terms of the proper division of tasks within the Union – who is responsible for what, and when? – and in terms of the implementation in the Member States of objectives and directives decided upon by the European Council and the various Council configurations.</p>	<p>This question has to be seen in the context of the Lisbon mid-term review. This will propose a 'partnership' between the EU and Member States, and will identify the responsibilities for actions and implementing objectives, to be monitored by the relevant Council formations.</p>

9. Tourism and sport: the future challenges for Europe Own-initiative Opinion - EESC 1628/2004 – December 2004 DG ENTR - Mr Verheugen	
Main points of the EESC Opinion	Commission Position
<p>4.5 The EESC hopes that tourism will henceforth be able to count on genuinely targeted, specific European measures, programmes and initiatives. In this connection it calls for the creation of a single governing body at Community level modelled on the European agencies for specific sectors</p> <p>8.3 The inclusion of tourism and sport in the final version of the European Constitution represents a historic turning point for the two sectors. The EESC now hopes for significant activity at Community level in these two areas and suggests using the open method of coordination to guarantee the interchange of skills and knowledge and comparison at European level</p> <p>8.7 It is proposed that a European tourism agency be set up with the role of safeguarding the specific characteristics of this sector, analysing its problems, setting out potential lines for development and identifying innovative instruments for sustainable growth to be incorporated into the EU's structural measures.</p>	<p>The Commission agrees with the EESC on the importance of having specific measures for tourism.</p> <p>Close cooperation among all services is implemented at all stages in order to make sure that tourism and sport are taken into account in all EU policies. The new Constitution (when ratified) will provide a basis for stronger tourism and sport programmes and initiatives and a better linkage between these two areas.</p> <p>The feasibility of the proposal to set up a European Agency for tourism will be examined.</p> <p>Concerning sport, the question about using the open method of coordination will be discussed among other alternatives for a future Community action in the field of sport. For tourism this method is applied on the basis of the Commission Communication "Working together for the future of European tourism" of 13.11.2001 (Com (2001) 665 final).</p>
<p>4.13 Specific workshops could be held in the European Tourism Forum and a European Sport Forum and innovative initiatives promoted as part of the process of drawing up an innovative strategy at European level seeking to integrate the tourism, sport and culture sectors.</p>	<p>The European Tourism Forum is organised yearly. Next one will be held in Malta in October and its programme will be decided by an ad hoc working group. Both civil society and the private sector take part in this group and the Commission will invite the EESC to participate as well. Concerning sport, a large consultation with the sport movement and the civil society will be launched in 2005 in order to contribute to the definition of the future EU action in this field.</p>

<p>6.6 Planning, management and development models for these events must therefore be identified and promoted in order to maximise the profits and added value generated, especially for the host region and community</p> <p>8.5 The EESC also hopes that the European Union will promote studies and research to make possible a comparative analysis at European level of the social, economic and environmental impact of the tourism-sport combination.</p>	<p>Further to the public hearing in Rome on Tourism and sport, supported by EESC, the Commission will be launching mid-2005 a study on the social, economic and environmental impact of major sporting and cultural event on tourism. The findings will be used to select good practice in the managing of the events so to ensure sustainable growth and competitiveness for the hosting destination in the long term.</p>
<p>7.1 The EESC would reiterate the need to reinforce at all levels the objective of training and education as part of sport and tourism policies.</p>	<p>The Commission has concluded at the end of 2004 a study on the “Learning Areas in the European Tourism Industry” with the purpose of encouraging innovative practices and foster the contribution of learning and a skilled workforce to the operation of SMEs in the tourism industry. The Commission is currently working in order to ensure concrete follow up of the recommendations of the study. Concerning sport, an evaluation of the European Year of Education through Sport (EYES 2004) will be finalised by May 2005. The analysis of this initiative will contribute to the definition of the future Commission action in the field of sport aimed mainly to promote the European sporting issues given its social and educational function. A report on EYES 2004 will be presented to the EESC by the end of 2005.</p>

<p>8.4 Sport and tourism are two complex, distinct sectors; it is very difficult to study them together and make economic and social comparisons between them. The EESC therefore proposes that a joint European monitoring agency and a data bank be set up to collect and classify knowledge and best practice and disseminate them in the Member States in order to promote development in the two sectors.</p>	<p>The Commission considers the proposal of a European monitoring agency interesting but its feasibility should be studied in depth.</p>
<p>8.6 the EESC would like to see a campaign to promote awareness of the fact that accessibility and sustainability are necessary characteristics which make market players more competitive.</p>	<p>The Commission has launched a series of studies on the issue of accessibility and sustainability. All those studies have been widely disseminated through dedicated conferences and are diffused by means of hard copies, the internet and the network of the Euro Info Centres to all interested stakeholders.</p>

<p>10. White Paper on the review of Regulation No. 4056/86, applying the EC competition rules to maritime transport COM(2004) 675 final – EESC 1650/2004 – December 2004 DG COMP – President BARROSO</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>5.8. The EESC maintains that Regulation 4056/86 should be repealed and substituted by a new Commission Regulation for liner conferences granting a block exemption. The new regime should strictly follow the yardsticks established under the jurisprudence of the European Court of First Instance and of the Commission (e.g. TACA case).</p>	<p>The Commission does not share the EESC view that Regulation 4056/86 should be revisited simply to codify existing case law. In the Commission’s view, one of the main objectives of the review is to ensure that the provisions are in line with present day market conditions. These have changed considerably in the past 19 years since the adoption of Regulation 4056/86 as recognised by the EESC itself (par.1.10).</p>
<p>5.8. The conference system should also be maintained in order to defend the competitiveness of Community ship-owners worldwide.</p>	<p>Community ship-owners are very competitive on a global scale.</p> <p>The conference system does not make a distinction on the basis of the nationality of the carrier. Similarly Articles 81 and 82 are applied without regard to the nationality of undertakings. The review of Regulation 4056/86 will apply in the same way to Community ship-owners and non-Community ship-owners operating in trades to and from the EU. Thus, the review will be neutral from this perspective.</p>
<p>5.5. If Regulation 4056/86 is repealed without being substituted by a new regulation granting a block exemption it will require a Herculean legal task of negotiations, renegotiations of agreements with several third countries as well as extensive EU legislative work to amend the acquis communautaire (i.e. Regulation 954/79, Regulation 4055/86, Regulation 4058/86). Moreover, EU Member States will have to denounce the Liner Code. The EESC urges the Commission to address all these legal problems before examining the alternative systems to liner conferences and the abolition of the current block exemption.</p>	<p>The Commission is aware that repealing Reg. 4056/86 would entail an adjustment of the current acquis.</p> <p>In particular, Regulation 954/79 that sets out the conditions under which MS may accede to the 1974 UNCTAD Liner Code, will have to be revisited. The Commission intends to work closely with the Member States to ensure that the transition to new framework for liner shipping is carried out in the best possible way.</p> <p>The Commission has reviewed all 14 international agreements the EU has entered into and where there is a reference to Regulation 4056/86 and or to the UNCTAD Code for liner conferences. Considering the way the provisions are phrased, the</p>

	<p>Commission does not consider that the repeal of Regulation 4056/86 will require a modification of these agreements. This because the texts do not impact on the ability of carriers of either party to the Agreements to operate outside conferences.</p>
<p>5.8. Whilst for the large carriers “alliances” and other types of cooperation agreements may be appropriate, small and medium size carriers still need conferences in order to maintain their market shares especially in trades with developing countries. The abolition of the exemption may have anticompetitive effects for these small carriers enhancing the dominant position of the larger ones.</p>	<p>The Commission has found no evidence that smaller carriers are less integrated than large carriers in consortia or alliances. The Commission can agree with the EESC view expressed in paragraph 5.2 that any future framework should be compatible with Article 81. In this context, it would be difficult to envisage the protection of an undertakings’ market shares as an objective for the application of Article 81 EC.</p> <p>Article 82 on the other hand is a powerful tool for the protection against abuses of dominant firms. In the past, the Commission has forcefully and successfully pursued such infringements against liner shipping lines and would not refrain from doing it again if necessary.</p>
<p>5.7. The EESC believes that there is still a justification for maintaining the liner conferences in the EU until a new regulatory regime is put in place worldwide.</p>	<p>The Commission does share the EESC view that it should not review Regulation 4056/86 until such time as a homogenous system to replace it is agreed to, worldwide.</p> <p>In the Commission’s view there is no justification in present day market circumstances to maintain the block exemption for liner conferences because reliable scheduled services can be achieved by less restrictive forms of co-operation between liner shipping lines not involving price fixing and capacity regulation. Some such alternatives forms of co-operation – consortia and alliances - are already exempted from the prohibition of Article 81 by Commission block exemption Regulation 823/200.</p>
<p>In the ongoing WTO negotiations on services “offers” between the EU and other countries were based on the understanding that the Liner Code is an applicable instrument. (par.1.9) WTO offers would have to be modified accordingly (par3.2).</p>	<p>The present offer on services will not have to be modified if Regulation 4056/86 is repealed or if the 14 Member States that have ratified the UNCTAD code for Liner Conferences decide to withdraw.</p>

<p>17. Proposal for a Council Regulation amending Regulation (EC) No.2702/1999 on measures to provide information on, and to promote, agricultural products in third countries, and Regulation (EC) No. 2826/2000 on information and promotion actions for agricultural products on the internal market COM(2004) 233 final – EESC 1430/2004 - October 2004 DG AGRI - Mrs FISCHER BOEL</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>1. It would be useful, as the Commission proposes, to draw up a second report by the end of 2006, analysing the operation of the regime following revision. This would also make it possible to evaluate its implementation in the new EU Member States.</p>	<p>A report to the European Parliament and the Council is foreseen in Regulation No. 2060/2004 (modification of Regulations No. 2702/1999 and No.2826/2000).</p>
<p>2. Greater emphasis should be placed on programmes that have sufficient scope to be significant within the EU context, and on securing synergies between national and EU activities.</p>	<p>The Commission agrees with the Committee. A modification of the application rules (Commission Regulation No. 94/2002, as modified by Reg. No. 422/2005) includes revised guidelines which emphasise these aspects.</p>
<p>3. In a bid to secure further simplification, the two regulations should be merged at the earliest opportunity into a common set of more user-friendly rules.</p>	<p>The Commission agrees that this possibility should be examined. This question will be treated in the report to be presented in 2006, which may also include further proposals to modify the current Council Regulations.</p>
<p>4. Support for information, promotion and advertising activities for agricultural products and foodstuffs is also granted under rural development provisions that differ from the rules of the present regime. The Commission should, even at this stage, assess what might be done to eliminate the overlap.</p>	<p>The Commission agrees that it is important to eliminate overlap, but considers that the measures already taken are sufficient for the time being. The two application rules (Commission Regulations No. 94/2002 and 817/2004) both clearly exclude the possibility for double applications, and the beneficiary organisations in the two systems are different.</p>
<p>5. EU co-financing should continue in its present form and the budget resources should be increased to take account of enlargement and future requirements.</p>	<p>Regulation No. (EC) 2060/2004 confirms the continuation of co-financing in its present form. It is to be noted, that the budget line for this co-</p>

<p>Third-country markets should be given higher priority – at the same time as the gradual phase-out of export refunds – bearing in mind the realistic possibilities for implementing effective programmes</p>	<p>financing (05 08 04) has been under executed until 2004 because of relatively low numbers of acceptable proposals and because of slow implementation of the accepted programmes.</p> <p>The Commission agrees with the Committee that third-country markets should be given priority. However, possibilities are limited by the interest and resources of the professional organisations to initiate such programmes.</p>
<p>6. For reasons of administrative simplification, the current degressive co-financing rates for multi-annual programmes should be eliminated and EU co-financing should be set at 50%.</p>	<p>This modification has been made (Council Regulation No. (EC) 2060/2004).</p>
<p>7. The rule on the mandatory Member State share of 20% should be relaxed so that the Member States can decide case-by-case on the share of financing they allocate to a programme. That said, a minimum contribution of, say, 20% from the organisation in question should be obligatory.</p>	<p>This modification has been made (Council Regulation No. (EC) 2060/2004).</p>
<p>8. The Committee feels that it should be possible to support measures to promote flowers and plants on third-country markets in the same way as on the internal market.</p>	<p>Flowers and plants have been added to the list of eligible products in third-country programmes (Commission Regulation No. (EC) 422/2005 modifying Reg. No. (EC) 94/2002).</p>
<p>9. It is an administrative burden and serves no objective purpose to subject Member States' financial contributions under this scheme to the Treaty rules on state aid. Thus, as in regional development measures, the proposed exemption from the notification procedure should apply from the outset.</p>	<p>This modification has been made (Council Regulation No. (EC) 2060/2004).</p>
<p>10. A good option is to set a minimum and a maximum budget for the selected programmes. Preference must be given to programmes whose duration and budget are sufficient to secure a more effective</p>	<p>The Commission agrees on these points. The possibility for setting minimum and maximum budgets is foreseen in the modified Council Regulation (see points 6,7 and 9 above)</p>

<p>impact.</p>	<p>and work is in process for defining such limits.</p>
<p>11. The requirement to have the EU flag visible on campaign material should, under certain specific conditions, be toned down.</p>	<p>The Commission partly shares this view. However, it should be clear in all campaign materials that the Community has co-financed its production. Accepting materials for publication is the responsibility of the Member States.</p>
<p>12. The EESC calls upon the Commission to draw up a procedural guide for operators that would help both them and the authorities in their supervisory role, and thus benefit this new Community promotional policy as a whole.</p>	<p>The Commission agrees that such a guide would be useful, and within the limits of available resources, is planning to prepare it.</p>
<p>13. The Commission should take care to coordinate actions in different markets so as to avoid overlapping or mixed messages.</p>	<p>The Commission agrees that this is important and is making efforts to acquire systematic information on major events in all programmes. However, its possibilities for coordination are dependent on information received from the competent authorities of the Member States.</p>

<p>19. Communication from the Commission to the Council and the European Parliament - European Action Plan for Organic Food and Farming COM(2004) 415 final – EESC 1657/2004 - December 2004 DG AGRI - Ms FISCHER BOEL</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The EESC welcomes targeted marketing campaigns and consumer information. It does not, however, expect existing imbalances in the food industry and in processing to be increased.</p>	<p>The Commission shares the concern of the Committee and intends to associate the different stakeholders, together with the Member States, in the implementation of Action 1. The aim of Action 1 is explicitly to “increase Commission cooperation efforts with Member States and professional organisations in order to develop a strategy for the campaigns”. The Commission is already planning experts meetings in this regard.</p>
<p>This important sector for employment prospects and production of public goods must get the attention it merits in the EAFRD programme, in connection with the measures linked to the quality of agricultural produce.</p>	<p>The Commission agrees with the Committee and expects Member States to follow the recommendation in Action 6 to provide a large support to organic farming through their rural development programmes. The quality policy and the impact on organic farming of the national and regional rural development programmes are being assessed by the Commission. Furthermore, the Commission proposes to help organic farmers to take opportunity of the rural development measures by listing them in a web-site (action 5). The implementation of this latter action should take place in 2005.</p>
<p>Efforts to harmonise norms and inspections must not overburden businesses and must allow for regional specificities. In the case of both EU- and third-country goods, the EU logo should not prevent identification of origin.</p>	<p>The Commission partly shares the Committee’s viewpoint.</p> <p>As stated in the European Action Plan p.5, “the Commission aims for the European Action Plan to complement and interact with the national and regional action plans for the development of organic farming”, according to the subsidiarity principle. Harmonization of norms and standards is necessary in order to facilitate intra-</p>

	<p>Community trade but also trade with third countries, while taking account of local needs and conditions and respecting regional specificities.</p> <p>In the same way, the EU logo should not replace or exclude the use of private, national or regional logos, but should promote the recognition of organic products at EU level.</p>
<p>On the matter of co-existence with GMOs, the question of how Europe-wide organic production can be guaranteed in the future remains unanswered. For this reason, the GMO contamination limits for all seeds should be set at the detection threshold.</p>	<p>Action 12 of the European Action Plan explains that the question of thresholds for seeds used for organic farming is still under consideration.</p>
<p>Organic farming must be given a higher priority in the EU's research plan. This prioritising is justified by the great importance for society as a whole and the meagre private research resources available to this sector.</p>	<p>In Action 7, the European Action Plan also recommends to strengthen research on agriculture and production methods. This priority should be taken into account in the negotiations on the 7th Research Framework Programme.</p>
<p>6. The EESC is monitoring discussion of the financial perspectives with great concern. A cut in resources for rural development would also set back organic farming and the organic food sector in Europe.</p>	<p>The Commission adopted the proposed financial perspectives, currently under discussion in the European Parliament and the Council, in taking into account all policies' goals of the Union agreed and to be achieved, including those listed in the action plan for organic food and farming. During the coming negotiations, The Commission will make all its efforts to avoid any reduction as a lower ceiling on expenditure would indeed jeopardise the Brussel's agreement and would have serious implications for Rural Development which would be in contradiction with CAP reform and the enlargement process.</p>

<p>22. Amended proposal for a Directive of the European Parliament and of the Council on enhancing port security COM (2004) 393 final - EESC 1428/2004 – October 2004 DG TREN – Mr BARROT</p>	
<p>Main points of the EESC opinion</p>	<p>Commission Position</p>
<p>3.1: The EESC firmly supports a balanced approach safeguarding security without impeding the free flow of trade. It understands, therefore, the concern of the Commission as expressed in the new eighth recital of the proposed Directive.</p>	<p>The Commission has noted the Committee's endorsement.</p>
<p>3.2: In line with its previous opinions, the EESC fully agrees with the proposed modification to the draft Directive on enhancing port security. Although absolute security can never be achieved, the EESC reiterates that the entire logistic transport chain has to be covered by security measures making sure that no weak links exist. Priority should be given to passenger transport where the consequences of a terrorist act would be the heaviest with regard to the human lives at stake.</p>	<p>The Commission has noted the Committee's endorsement.</p>
<p>3.3: The EESC wishes to draw attention to the liability issues arising from the inspections. Obviously, liability from security controls of cars and goods vehicles should rest with the relevant national authorities involved and not with the ship on which these vehicles are subsequently loaded.</p>	<p>The suggestions will be taken into account in subsequent negotiations with the other institutions.</p>
<p>3.6: Finally, the EESC takes the opportunity to urge that the economic dimension of port security should be addressed promptly at EU level and a harmonised approach should be developed to avoid distortion of competition among ports and among modes of transport, especially to the detriment of roll-on roll-off transport..</p> <p>Finally, the EESC invites the Commission to draw up an overall impact study about the financial effects of port security and to devise</p>	<p>Observations taken into account. The Commission has included in its work programme for 2005 a Communication on safety in the different modes of transport, which will address the question of financing security measures.</p>

an EU scheme for financing, where necessary, the implementation measures.	
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<p>23. Proposal for a Directive of the European Parliament and of the Council on energy end-use efficiency and energy services COM(2003) 739 final – EESC 1443/2004 - October 2004 DG TREN - Mr PIEBALGS</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission position</p>
<p>General comment: EESC constructive in its comments and proposes i.a. means to ensure that costs are kept in proportion to benefits.</p>	<p>The Commission welcomes the comments from EESC and has strengthened the text to reflect the need to make sure that the benefits of energy efficiency investments are greater than their cost.</p>
<p>3.9: EESC does not want binding targets.</p>	<p>The Commission considers binding targets as an important element of this proposal and can therefore not take into account the request of the EESC.</p>
<p>3.9.1: EESC wants a target for the EU as a whole and that Member States will only be required to update and monitor existing national programmes.</p>	<p>The Commission understands the idea of a general overall EU target but cannot accept it. The Commission maintains that the target must be adopted by individual Member States if it is to have any meaning in a legal sense. Upgrading and monitoring existing programmes is already included as one way of fulfilling the target.</p>
<p>4.3: EESC interprets Article 6 as requiring all activity related to energy services to be carried out by energy retail or distribution companies. Therefore, it feels this restricts competition.</p>	<p>This is not the correct interpretation of the proposed Directive. The Commission would like to point out that Article 6 states that the activities may be carried out by any installation company, energy service company, etc. having the required competence. The energy distribution company or retailer will only be obliged to make sure that his customers have access to these services.</p>
<p>3.3 and 3.15: EESC feels there is a risk that energy efficiency measures will raise the cost and consumer price of energy. EESC calls for an immediate impact assessment.</p>	<p>Although a comprehensive impact assessment of this proposal was not required and was thus not carried out, the Commission wants to point out that numerous studies have been undertaken for the same purpose, covering different aspects and sectors of the Directive's scope.</p>

	<p>These studies show conclusively that there are large cost-effective investments available that, if undertaken, will reduce the demand for energy. This could in principle, lead to price reductions instead of price increases.</p>
<p>4.6 : on the cost of metering.</p>	<p>The negative impacts on energy costs of improved metering are limited by the fact that installation of metering in uneconomic circumstances is not necessary. This element will be taken into account during the negotiation with the co-legislators.</p>

24. Proposal for a Directive concerning measures to safeguard security of electricity supply and infrastructure investment
COM(2003)740 final – EESC 1444/2004 - October 2004
DG TREN - Mr PIEBALGS

Main points of the EESC Opinion	Commission Position
<p>4.1. The EESC agrees on these provisions in the proposed Article 4. However it suggests that all TSOs have to sign up to the “guidelines of ETSO”.</p>	<p>The Commission welcomes the general agreement of EESC with Article 4.</p> <p>However, operational rules are not in fact agreed within the ETSO framework. There are different sets of rules for different blocks (UCTE, Nordel, UK, Ireland).</p> <p>It is also not appropriate for all TSOs to apply exactly the same operational rules. For example, hydro-based systems such as NORDEL need to operate differently to thermal based systems like UCTE.</p> <p>However the Commission is considering bringing the main common features from the rules of different blocks into guidelines to be agreed under Regulation 1228/03/EC on conditions for access to the network for cross-border exchanges in electricity.</p>
<p>4.2./4.3. Although the EESC agrees with most of the measures mentioned in the article as being part of a sound national energy policy, it finds the approach of Article 5 somewhat confusing. In particular it needs to be clarified that “reserve capacity” mentioned in the second paragraph of Article 5.1 should deal only with short-term technical reserves, needed for system reliability.</p>	<p>The Commission welcomes the general agreement of EESC to the approach taken. The suggestion will be taken into account during the negotiations with the co-legislators in order to clarify the objectives, in particular the definition of “reserve capacity” referred to in the text.</p>
<p>4.4. The EESC suggests it is difficult to find the sense in connecting network investments with demand-side management in the manner referred to in Article 6(1). For 6(2), these requirements would primarily be taken into account, if possible, when setting the methodology for network-access tariffs.</p>	<p>The point made by the EESC will be taken into account during the negotiations with the co-legislators as the Commission is ready to consider some re-working of Article 6 to clarify the main objectives, especially relating to the regulatory incentives to network investments.</p>

<p>4.5. The EESC rejects the proposed Article 7 as drafted on the grounds that it would create an uncertain atmosphere for interconnection investments which should be determined by market based procedures</p>	<p>The Commission has a reservation on this point and is awaiting the results of the ongoing negotiations with the other institutions.</p>
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<p>25. Pan-European transport corridors Own-initiative opinion – EESC 1426/2004 - October 2004 DG TREN – Mr BARROT</p>	
<p>Main points of the EESC opinion</p>	<p>Commission Position</p>
<p>2.6: The Committee notes that the High Level Group will be responsible for preparing the ground for agreements on the expansion of trans-European trunk routes, particularly in the direction of the bordering eastern neighbours.</p>	<p>It should be noted that the High Level Group includes all the neighbours of the enlarged Union, including both east and south (Mediterranean countries), south-east (the Balkans, Turkey) and the Black Sea countries (Caucasus).</p>
<p>3-5: In these paragraphs, the Committee presents the pan-European corridors and puts forward proposals with a view to improving cooperation in general.</p>	<p>The Commission thanks the Committee for its proposals and will take them into account. The Committee will be closely involved in the work of the High Level Group. An initial meeting already took place in autumn 2004 with the participation of the steering committees of the pan-European corridors and the Committee itself.</p>
<p>5.3: The Committee highlights the need to allow the civil society organisations to offer evaluations and suggestions in relation to the development of individual pan-European corridors.</p>	<p>Currently the Commission is organising a public consultation with a view to receiving proposals from all the parties concerned, including civil society, as regards the extension of the trans-European network to neighbouring countries and regions and the development of the pan-European corridors.</p>

<p>26. Proposal for a Directive of the European Parliament and of the Council on the recognition of seafarers' certificates issued by the Member States and amending Directive 2001/25/EC COM(2004) 311 final – EESC 1633/2004 – December 2004 DG TREN – Mr BARROT</p>	
<p>Main points of the EESC opinion</p>	<p>Commission Position</p>
<p>2.10: The EESC believes that a host Member State, while requiring minimum standards with respect to language skills from all certificate holders, needs to satisfy requirements with respect to the knowledge of maritime law of that Member State. Thus necessitating the issue of a "recognition" document.</p>	<p>The Commission considers that requiring a recognition document would further obstruct the recognition of the certificates issued by the Member States, since in accordance with the law as it stands recognition is already conditional on an initial document testifying to the issuance of a certificate and a second document testifying to the recognition of a certificate.</p>
<p>2.12: The EESC while accepting the important role of EMSA, recognises its limitations. However, the EESC draws attention of the Commission to the need for appropriate resources of a financial, human and technical nature.</p>	<p>The Commission has taken note of this comment.</p>
<p>4.3: The EESC, while accepting the desirability for an effective and reliable system for the recognition of certificates of competency issued in Member States, expresses concern that the Commission fails to address the future employment of EU nationals and the retention and growth of the European maritime skills base.</p>	<p>The Commission wants to encourage the employment of seafarers who have obtained their certificate within the Union. By enshrining the recognition of certificates issued by a Member State it facilitates the free movement of seafarers within the Union, while encouraging excellence and the quality of their training.</p>

27. Proposal for a Directive of the European Parliament and of the Council on harmonised river traffic information services on inland waterways in the Community

**COM (2004) 392 final - EESC 1634/2004 - December 2004
DG TREN – Mr BARROT**

Main points of the EESC opinion	Commission Position
7.2: The adoption of other relevant international organisations' existing technical guidelines in the context of the RIS directive.	The suggestion has been taken into account in negotiations with the other institutions, with a view to adopting the proposal for a directive.
Requirement that Member States should make electronic navigational charts suitable for navigational purposes available for all European inland waterways of class IV and above in accordance with the Classification of European Inland Waterways.	The Commission considers that it is not appropriate to follow up this observation. Since this concerns the relatively costly part of the RIS, the Commission considers that this obligation should apply only as from class V. This class, and the higher classes, cover practically the entire network of trans-European inland waterways.
The protection of data against improper use.	The suggestion has been taken into account in the subsequent negotiations with the other institutions, with a view to adopting this proposal for a directive.
Consultation of the sector in the committee that has been or is to be set up by the Commission to transpose the directive.	The suggestion has been taken into account in the subsequent negotiations with the other institutions, with a view to adopting this proposal for a directive.
8.1: Drafting a plan for implementation of RIS ; encouragement and support for ship operators to introduce the requisite equipment on board ships so as to be able to use the system effectively in line with the objectives of the directive ; promotion of cost-effective communications systems that best meet IWT requirements ; monitoring of RIS hardware and software production costs.	It is up to the Member States to which the directive is addressed to implement the RIS. This applies to encouragement and support for ship operators and the promotion of cost-effective communication systems. Hence the Commission considers that it is not appropriate to follow up these observations.

28. A European highway code and vehicle register
Own-initiative opinion – EESC 1630/2004 – December 2004
DG TREN - Mr BARROT

Main points of the EESC opinion	Commission Position
<p>9.4: THE EESC envisages a directive for minimum harmonisation (using the Vienna Convention of 1968 as a model) with a definition of basic traffic rules and signals, drivers' qualifications and licences, and the nature of offences and the associated penalties.</p>	<p>As regards <u>traffic rules and signals</u>: the basic rules have already been harmonised by the Vienna Convention of 1968 on Road Signs and Signals. Where appropriate, the Commission will consider further harmonisation in respect of the highways of the trans-European network.</p> <p>As regards the <u>issuing of driving licences</u>: the European driving licence (including harmonisation of the provisions for issuing licences) has existed since 1991 (Directive 91/439/EEC); further harmonisation of the provisions for issuing licences is part of the third Directive (recasting) currently being examined by the European Parliament and by the Council.</p> <p><u>Infringements and sanctions</u>: the Commission has included in its work programme for 2005 a legislative initiative (proposal for a directive) concerning the creation of a European area of judicial and police cooperation in respect of the trans-European networks.</p>
<p>9.6: The EESC proposes a binding Community instrument to define the basis for setting up a single system for a European vehicle register.</p>	<p>The Commission chiefly considers linking the competent national authorities via a computer network (e.g. in the framework of the IDABC³ programme) to allow them to access the vehicle registration databases in the other Member States.</p> <p>Pending the placing in service of this network, the Commission has already defined, in cooperation with the Member States, a protocol for the exchange of data on the re-registration of vehicles imported from other Member States.</p>

³ Decision 2004/387/EC of the European Parliament and of the Council of 21 April 2004 on the interoperable delivery of pan-European eGovernment services to public administrations, businesses and citizens (IDABC) (OJ L 144 of 30.4.2004)

	It should also be noted that the content of the vehicle registration documents has already been harmonised by Council Directive 1999/37/EC.
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<p>30. Europe's accessibility by sea in the future: developments and how to anticipate them Own-initiative opinion - EESC 1652/2004 - December 2004 DG TREN – Mr BARROT</p>	
<p>Main points of the EESC opinion</p>	<p>Commission Position</p>
<p>General comments.</p>	<p>The Commission welcomes this opinion of the EESC and takes note of the opinions expressed.</p>
<p>6.6 & 6.8: congestion in European ports and how to remedy it.</p>	<p>Although the increase in the volume of container traffic is undeniable, the Commission does not share the opinion concerning the growth of congestion in European ports.</p> <p>However, the Commission would remind the EESC that the proposed financial mechanisms (trans-European networks) have long been operating.</p>
<p>6.10: selection of the ports to be financed.</p>	<p>The Commission believes that it is up to the market to determine the ports which are to be developed, depending on the advantages offered by the ports themselves (connections with the hinterland, free space, capacity, etc.).</p> <p>Naturally, arguments such as cohesion, regional development, etc. should be taken into account by the national or European public authorities.</p>
<p>6.11: study of the costs of port security.</p>	<p>The study envisaged in the framework of Regulation No 725/2004/EC on enhancing ship and port facility security is already under way. The Commission also wishes to point out that it has included in its work programme for 2005 a Communication on safety in different modes of transport, which will address the question of financing the security measures.</p>
<p>6.12: establishment of a level playing field for fair competition within and between European ports.</p>	<p>In October 2004 the Commission adopted a proposal for a Directive on market access to port services (currently being examined by the institutions), which</p>

	includes elements which will enhance financial transparency in European ports. Besides, in 2005 it intends to present guidelines on state aid in port financing.
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<p>32. Proposal for a Directive of the European Parliament and of the Council introducing humane trapping standards for certain animal species COM (2004) 532 final – EESC 1637/2004 – December 2004 DG ENV – Mr DIMAS</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>In the EESC's view, the use of the term "humane" in the Proposal is questionable.</p> <p>The EESC thinks that the humane trapping standards included in the proposal are not to be defined as humane, as they just reflect standards indicated by the Agreement on international humane trapping standards between the EC, Canada and the Russian Federation as well as the USA (Agreed Minute). The Agreement's standards have been evaluated as lower than existing animal welfare standards in EU legislation. The Committee therefore recommends replacing the word humane with a more appropriate term in the final text of the legislation.</p>	<p>The deletion of the term "humane" could create inconsistency with the Agreement and the Council Regulation (EEC) No 3254/91 concerning Leg hold traps and humane trapping standards.</p>
<p>In relation to traps, the EESC feels that only instantaneous killing traps should be considered. The standards set in the proposal clearly do not meet the scientific standards agreed upon by the Community, which recommend instantaneous death or a maximally tolerable threshold time of 30 seconds before death. It is the EESC's view that drowning traps should be forbidden as they are a cruel killing method.</p>	<p>Instant killing is not realistic. The thresholds of the draft directive and the Agreement are based on thorough scientific studies.</p>
<p>The EESC notes that even though the proposal indicates provisions for testing of traps, there is no scientific basis for applying parameters to wild animals based on results from tests performed in a compound environment. The EESC therefore recommends to not use any animals for testing and to instead use the already available computer simulation.</p>	<p>The Commission agrees that alternative methods of testing should be encouraged. However, the request to replace all tests of traps using live animals by computer simulation programmes is not realistic. At the moment there are not computer simulation programmes available for all European animal species listed in the proposal.</p>

<p>The EESC thinks that most of the derogations included in the proposal allow actors involved into the issue to fully escape the application of the legislation. If the possible derogations are implemented it would undermine the scope of the proposal itself. The EESC therefore recommends to only consider derogations related to public safety, and to public and animal health.</p>	<p>If derogations are removed, trapping standards might need to be lowered.</p>
<p>The EESC notes that in the case where the restrained animals are killed, the killing method should, as far as possible, be regulated according to animal welfare legislation.</p>	<p>The Commission remains open to consider requested provisions.</p>

<p>33. Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee on “The European Environment and Health Action Plan 2004-2010” COM(2004) 416 final – EESC 1636/2004 – December 2004 DG ENV/SANCO/RTD/JRC – Mr DIMAS, Mr KYPRIANOU, Mr POTOČNIK</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>1.2-first bullet point: identify existing possibilities for integrating the identified objectives into specific Research Programmes that are related to the theme, as well as actions provided for in the Action Programme for Public Health and the Community Programme for the Environment.</p>	<p>Actions related to the environment launched under the Public Health Action Programme are fully in line with the priorities and the planning set out in the Action Plan. The implementation of the research actions are being integrated in the calls for proposals of the 6th Framework programme for Research in different priority areas. The JRC has started to take into account the prescriptions of the Action Plan into its work programme; DG ENV as well.</p>
<p>1.2- second point: take immediate steps to include environment and health issues as priority areas in the recently initiated FP7 debate, and to do likewise in the future debate on the new Public Health Action Programme.</p>	<p>Environment and health research is being included as an issue for the debate on FP7. The Commission will take this point into account when addressing priorities for future public health programmes.</p>
<p>1.2-third bullet point: identify the financial resources, within the context of such programmes, to be allocated to the three main objectives identified as priorities and the 13 actions.</p>	<p>The Commission will take this point into account to the degree possible. Concerning the research actions it is too early to provide detailed information about this due to the fact that the implementation of the actions are through the open calls for proposals.</p>
<p>1.2-sixth bullet point: define the precise responsibilities and duties of the relevant authorities and identifying efficient cooperation and action coordination procedures, and the financial resources earmarked to implement them.</p>	<p>The Commission will take this point into account to the largest degree possible during the implementation of the Action Plan and coordinate notably with Member States.</p>

<p>1.3: make further efforts to find specific ways to rise above a predominantly cognitive approach and to adopt a genuine and authentic action plan with specific and, wherever possible, quantitative objectives. EESC urges the Commission to take steps to accelerate the implementation of the action plan and to identify the objectives and actions that are particularly relevant to the second phase of the plan itself.</p>	<p>The Commission will take this point into account to the largest degree possible.</p>
<p>3.6: The EESC recommends two mid-term reviews, one in 2006, and the other in 2008.</p>	<p>The Action Plan foresees one formal mid term review in 2007. As far as possible, it will inform at regular intervals about the implementation of the Action plan.</p>
<p>4.1.2.1: optimal coordination procedures amongst specialised operational centres should be developed on the basis of activities carried out by existing technical working groups, in order to obtain optimal biomonitoring results.</p>	<p>The Commission is seeking this and exploring the possibility to use Article 169 of the EC Treaty on human biomonitoring.</p>
<p>4.1.3: set up more appropriate coordination bodies and to propose more incisive tools to facilitate the process.</p>	<p>The Commission will take this point into account to the largest degree possible. The possibility of ERA-NET is being explored in the area of national environment and health research programmes.</p>

<p>34. Proposal for a Council Directive on a specific procedure for admitting third-country nationals for purposes of scientific research. Proposal for a Council Recommendation to facilitate the admission of third-country nationals to carry out scientific research in the European Community. Proposal for a Council Recommendation to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the European Community for the purpose of carrying out scientific research</p> <p>COM(2004) 178 final - EESC 1434/2004 – October 2004 DG JLS - Mr Frattini</p>	
<p>Main points of the EESC opinion</p>	<p>Commission Position</p>
<p>The Commission’s recommendation, for the controlled re-opening of legal immigration channels according to specific parameters and category of migrants, is welcomed. However, the Committee requires that these be unambiguous and specific. Some of those admitted may well be in need of refuge and protection under the Geneva Convention 1951. As well as being afforded the opportunity of becoming migrants, they may at the same time wish to apply for refugee status once they have arrived. The Committee appreciates that it is not possible for the Commission to give a clear view on these issues at this time but would welcome their resolution in the near future.</p>	<p>The Commission will reflect on the problems raised by the EESC, but it wishes to recall that asylum and immigration policies are informed by different basic criteria and philosophies, which it is not always desirable to mix.</p>
<p>The EESC does not concur with the restriction with regards to the purpose of admission. This is because there are cases where persons meet the minimum requirements for a researcher, as set out in the directive, but their original purpose of admission to a Member State is not to carry out a research project. Such researchers may have obtained a qualification in the EU and may wish to seek a corresponding position.</p>	<p>The Commission understands the EESC’s concern, but wishes to stress that the proposal for a Directive concerns an accelerated procedure for the admission of researchers who wish to enter the territory of the European Union with a view to carrying out a research project in a Member State. Requests for residence permits may be filed in the country of origin and on the territory of the EU if the researcher is legally present. The possibility of derogating (in a sense favourable to the researchers) from these two conditions is also provided for. Besides, the European standard does not prevent</p>

	<p>Member States from allowing students who are nationals of third countries from converting a student residence permit into a work residence permit (in this specific case, research) in accordance with national legislation.</p>
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<p>39. Proposal for a Council Regulation establishing a Community Fisheries Control Agency and amending Regulation (EC) No. 2847/93 establishing a control system applicable to the Common Fisheries Policy COM (2004) 289 final – EESC 1635/2004 - December 2004 DG FISH – Mr BORG</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>2.13 The cornerstone of the Agency’s structure as presented by the Commission in Article 25 is, as in any undertaking, be it public or private, the Administrative Board. The EESC is concerned to note the excessive dependence of this Administrative Board on the Commission, which has ten votes against the single vote held by each Member State whose vessels are engaged in fishing activities relating to marine living resources. The Member States will jointly have a maximum of twenty votes, which means that the Commission will easily be able to impose its decisions. The EESC believes that, like the other representatives, those from the Commission should each have a single vote.</p>	<p>The Commission is opposed to the proposal of the EESC. The weight of the Commission representation takes into account the specific characteristics of this body which is charged with control tasks and must act in conformity with Community interests.</p>
<p>2.14 The Commission proposes, furthermore, to nominate four representatives from the fisheries sector to form part of the Administrative Board, without voting rights. The EESC believes that the number of representatives of the sector proposed by the Commission is extremely low and should be increased to at least eight, stating specifically that these should be nominated by European employers’ and workers’ organisations and that they should have voting rights. The EESC believes that the proposed Regulation should set the minimum criteria to be fulfilled by the representatives of the sector in order to gain a place on the Administrative Board. The proposed Regulation should also state that the representatives of the sector also have the right to nominate alternates on the Administrative Board.</p>	<p>The Commission is opposed to the proposal of the EESC. It is important to limit the number of members of the administrative board so that the agency can work quickly and efficiently in the Community interest.</p>

<p>2.16 Article 27(4) of the draft Regulation states that when there is a matter of confidentiality or conflict of interest, the Administrative Board may decide to examine specific items of its agenda without the presence of the members nominated by the Commission as representatives of the fishing industry. The EESC proposes that this paragraph should be removed because this would in practice constitute a significant restriction on the involvement of representatives of the fisheries sector in Administrative Board meetings.</p>	<p>The Commission is opposed to the proposal of the EESC. The administrative board must be able to examine specific items on its agenda without the presence of industry representatives when there is an issue of confidentiality or conflict of interest.</p>
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<p>41. Proposal for a Directive of the European Parliament and of the Council on reinsurance and amending Council Directives 73/239/EEC, 92/49/EEC and Directives 98/78/EC and 2002/83/EC COM (2004) 273 final – EESC 1423/2004 - October 2004 DG MARKT - Mr McCREEVY</p>	
<p>Main points of the EESC opinion</p>	<p>Commission Position</p>
<p>The EESC has adopted a positive opinion on the Commission’s proposal because it considers that one the Directive has been adopted it will go a considerable way to meeting the Commission's objective of strengthening and stabilising the reinsurance markets in the EU.</p> <p>The EESC also calls for a rapid legislative process with a view to speedy adoption of the proposal.</p>	<p>The Commission has noted the Committee’s endorsement.</p>
<p>4. Solvency requirements for life reinsurance</p> <p>The EESC proposes applying the mechanism for calculating the solvency requirements for non-life reinsurance activities (Art. 38 of the proposal).</p>	<p>Favourable: the Council’s work on the nature of life reinsurance activities makes it possible to follow up this suggestion, in respect of which there appears to be a broad consensus in the Council. This approach will also have the backing of the EP rapporteur (Mr Skinner).</p>
<p>5. Solvency requirements for non-life reinsurance</p> <p>Approves the Commission’s proposal but does not consider it appropriate to apply the ‘Lamfalussy’ procedure for determining solvency requirements.</p>	<p>The Commission disagrees: application of the Lamfalussy procedure on the updating of solvency requirements is appropriate for adopting provisions which take into account the specific nature of certain reinsurance activities and contracts. The Lamfalussy system will make it possible to carry out studies so as to take appropriate decisions.</p>

<p>6: Reinsurance and retrocession factors</p> <p>The EESC proposes that the reduction in reinsurance or retrocession for calculating the solvency margin should not be limited to 50%. It proposes accepting a reduction of up to 100%.</p>	<p>The Commission disagrees: the proposal for a reinsurance directive is a so-called ‘fast track’ proposal — it applies the framework in force as regards insurance. To deviate from this system does not appear to be justified at this stage because it implies a far-reaching review of the existing system which will be revised in the framework of the ‘Solvency II’ project.</p>
<p>7: Investment rules</p> <p>The EESC supports the Commission’s proposal based on application of a qualitative (prudent man) scheme.</p>	<p>The Commission has noted the Committee’s endorsement.</p>
<p>8 Transitional provisions allowing reinsurance companies to comply with the requirements of the directive (Article 51)</p> <p>The EESC agrees with the Commission’s proposal. It proposes examining whether other provisions may be necessary.</p>	<p>The Commission agrees: it is possible that, in the context of the negotiations, other transitional periods may be deemed necessary to permit implementation of the scheme provided for in the directive, if and in so far as this turns out to be the case.</p>

<p>42. Proposal for a Directive of the European Parliament and of the Council on statutory audit of annual accounts and consolidated accounts and amending Council Directives 78/660/EEC and 83/349/EEC COM (2004)177 final – EESC 1648/2004 - December 2004 DG MARKT – Mr McCREEVY</p>	
<p>Main points of the EESC opinion</p>	<p>Commission Position</p>
<p>The Committee approves the proposal for a Directive on statutory audit of annual accounts and consolidated accounts and amending Council Directives 78/660/EEC and 83/349/EEC. It believes that the proposal covers almost all the important aspects of statutory auditing.</p>	<p>The Commission takes note of the EESC’s favourable opinion as regards its proposal for a directive.</p>
<p>The Committee again picks up on the view expressed by the Commission in its communication on reinforcing the statutory audit that auditor liability is a driver for audit quality.⁴ However, it continues to maintain⁵ that liability should be proportionate, as regards any losses incurred by the company being audited and by the shareholders. The Commission’s intention to review the economic impact of auditor liability regimes is to be welcomed. The Committee would therefore encourage the Commission to press ahead with the studies it has launched on this issue without delay.</p>	<p>As far as possible, the Commission will take into account the comments and suggestions made by the EESC in the framework of analysing the responsibility of the statutory auditors.</p> <p>The Commission intends rapidly to carry out a study on this subject.</p>
<p>In the opinion of the Committee, the independence of the statutory auditor or the audit firm is crucial. It therefore supports, in principle, the Commission’s proposal to ensure the independence of</p>	<p>The Commission takes note of the EESC’s favourable opinion as regards its proposals as regards independence in the draft directive.</p>

⁴ OJ C 236/2-8, 2.10.2003, point 3.10.

⁵ Cf. opinion of the European Economic and Social Committee of 10 December 2003 on the *Communication from the Commission to the European Parliament and the Council on reinforcing the statutory audit in the EU* (COM(2003) 286 final) (2004/C 80/06); OJ C 80/17-19, 30.3.2004, point 4.7.

<p>the statutory auditor or audit firm.</p>	
<p>The Committee is in favour of the procedure proposed by the Commission for adopting implementing measures and setting up an audit regulatory committee, provided that such implementing measures do not run counter to the international and European norms and declarations (Code of Ethics of the International Federation of Accountants) and European Commission Recommendation of 16 May 2002 on statutory auditors' independence in the EU⁶).</p>	<p>The Commission takes note of the favourable opinion of the EESC concerning its proposal.</p> <p>On 7 December 2004, in its agreement on a general approach to the text, the European Council recognised the IFAC's Code of Ethics and European Commission Recommendation of 16 May 2002 on statutory auditors' independence as imperative documents and wanted them to be mentioned as reference documents in the two recitals concerning the implementing measures.</p> <p>However, the Commission rejects the EESC's general idea of strictly subordinating the implementing measures to these documents. To the contrary, the implementing measures should pave the way towards harmonisation of the Union's practices as regards ethics and independence, and respond swiftly and proactively to the development of practices in the business community, which might sometimes involve measures going beyond those set out in the existing declarations.</p>

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OJ L 191, 19.07.2002.

<p>The Committee is generally in favour of the procedure suggested by the Commission for endorsement of ISA standards (international auditing standards). However, in order to develop internationally recognised audit standards, the interests of all stakeholders and of the general public need to be taken into account through a transparent “due process” for setting standards. Therefore, the Commission must act firmly and at an early stage to bring its proposals to bear in the standardisation process.</p>	<p>The Commission attaches great importance to the quality of due process in preparing the audit standards. Notably this domain covers the governance of international standard-setters, their public responsibility and funding. In his speech of 1 February 2005 before the European Parliament’s Economic and Monetary Affairs Committee, the Commissioner responsible for DG MARKT, Mr McCreevy, already outlined the approach to follow in order to improve these aspects.</p>
<p>The Commission’s proposals to regulate international cooperation are seen in a positive light.</p>	<p>The Commission takes note of the favourable opinion of the EESC as regards the proposals for international cooperation rules.</p>

<p>The proposal for a directive envisages approving auditors from third countries on the basis of reciprocity, provided that they furnish certain proofs. A requirement for cooperation with third countries is equivalence of the system of public oversight in the third country with the European system. Equivalence is to be assessed by the Commission in cooperation with Member States and decided upon according to the procedure for adopting implementing measures. The Committee trusts that approval of statutory auditors from third countries will be subject to the same conditions as for auditors from EU Member States.</p>	<p>As far as possible, the Commission will take into account the comments and suggestions made by the EESC on the conditions for approval by the Member States of approved auditors from third countries. The Commission is in favour of a model in which, if the auditor from a third country provides evidence that he has followed a course and obtained qualifications equivalent to courses and diplomas in the EU, he will only have to participate in the aptitude tests to which the statutory auditors approved in the EU who wish to operate in a Member State other than the one in which they were first approved are subjected. Hence the Commission supports the abolition of any discriminatory provision subjecting such third-country auditors to all the approval courses in a Member State in order to be approved in the latter.</p> <p>However, the Commission does not envisage that it itself will assess third-country courses and diplomas in the framework of implementing measures; rather, each Member State will be completely free to exercise its prerogatives in this area.</p>
<p>This applies particularly in relation to cooperation with the United States. It is difficult to say conclusively whether the proposed model for international cooperation adequately addresses all the relevant issues, and the Committee therefore feels that there is a need for further reflection by the Commission as to how acceptable the proposed model might be, for the competent United States authorities in particular.</p>	<p>As far as possible the Commission will take account of the comments and opinions made by the EESC on cooperation with third countries and in particular with the United States.</p>

52. Study on the links between legal and illegal migration COM(2004)412 final - EESC 1642/2004 – December 2004 DG JLS - Mr Frattini	
Main points of the EESC opinion	Commission Position
<p>The EESC does not agree with the Commission's statement that 'the only coherent approach to dealing with illegal residents is to ensure that they return to their country of origin'. [...] In its opinion on the Green Paper on a Community return policy on illegal residents, and in its opinion on the open method of coordination, the EESC has already expressed its position: 'The EESC believes that compulsory return should not be the EU's only or prime response to immigrants currently in the EU in an irregular situation. What is needed is a comprehensive policy incorporating both return and regularisation [...].</p>	<p>The Commission is convinced that global immigration policy must address all the different aspects of this question. Return policy is an essential part of a European policy on illegal immigration, as well as an important factor to be taken into account in defining a common policy for legal immigration.</p> <p>As regards regularisation, this is a matter for the Member States, because currently there is no concertation of Community rules in this field. The Commission has put forward proposals in its study and considers that the discussion with the Member States should be continued.</p>
<p>The EESC wishes to continue to cooperate actively with the other EU institutions to ensure that the Tampere objectives are met and that an appropriate common immigration policy is implemented and that legislation is harmonised. With this aim in mind, the Committee will be putting in place a permanent instrument in conjunction with the Commission, with the social partners and with civil society organisations.</p>	<p>The Commission will carefully evaluate any concrete proposal made by the EESC in this connection.</p>
<p>Once again, the Committee calls on the Council and the Commission to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, approved by the General Assembly of the United Nations.</p>	<p>The Commission will reflect on this proposal. However, as already pointed out in its reply to the own-initiative opinion 960/2004 of July 2004, this Convention poses a particular difficulty – namely the lack of a clear distinction between migrant workers who are in a lawful situation and those who are not.</p>

C. POINTS OF THE FOLLOW-UP ON WHICH THE COMMISSION HAS NOT FELT THE NEED TO TAKE SPECIFIC ACCOUNT OF THE EESC'S REMARKS

a) Agreement between the Commission and the EESC

<p>14. Proposal for a Directive of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation COM (2004) 279 final – EESC 1641/2004 – December 2004 DG EMPL – Mr SPIDLA</p>	
<p>Main points of the EESC opinion</p>	<p>Commission Position</p>
<p>3. The EESC fully supports this proposal, without a request for amendments.</p>	<p>Favourable opinion taken into account.</p>
<p>4.1 The EESC emphasises the importance of exchanging good practices and social dialogue and stresses the role of the social partners in this connection.</p>	<p>The Commission shares the opinion of the Committee that active social dialogue in the field of equal opportunities is indispensable in order to obtain concrete results and welcomes the fact that its work programme includes actions in this connection.</p>
<p>4.2 The EESC would request the Commission to consider encouraging Member States to produce a guideline booklet highlighting the main features of European gender directives as they have been transposed into national legislation.</p>	<p>The Commission shares the objective of providing better information on the <i>acquis</i> and intends publishing a compendium of Community acts this year. Besides, DG MARKT (in cooperation with DG EMPL) is currently preparing a guide for European citizens which explains their rights under Community law.</p>

15. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: Increasing the employment of older workers and delaying the exit from the labour market
COM (2004) 146 final – EESC 1649/2004 – December 2004
DG EMPL - Mr Vladimir Spidla

Main points of the EESC Opinion	Commission Position
6.1. and 6.2 The opinion places emphasis on the need to promote ageing strategies by applying a lifecycle/ preventive approach and stresses the need for a positive approach to older workers and on policy implementation.	The Commission regards this as a positive approach and is in line with its proposal which emphasises the need to develop and implement comprehensive national ageing strategies.
6.2 and 4.4.1 The opinion agrees with the analysis of the specific conditions which must prevail on the labour market in order to make extension of working life possible.	The Commission shares EESC concerns on the need for appropriate (type & quality of), measures notably in the field of early retirement, gradual retirement / flexible working-time arrangements, health and safety conditions at work, quality in work.
6.2.1 It stresses the need for special attention to be given to finding ways to change attitudes and raise awareness among both companies and employees.	This analysis is shared by the Commission.
6.2.2 The Commission is invited to promote in cooperation with the Member states an information campaign targeted at the main actors on this topic.	The Commission welcomes such a recommendation which is in line with the mutual learning programme of the European Employment Strategy.
6.3.1 It underlines that any measures taken to achieve progress towards the Stockholm and Barcelona targets should be aimed at retaining older workers or encouraging them to return to work. Moreover, it recommends making ageing one of the priorities of the new social policy agenda.	The Commission agrees with this perspective.
6.3.2 and 4.4.3 It stresses the need for providing support to increase the employment rate of young people and women and on reconciling work with family life.	This analysis is shared by the Commission in order to meet the Lisbon objectives.
6.3.3 and 4.3.5 It stresses the need for the vocational training and lifelong learning to be incorporated into the management of the	The Commission welcomes EESC recommendation, which is in line with the Communication.

<p>employees' careers and ensure motivation through training at all ages to enhance skills.</p>	
<p>6.3.4 and 4.4.1. Recruitment needs to be made a priority issue and all forms of discrimination based on age should be opposed.</p>	<p>The Commission shares the EESC concerns</p>
<p>6.3.6 and 4.4.4. Social dialogue and especially collective bargaining in this field should be intensified at both national and EU level.</p>	<p>The Commission shares the EESC concerns on strengthening the role the social partners</p>
	<p>The current opinion constitutes a constructive contribution to its related area. It supports the Commission's proposal for increasing labour participation and the average exit age in line with the Stockholm and Barcelona objectives, endorses the main policy messages of the Communication and adopts recommendations in line with the Communication's policy priorities.</p>

44. **Proposal for a Council Regulation amending Regulation (EC) No. 1260/1999 laying down general provisions on the Structural Funds concerning the extension of the duration of the PEACE programme and the granting of new commitment appropriations**
COM(2004) 631 final - EESC 1653/2004 – December 2004
DG REGIO – Mme HÜBNER

The Commission is quite satisfied with the rapporteur's opinion and has nothing to add.

45. **Proposal for a Council Directive amending Directive 92/12/EEC on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products (submitted in application of Article 27 of Directive 92/12/CEE)**
COM (2004) 227 final – EESC 1441/2004 – October 2004
DG TAXUD - Mr Kovacs

Main points of the EESC Opinion	Commission Position
4.1 The Committee welcomes the proposals made by the Commission in this complex and sensitive area.	The Commission welcomes the support of the EESC for its proposal.

49. **Proposal for a Council Directive amending Directive 87/328/EEC as regards the storage of semen of bovine animals intended for intra-Community trade**
COM (2004) 563 final – EESC 1638 - December 2004
DG SANCO – Mr KYPRIANOU

Main points of the EESC Opinion	Commission Position
The Committee suggested a rewording, to clarify that 'semen storage centres' can only store the semen and that collection and processing are limited to 'semen collection centres'.	The Commission agrees that in the interest of a clarity a different wording as proposed could be considered, taking into account the definitions in Article 2 (b) of Directive 88/407/EEC.

b) Opinions in respect of which the Commission has certain comments to make

**1. Improving the implementation of the Lisbon Strategy
Consultation of the European Council – EESC 1438/2004 – October 2004
SG – President Barroso**

General comment: The Commission, following the 2004 Spring European Council (SEC) conclusions, started reflections and preparatory activities for the mid-term review of the Lisbon Strategy. Following the SEC 2004 mandate, the high level group chaired by Mr. Kok presented to the Commission their conclusions and recommendations on how to give new impetus and improve delivery of the strategy in November 2004.

This has been accompanied by a parallel broad consultative exercise during which contributions from Member States and other stakeholders have contributed to the preparation of the Commission proposal adopted the 2 February. It is in this context that the Commission has welcomed this opinion of the EESC that includes a valuable analysis on how the strategy has functioned over the past five years and very useful proposals for improving implementation.

The priority proposals included in section 8, as well as the so-called “preconditions for an effective implementation of the Lisbon Strategy” of section 7 of the opinion, broadly correspond with the idea to launch a new Partnership for Growth and Jobs, priority actions and new governance proposals presented by the Commission in its Communication of 2 February (COM(2005) 24 “Working together for growth and jobs. A new start for the Lisbon Strategy”).

The following table presents in more detail some relevant cross-references between the EESC priority proposals (section 8) and the Commission’s referred Communication and its companion document on a draft Lisbon Action Programme (SEC 2005 (192)).

Main points of the EESC Opinion	Commission Position
8.1.1. The governments of Member States should take a clear and more active responsibility for implementing the work agenda of the Lisbon Strategy. It is essential that the Strategy is "owned" by the Member States' governments and national parliaments. Member States should prepare clear plans with time-frames for the actions they propose to take in order to achieve the Lisbon targets in the follow-up summit meetings.	The Commission’s proposal to launch a Partnership for Growth and Jobs, supported by a Union Action Programme and National Action Programmes containing firm commitments, and other concrete proposals to mobilise support for change and simplify and streamline implementation and monitoring are in line with this first priority.
8.2.1 The Stability and Growth Pact must be developed into an instrument for growth and improving productivity, focussing stability objectives over whole economic	The need to establish a proper link between the Union’s macro-economic policy and the Lisbon agenda has been highlighted in the Commission’s

<p>cycles instead of individual years. A tension-free macro-economic policy mix is necessary for supporting demand.</p> <p>8.2.2 The ECB should take more account of the wider economic impact of its decisions and, subject to the constraints of controlling inflation, should act supportively of the Lisbon goals.</p>	<p>communication:</p> <p>“The changes proposed to the European Union’s stability and growth pact – the rules at EU level that govern national budgetary policies – should further stabilise our economy, while ensuring that Member States can play a full role in creating conditions for long-term growth.”</p>
<p>8.2.4. Cohesion policies must be designed to actively reinforce improvements in competitiveness, which, in turn, will help to reduce the scale of income differences across the Community. As an aspect of cohesion policies, a code of acceptable practice on the use of State Aids should be adopted.</p>	<p>The Commission’s proposal refers in section 3.4. to the need to strengthen the link between EU cohesion policy and the role of structural funds in the implementation of Lisbon (see relevant box). The issue concerning the revision of State Aid rules and establishment of new guidelines is more linked in the Commission’s proposal to the need to facilitate access to risk capital and public finance to R&D and innovation. However this will make part of a larger exercise of overall reform of state aid rules to be started in 2005 which will also include public support in the context of cohesion policy.</p>
<p>8.3.1 The agenda for implementing the Internal Market, now enlarged to 25 Members States, has to be given particular attention. The European Commission should include a detailed report on the outstanding implementation issues in the annual assessments of the Lisbon Strategy.</p> <p>8.3.2 Several measures for the single market are long overdue and need to be adopted immediately: the regulation abolishing double taxation within the single market; the immediate availability of a simple, effective, and reasonably priced Community patent; the relaunch of the completion of a genuine internal market in services on a balanced basis.</p>	<p>The need to complete the single market remains a core priority of the Commission’s mid-term review proposal, including the need to adopt the Community patent, extend the internal market to the services sector and call to Member States to improve taxation systems to make the Single Market to work better and to reduce existing barriers and administrative burden for entrepreneurs.</p>

<p>8.4.1. The EIB and the EIF should intensify their activities in identifying, prioritising and structuring innovation investment projects and programmes, by both public and private sector promoters, cooperating with the Commission and with Member States. The EIF should continue to address the need of high growth and innovative SMEs through its operation of venture capital and SME mandates and by greater promotion of the possibilities open for EIB financing.</p>	<p>Innovation is recognised in the draft Commission action plan as the principal determinant of productivity growth. The relevant central policy area (number 6 in the draft action plan) put particular emphasis on measures aiming at facilitating access to finance for innovative enterprises in particular SMEs and the important role that EIB can play.</p>
<p>8.5. Revamping social policy.</p>	<p>The Commission’s proposal highlights that “raising employment levels is the strongest means of generating growth and promoting socially inclusive economies”. Central Policy area 8 in the draft action plan addresses most of the issues raised in point 8.5. of the EESC opinion.</p>
<p>8.6. Promoting public private partnership for research.</p>	<p>EESC proposals on this area are covered by the Commission’s communication concerning knowledge and innovation for growth and in particular the need to increase and improve investment in R&D. Mobilisation of the business sector, also through promotion of public private partnership, is a key element to meet the 3% R&D target. The proposal to create an European Research council is endorsed.</p>
<p>8.7. Protecting environment more actively.</p>	<p>The need to step up promotion of environmental technologies to address resource efficiency and tackle some urgent environmental challenges is also among the priority actions identified by the Commission. The need to promote eco-innovations notably in transport and energy is explicitly mentioned. The need to properly frame and link the Lisbon Strategy with the overarching principle of sustainable development and the upcoming revision of the EU sustainable development strategy is recognised.</p>

8.8. Gaining the support of citizens.

The need to “take the Lisbon strategy back to the citizens of Europe” as phrased in the EESC opinion is also a central concept in the Commission proposal. The need to mobilise support for change is recognised as a crucial element to ensure that words are turned into results. “Everyone with a stake in Lisbon’s success and at every level must be involved in delivering these reforms”. Concrete proposals to promote involvement of national Parliaments in the reform process and to reinforce the role of social partners in the implementation (via in particular implementation of the partnership for change adopted at the Tripartite Summit in March 2004) are made by the Commission.

<p>5. Proposal for a Directive of the European Parliament and of the Council relating to restrictions on the marketing and use of toluene and trichlorobenzene (twenty-eighth amendment of Council Directive 76/769/EEC) COM(2004) 320 final – EESC 1424/2004 - October 2004 DG ENTR - Mr VERHEUGEN</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>Other closed system uses should be permitted, by the addition of the words “or in other closed systems where no release to the environment is possible” at the conclusion of the relevant restriction.</p>	<p>Sympathetic to the principle. More information on the conditions of these specific applications needs to be considered. .</p>
<p>As with previous amendments to Council Directive 76/769/EEC, the EESC regrets the linking of unrelated products in a single text which may require specific and continuing amendments to match external realities. This does not support good, timely and effective governance. If it follows from resource limitations during this final and critical stage of agreeing specific risk reduction measures, these limitations should be overcome as quickly as possible.</p>	<p>The proposed restrictions have to be based on the risk assessment done in the framework of the existing substances regulation EEC 793/93. Furthermore, the socio-economic impact and the availability of suitable alternatives have to be taken into account.</p>
<p>The EESC notes the key role played by the CSTEE in the past and trusts that adequate provision has been made for continuing this role in the future, despite the recently announced changes to the structure and responsibilities of the scientific committees.</p>	<p>This corresponds to the present situation.</p>

<p>The EESC shares the generally expressed concerns over the time taken to evaluate substances under the present system. For these two products close to 11 years will have elapsed before the legislation comes into effect. The EESC therefore believes that, as a complement to other proposals such as REACH reasons for the slow progress should be evaluated without further delay.</p>	<p>The comments could be shared but the proposed restrictions have to be based on the risk assessment done in the framework of the existing substances regulation EEC 793/93. Furthermore, the socio-economic impact and the availability of suitable alternatives have to be taken into account. The procedure does not set any deadline. REACH is designed to address the weaknesses referred to in relation to the length of time needed to carry out and act on risk assessments.</p>
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<p>6. Proposal for a Directive of the European Parliament and of the Council relating to restrictions on the marketing and use of certain polycyclic aromatic hydrocarbons in extender oils and tyres (twenty-seventh amendment of Council Directive 76/769/EEC) COM(2004) 98 final – EESC 1429/2004 - October 2004 DG ENTR - Mr Verheugen</p>	
Main points of the EESC Opinion	Commission position
<p>The title of this proposal and subsequent wording should be consistent with the overall aim of introducing restrictions on the marketing and use of "oils rich in PAHs used in the manufacture of tyres, and on tyres containing these oils".</p>	<p>The title is consistent with the overall aim of the proposed restrictions on the marketing and use.</p>
<p>The limitations should be imposed on the marketing and use of oils used in the manufacture of tyres having greater than 3% DMSO extractables under IP-346. All references to BaP as a marker and to other individual PAHs should be deleted.</p>	<p>The test method IP 346 is intended to be consistent with the Commission proposal. However, as written in recital (8), test methods shall be elaborated at European level preferable by CEN or ISO.</p>
<p>An international standard test method should be developed for the characterisation of oils in rubber compounds, in particular tyres.</p>	<p>This is the line followed by the Directive when proposing an ISO or CEN standard (recital (8)).</p>
<p>Appropriate time should be given to the rubber and tyre industries to complete the reformulation work under way, and to the oil industry to invest in and supply the required raw materials. At present it is believed that all the parties could meet such requirements by 1 January 2010 and this date should therefore be incorporated as the initial deadline in the proposal. Derogations for tyres for racing cars, aircraft and other high performance end uses should be agreed with the stakeholders; in the light of the above, it is difficult to see any measurable benefits from these changes compared to the obvious risks of non-performance to all concerned.</p>	<p>The Commission proposal takes into account the present situation of industry and gives the appropriate time for adapting to the new situation.</p>

<p>7. Industrial change and State aid in the steel sector Own-initiative opinion - EESC 1431/2004 – October 2004 DG ENTR – Mr Verheugen</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>1.4 Taking the steel industry as an example, this own-initiative opinion analyses how State aid can have an impact on necessary structural change.</p>	<p>The Commission consider a good approach to keep the steel industry as an example to develop an analysis on how state aid can have an impact on structural change, and felicitate CCMI for preparing this own-initiative opinion.</p>
<p>4. The current EU aid regime for the steel sector – a model for international aid agreements?</p>	<p>The EU has proposed its own steel aid rules as a well-balanced reference document for the research of a multilateral agreement to eliminate subsidies to the steel sector in the framework of the OECD negotiations. This code includes a very limited number of permitted subsidies, such as for research and environmental aid, which have been proven to serve the social, environmental and technological progress in the steel industry, without causing any much-feared capacity increases.</p>
<p>5.4 In the context of the accession of ten or twelve new Member States, it is all the more important to insist on strict compliance with the clear rules on aid for the steel industry, with action in response to all infringements, as in the case of US Steel Kosice.</p>	<p>The challenges which are facing the candidate countries and the new Member States for the restructuring of their steel industries are comparable to the situation experienced earlier in the EU. It is for that reason that the Commission has proposed to apply to the steel sector of the candidate countries structural measures which are based on the experience acquired by the EU steel industry. In return for receiving special aid they were required by the Europe Agreements of the early 1990s to carry out effective restructuring measures and to demonstrate that the enterprises receiving aid had become more viable. In order to ensure free and fair competition in the market for steel in the EU, the new Member States are obliged, under the Accession treaty, to</p>

	<p>observe the existing EU competition rules and to comply with the Treaty obligations on productivity improvements and closures of inefficient facilities. The Commission is strictly monitoring the situation and regularly reports to the Council and the European Parliament. The Commission is also prompt in following up infringements. For example, in the case of Slovakia the Commission has insisted on strict observance of the negotiated commitments on steel. The accession Treaty with Bulgaria and Romania include a similar approach over steel restructuring.</p>
<p>5.6 Negotiations within the OECD (which are currently on hold) are only worthwhile if they lead to a sustainable improvement on the current situation.</p>	<p>The EU is strongly supporting the negotiation of an agreement on world steel subsidies (called SSA) that would effectively improve on a multilateral subsidy disciplines, be enforceable, and help to close down inefficient overcapacities.</p> <p>The goal to reach an SSA in 2004, with a view to transferring the file to the WTO for official decisions, was reported to a new date, due to the fundamental divergences between EU, US, and Developing Countries on the key discussion items, namely on the R&D and environmental aid, and special and differential treatment for developing countries. On the other hand, the EU cannot subscribe to any agreement which contrast with its own 'steel aid code'.</p> <p>During the last meeting of the OECD Steel Committee held on 14 January 2005 in Paris, it appeared that the conditions to restart the discussion were not yet met. During 2005, in order to search a basis for a possible future agreement, the OECD Deputy General Secretary will continue to develop bilateral contacts.</p>

<p>13. Communication from the Commission to the Council, to the European Parliament, to the European Economic and Social Committee and to the Committee of the Regions: "Modernising Social Protection for the Development of high-quality, accessible and sustainable health care and long term care: support for the national strategies using the 'open method of coordination'" COM(2004) 304 final - EESC 1447/2004 – October 2004 DG EMPL – Mr Špidla</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The EESC reiterates its full support for the steps taken by the Commission and for the use of common objectives for developing healthcare systems, but hopes more precise common objectives will be identified without being over prescriptive.</p>	<p>The process of defining more precise common objectives, within the streamlined open method of co-ordination for social protection, is the main task in the work plan for 2005.</p>
<p>Better co-operation, integration and support between families, care workers and medical personnel should be supported by recommending operational arrangements for such co-operations.</p>	<p>Good practice examples will be included in the exchange of experiences within the use of the open method of co-ordination.</p>
<p>The EESC stresses the importance and urgency of training actions for both informal (family) care and professional care staff. Should be supported by exchange of experiences, and by using the European Social Fund, to raise skill levels and prevent loss of personnel from the care sector.</p>	<p>The European Social Fund (ESF) supports training and vocational education, including for both groups of carers. Best practices are exchanged between Member States on a regular basis and through 'Mutual learning' seminars.</p>
<p>It strongly recommends that particular attention and support must be given to the new Member States in their efforts to modernise the infrastructure of their health systems.</p>	<p>The operational programmes of the European Regional Development Fund (ERDF) for the new MS started in 2004, and encompass modernisation of infrastructure, including health systems, in order to support lagging regions.</p>
<p>Makes a number of comments regarding the process of drawing up indicators within the open method of coordination applied to health care and long-term care.</p>	<p>These views are being considered in the continued work on indicators in 2005.</p>

<p>16. Relations between generations Own initiative opinion – EESC 1655/2004 – December 2004 DG EMPL – Mr SPIDLA</p>	
<p>Main points of the EESC opinion</p>	<p>Position of the Commission</p>
<p>"A new pact between the generations needs to take shape step by step across the EU."</p> <p>Population ageing is presenting Member States (MS) with complex challenges which they have a responsibility to assess and address in as coordinated and far-sighted way as possible. Relations between the generations in their economic, social, cultural and political aspects are clearly one of the major factors determining the cohesion of societies. MS should draw up and implement a "generations policy" based on a comprehensive, global and consistent strategy encouraging understanding and solidarity in the long-term between the growing number of generations living side by side.</p> <p>The opinion asserts that MS so far have failed to foresee and sufficiently address the challenges of population ageing.</p> <p>Among the aspects that should be further studied are: (a) the extent, burden and limits of roles and responsibilities that will fall to families in the future social order: children, adults, parents,</p>	<p>The Commission takes note of this own initiative's opinion and of its general support to the present – and potential future - ageing related policies of the Commission (i.e. active ageing, reconciliation of work and family life, OMC on social protection).</p> <p>It fully agrees with EESC that the ageing of the European population presents European societies with a formidable policy challenge. This is why - as an integral part of the Lisbon strategy - the Commission working with Member States at EU-level has intensified the analysis of demographic trends and the development of adequate policy responses in the context of collaboration on public budgets, employment, social protection and sustainable development.</p> <p>Indeed, the Commission has begun to address most of the challenges stressed in the EESC opinion, e.g. by promoting active ageing, increasing the effective retirement age, making pension systems less sensitive to demographic changes while guaranteeing an adequate level of income in old age and calling for healthier ageing, equal access to medical treatment for all ages, and adequate quality care for the very old and frail.</p> <p>In addition initiatives on reconciliation of work and family life including targets for access to child care in the context of the employment strategy have touched on fertility related</p>

<p>grandparents; (b) intergenerational contracts and solidarity between the generations: how to find fair solutions socially and politically – solutions which respect the future – given the constraints and pressures of the present and the fact that future stakeholders are not here to claim their rights?</p> <p>It its recommendation the opinion limits itself to policies aimed at: (1) avoiding premature retirement and prolonging working life and (2) restoring the balance in the age structure of Europe's population.</p> <p>In relation to the first issue the opinion reprimands MS and labour market actors for insufficient efforts by while commenting favourably on Commission initiatives and policies.</p> <p>In relation to the second issue the opinion "recalls the very alarming ...effects that the drop in fertility and the birth rate will have on the demography of the European Union". And contends "...that rebalancing the age structures of European countries needs to be a long-term goal (wherefore).. the European Union should set itself the task of doing more to boost the birth rate in its constituent countries." Thus, the opinion calls on European Institutions to "encourage Member States to pursue family policies with the long-term aim of rebalancing the age structures in the countries of the Union."</p> <p>In conclusion, the opinion calls for a public debate and for EU institutions to collaborate closely on the issue.</p>	<p>questions. The opinion's explicit call for measures to encourage Member States to <i>boost fertility rates</i>, however, is a novelty. The same goes for the call for a <i>new pact between generations</i>.</p> <p>This will be one of the key features of the Commission's Social Agenda 2005-2010 and the forthcoming Green Paper on Demography.</p> <p>An intergenerational approach is highlighted as one of the axes of the new Social Agenda where the Commission signals its intention to bring out a Green Paper which analyses the intergenerational dimension of the demographic changes and to contribute to the European pact for youth.</p> <p>The Green Paper will launch a broad debate on the causes and consequences of population ageing and it is likely to be the first step in a process of greater policy attention to fertility issues at EU level.</p> <p>The Commission agrees that EU institutions should work closely on policy responses to population ageing.</p>
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<p>18. Communication from the Commission to the Council and the European Parliament - Accomplishing a sustainable agricultural model for Europe through the reformed CAP - sugar sector reform COM (2004) 499 final - EESC 1646/2004 - December 2004 DG AGRI - Mrs FISCHER-BOEL</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The EESC notes that reform of the Common Market Organisation (CMO) in sugar has become necessary and that examination should be made of what kind of reform is needed, its scope and the date it is to become operative.</p>	<p>The Commission welcomes the position of the EESC, in which the need for reform is recognised, and is reflecting on the opinions expressed, with a view to coming forward with a full legislative proposal in before July 2005.</p>
<p>The EESC recommends that the regulation's date of entry into force be postponed to 1 July 2006 and that farmers should receive immediate notification of this decision to enable them to confirm their 2005 crop rotations.</p>	<p>The Commission has already announced that the legislative proposals will include a start date of 1 July 2006 at the earliest.</p>
<p>The EESC believes that the Commission should propose measures to ensure the development of alternative markets, particularly in the biofuel sector, to compensate for export and import initiatives that result in fewer outlets for European producers.</p>	<p>On the specific issue of biofuels, the Commission is studying the options available for encouraging the use of sugar beet in meeting the EU objectives regarding its biofuel policy.</p>
<p>The EESC requests that the Commission clarifies its intentions regarding sugar production that is not under quota.</p>	<p>The outcome of the WTO sugar panel, which deals in part with EU sugar production out of quota, is not expected until 28 April 2005. The Commission prefers to wait for the outcome of this panel before announcing its intentions for such sugar in its legislative proposal.</p>
<p>The EESC believes that the Commission should launch a proper restructuring plan for the European sugar industry that reflects the interests of sugar manufacturers, beet planters and the workforce.</p>	<p>The Commission is currently examining the idea of a restructuring scheme, intended to deal with these reservations while adhering to the intended objective of improving competitiveness.</p>

<p>29. Promotion of sea transport and the recruitment and training of seafarers Own-initiative Opinion - EESC 1631/2004 - December 2004 DG TREN – Mr BARROT</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission position</p>
<p>6.5: In the interests of the sustainability of the maritime infrastructure industries and as part of a promotional campaign to induce young persons into the maritime profession, it is essential to offer a “career in shipping” as opposed to “career at sea”. In so doing, this demonstrates the wider opportunities that are available and reduces the resistance of young persons and parents to a career in the industry.</p>	<p>The Commission concurs fully with the idea to present the maritime careers as pertaining to the overall shipping industry rather than restricted to sea time. In the awareness campaign that the Commission launched recently, based on a specific website and a film on maritime careers, it emphasized inter alia the several post-sea job opportunities.</p>
<p>8.1, c: The Commission should take appropriate action and make recommendations to determine the number of EU seafarers necessary to sustain the maritime infrastructure.</p>	<p>The Commission has instigated a research study that is expected to present the number of EU seafarers who are required to sustain both the merchant marine and the overall maritime cluster in the European Union.</p>
<p>8.1, d: The Commission should take appropriate action and examine the operation of the existing provisions of State Aid Guidelines, in particular the provision of a training link to 2nd and 3rd STCW certificate level for service/training while in employment onboard ship.</p>	<p>The Commission takes good note of this suggestion.</p>

<p>35. Towards a European Strategy for Nanotechnology COM (2004) 338 final – EESC 1629/2004 – December 2004 DG RTD – Mr POTOČNIK</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>8.2 The EESC recommends the immediate launch of a joint, integrated, responsible, European-level strategy....</p> <p>8.4 The EESC is convinced that Europe should launch a high-level action plan with a definite road map and timetable and a joined-up approach...</p>	<p>In drawing up an Action Plan for adoption in Spring 2005, the Commission will aim at the concrete implementation of the integrated and responsible strategy. This Action Plan has been prepared taking into account the opinion of the EESC, the Council and the open consultation with 750 contributions.</p>
<p>8.3.1. The EESC would stress the importance of securing the responsible and sustainable development of nanotechnology.</p>	<p>The Commission is actively pursuing a exploratory dialogue at international level aiming at the responsible and sustainable development of nanotechnology.</p>
<p>8.6. The Committee would reiterate the urgent need to set up high-level European facilities and to strengthen the competence centres (CCs)...</p>	<p>Within the framework of preparations for FP7, the Commission is carrying out, together with the European Strategy Forum for Research Infrastructures, a survey of infrastructure and future needs, including nanotechnology.</p>
<p>8.7 Researchers must be certain that their intellectual property is protected, particularly in such a sensitive field. The EESC believes that solving the patenting issue in a clear and satisfactory way is a top priority if the success of applied research in the field of nanotechnology is to be secured. No time must be wasted in establishing a European-level Nano-IPR helpdesk, to meet the needs of researchers, companies and research centres.</p>	<p>Taking into account the already-existing IRP helpdesk and other relay services, the Commission is not convinced of the need for a dedicated European-level nano IPR helpdesk. Nevertheless, several IRP issues will be addressed in the Action Plan and the Commission is discussing such matters with the European Patent Office.</p>
<p>8.8.5 In the EESC's view, the establishment of a European information clearing-house would be a very important mechanism to facilitate</p>	<p>This has been taken into account as one of the tasks for a dedicated secretariat for nanotechnology proposed in the Action Plan for nanotechnologies.</p>

<p>8.12. There must be an ongoing and scientifically well-founded dialogue with the public.</p>	<p>The Commission agrees and is building upon the success of its two DVDs with brochures, improved web-sites and other awareness-raising initiatives. In addition, two dedicated projects are being launched in FP6 to address this topic.</p>
<p>8.14 The EESC believes that the coordination of research in the vast field of nanoscience should be the responsibility of the Commission – albeit with basic research activity being the responsibility of the future European Research Council ESR. The Commission, in agreement with the Parliament and the Council, can secure the best possible added value for the European public including a wider and more far-reaching and objective use of research results.</p>	<p>The Commission agrees and this has been taken into account in the Action Plan for nanotechnologies via the proposal to establish a dedicated secretariat.</p>
<p>8.15 The EESC asks the Commission to provide it with a biennial report on nanotechnological development, in order to check the progress of the action plan adopted and to suggest possible changes and updates.</p>	<p>The Commission agrees and has already decided to publish a progress report every two years in the forthcoming Action Plan for nanotechnologies.</p>

37. Connecting Europe at high Speed: Recent Developments in the Sector of Electronic Communications
COM (2004) 61 final – EESC 1427/2004 - October 2004
DG INFSO - Mrs REDING

Main points of the EESC Opinion	Commission Position
<p>3.6.1.4 The Committee invites the Commission to keep under review whether the regulatory framework is adequate to unbundled the local loop from the dominant operators' control in every market.</p>	<p>The 10th Implementation Report, COM(2004) 759, shows that growth in broadband deployment is being driven largely by intensifying competitive pressure. The new entrants' share of the broadband market has continued to rise and is now at 43.7%.</p> <p>A noteworthy trend has been the increase of 110% in unbundled local loops (fully unbundled and shared lines) from 1.8 m in July 2003 to more than 3.8 m in the EU 15 in July 2004. Two factors underlie these results: decisive regulatory action, in particular in terms of pricing, has yielded positive results, and in certain countries, new entrants are beginning to increase their investment in infrastructure.</p> <p>However, competition is still weak in certain countries, and the Commission will actively monitor its development and intervene where appropriate. The regulatory framework gives great flexibility as to how National Regulatory Authorities can address market failure due to significant market power.</p>
<p>3.6.2.1 The Committee recommends the Commission to consider the inclusion of broadband in the list of Universal Services.</p>	<p>The Commission is reviewing the Scope of the Universal Service Directive, including the question of the introduction of broadband in the list of Universal Services. However, the gap between current coverage and take-up (about 85% coverage in the EU15 and 6.5% take-up in July 2004) makes it unlikely for broadband to be considered universal service at this point in time.</p>

<p>3.6.2.4 The Committee calls on the Commission to legislate for a precise and demanding definition of the term broadband in all deliberations.</p>	<p>In the Communication on National Broadband Strategies the Commission noted that, as speed evolves, a definition of broadband linked to a specific threshold may quickly become obsolete. For the purpose of that report, broadband referred to a wide range of technologies that have been developed to support the delivery of innovative interactive services, equipped with an always-on functionality, providing broad bandwidth capacity that evolves over time, and allowing the simultaneous use of both voice and data services.</p>
<p>3.6.2.5 The Committee calls on the Commission to include a minimum standard of quality of access in its definition to make statistics meaningful.</p>	<p>The Commission is aware of the shortcomings of current broadband statistics currently and is actively working to improve them through studies and workshops in the framework of eEurope.</p>
<p>3.6.2.7 The Committee asks the Commission to maintain close scrutiny of the implementation of National Broadband Strategies.</p>	<p>The Commission intends to monitor the implementation of the strategies and will report in the first half of 2006.</p>
<p>3.6.2.8 The Committee regrets that the Communication deals only with the geographical digital divide and not with the financial one.</p>	<p>The issues raised by the geographical digital divide are very specific and different from the socioeconomic ones. The geographical digital divide will shortly be addressed also by the Digital Divide Forum. The socioeconomic issues instead are addressed by the wider field of inclusion, which will represent an important chapter in the post-eEurope initiative (i2010).</p>

3.6.2.9 The Committee believes that government intervention to counter the digital divide should not be carried out in accordance with competition law. There is a need for a statutory public service remit setting out the precise nature of the public service obligations.

The approach based on state aid rules is needed because government intervention risks distorting competition, even when taking place in under-served areas. There are certain provisions such as open access on non-discriminatory basis that need to be enforced. Close scrutiny must also be kept on the provision of end-to-end services, which may grant unjustified advantages to certain operators.

State-aid law foresees three situations in which the use of public resources might not constitute State aid:

(1) When public authorities intervene on the market on the same terms as private investors (eg the “Market Investor Economic Principle”)

(2) Projects regarding typical tasks of public authorities on the provision of general infrastructure. This is the case of a project that serves the interest of the general public, provides a facility that the market is not capable of supplying and is planned in a way that avoids granting of selective advantages. These conditions, however, must be interpreted strictly. This argument appears tenable only if limited to basic civil works and passive elements in circumstances where the intervention of market operators cannot be envisaged.

(3) In relation to the funding of a Service of General Economic Interest (SGEI). The Court of Justice has indicated that compensation for costs that result from public service obligations are not within the scope of article 87(1) of the Treaty, providing certain conditions are fulfilled. These conditions are described in the *Altmark* judgement of 24 July 2003. In its recent decision on *Pyrénées-Atlantiques* the Commission found that those conditions were fulfilled in relation to a broadband project.

<p>3.6.3.5 The Committee is concerned about the high level of payments made by the network operators for 3G licenses in some Member States and the negative effect this might have on future strategy. It would like the Commission to share its views.</p>	<p>Over the 2000-2002 period, some 61 3G licences were issued by Member States' authorities following national licensing procedures. Some Member States opted for auctions while others chose beauty contests. Since then, most of the 3G operators having paid high licence fees have written off these investments with the exception of Vodafone, who claims that their 3G licences are still worth the initial investment.</p> <p>Furthermore, during 2003 and 2004 the 3G mobile operators have rolled out a significant number of networks and launched commercial 3G services to the benefit of an ever-growing number of subscribers across Europe.</p> <p>The Commission is currently working to ensure spectrum management that would allow for a better use of spectrum in future.</p>
<p>3.6.3.6 The Committee would like the Commission to consider legislating for facility sharing among 3G operators.</p>	<p>G licences give mobile operators the possibility of network infrastructure sharing (NIS), as long as such NIS agreements are communicated to the relevant national competition authorities and the European Commission for scrutiny. During 2003, one such agreement between T-Mobile Deutschland GmbH and O2 UK Limited was approved by the European Commission and the relevant national competition authorities.</p> <p>3 Notwithstanding competition concerns, the Commission believes that NIS agreements will limit the environmental impact on masts as well as speed up the deployment of 3G networks.</p> <p>The Commission has furthermore reiterated the need for the Member States to address the problems caused by</p>

	<p>fragmented local policies on sitting base stations and should ensure, that those are based on the generally accepted assessment of the health risks, in the Communication, COM(2004)447 final dated 30 June 2004.</p>
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**38. Proposal for a Decision of the European Parliament and of the Council on establishing a multiannual Community programme on promoting safer use of Internet and new online technologies
COM (2004) 91 final – EESC 1651/2004 - December 2004
DG INFSO - Mrs REDING**

Main points of the EESC Opinion	Commission Position
<p>The opinion suggests additional legislative measures and appropriate practical steps in the area of Internet safety; but does not seek to amend the text of the Commission proposal.</p>	<p>No specific action is required to take account of the EESC opinion in the text of the decision.</p> <p>The Safer Internet plus programme provides funding and does include a mechanism under which legal obligations can be imposed.</p> <p>The opinion expresses views about the ways in which the Internet industry could act to improve Internet safety. Account can be taken of these in the discussions to be organised under the aegis of the Safer Internet Forum.</p>

<p>40. Green Paper on Public-Private Partnerships and Community Law on Public Contracts and Concessions COM (2004) 327 final – EESC 1440/2004 – October 2004 DG Market - Mr McCreevy</p>	
<p>Main Points of the EESC Opinion</p>	<p>Position of the Commission</p>
<p>4.4.5.4. The EESC thinks that “the proposal to harmonise European accounting rules in its present form makes the award of concessions unviable”.</p>	<p>The International Financial Reporting Interpretations Committee (IFRIC) has so far not adopted a final proposal on Accounting Standards in the area of Service Concessions as suggested in the EESC opinion. Consequently, a discussion on the possible impact of such an initiative appears to be premature.</p>
<p>6. The EESC stresses that “European publication thresholds (e.g. on labour and services) apply for PPPs and concessions; below these European thresholds each Member State will apply its own rules so as to avoid unnecessary red tape”.</p>	<p>According to the jurisprudence of the European Court of Justice (see in particular case C-324/98 <i>Telaustria</i>, paragraph 60) contracting entities awarding contracts are bound to comply with the fundamental rules of the Treaty, in general, and the principle of non-discrimination on the ground of nationality, in particular. The requirement to respect these Treaty principles applies irrespective of the value of the contracts in question, which obviously limits the possibility for Member States to apply their own rules even when the contracts are below the European thresholds.</p>

<p>43. European insurance contract Own initiative opinion – EESC 1626/2004 – December 2004 DG MARKT – Mr McCREEVY</p>	
<p>Main points of the EESC opinion</p>	<p>Commission Position</p>
<p>The own initiative opinion considers that the current situation as regards insurance contract law in the EU constitutes a barrier to cross-border marketing and to the internal insurance market.</p> <p>The Committee considers that the mandatory rules of the ‘general part’ of the Member States’ rights concerning insurance contracts must be harmonised to some degree. This harmonisation should be carried out gradually so as to adopt initially an optional legislative instrument which the parties to the contract may decide to apply to insurance contracts, instead of domestic law. This instrument could be prepared on the basis of work done by the academic community. The EESC initiative is linked with the Commission’s action plan on contract law and revision of the Community <i>acquis</i> in this area, proposing the establishment of a Common Frame of Reference (CFR) on contract law between now and 2009 (cf. Communication of 11.10.2004).</p>	<p>This initiative is linked to ongoing Commission initiatives concerning contract law and the revision of the Rome Convention on the law applicable to contractual obligations.</p> <p>Before taking such a measure, one should demonstrate clearly and precisely the need for such an action at Community level in order to ensure the smooth functioning of the internal insurance market. It would also be necessary to prepare a cost-benefit analysis of a possible action, notably as regards the scope of harmonisation and compliance with the principles of subsidiarity and proportionality.</p> <p>Besides, one should also bear in mind the Commission’s measures in the field of contract law. The Communication of 11 October 2004⁷ envisages an action plan to develop a Common Frame of Reference (CFR) on contract law between now and 2009. It is possible that insurance contract law will be included in this measure and that by then the Commission will have to start working in this area. On the other hand, initiatives are already under way in the framework of updating the Rome Convention on the law applicable to contractual obligations, involving an analysis of the situation as regards EU rules on the law applicable to the insurance contract.</p> <p>Any measure in the direction of the report should thus be the subject of an in-depth analysis which takes account</p>

⁷ COM(2004)651 final of 11.10.2004.

	of the different activities under way within the Commission.
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<p>46. Proposal for a Council Directive amending Directive 77/388/EC by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia COM (2004) 295 final - EESC 1442/2004 - October 2004 DG TAXUD - Mr KOVÁCS</p>	
<p>Main points of the EESC opinion</p>	<p>Commission Position</p>
<p>The EESC has on several previous occasions endorsed the principle of allowing reduced VAT rates to be applied to labour-intensive services.</p> <p>In its opinions, the EESC has taken a positive view of these measures' impact in terms of creating jobs and curbing undeclared work.</p> <p>The EESC has also made many suggestions for extending the VAT reductions to other sectors such as restaurant services or restoration of historic and religious buildings and buildings of private cultural and architectural heritage.</p>	<p>On 23 July 2003, the Commission adopted a proposal for a directive as regards reduced rates of value added tax⁸ with a view to simplification and rationalisation.</p> <p>In this context, although the evaluation report of experience in labour-intensive services has not clearly demonstrated the positive impact on employment, the scope of the reduced rates of VAT has been reviewed and certain labour-intensive services such as services linked to the housing sector, home care and catering have been included.</p> <p>But since the Council has not yet reached agreement on a unanimous decision with a view to adopting this proposal for a directive, it has been decided to extend until 31 December 2005 the reduced VAT rates on labour-intensive services (Annex K).</p> <p>The aim of this proposal is to offer the same opportunity to the new Member States, while respecting the limits and conditions set out in Directive 1999/85/EC of 22 October 1999 when launching the experiment.</p>
<p>The EESC therefore endorses the principle of allowing those new Member States who so request to apply the reduced rate of VAT to labour-intensive services, under Directive 1999/85/EC, until 31 December 2005.</p>	<p>The Commission takes account of this favourable opinion.</p>

⁸ COM(2003) 397 final of 23.07.2003.

<p>The EESC nonetheless regrets that the Council was unable to agree on the European Commission's proposal for a directive to simplify and rationalise the system.</p>	<p>Just like the EESC, the Commission regrets that the Council has not yet been able to reach agreement with a view to adopting the proposal for a Directive of 23 July 2003.</p>
<p>The EESC has repeatedly stated its conviction that unanimity in many aspects of tax affairs is a real obstacle to the Union's progress.</p>	<p>The Commission understands the EESC's position but does not have the powers to review this principle.</p>

<p>47. Draft Communication from the Commission follow-up to the high level reflection process on patient mobility and healthcare developments in the European Union COM (2004) 301 - EESC 1433/2004 - October 2004 DG SANCO- Mr KYPRIANOU</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>Support for the actions outlined in the Communication, in particular on issues concerning health professionals, an information strategy for health services, centres of reference, health technology assessment, and the use of the open method of coordination (throughout, in particular paragraphs 4.7-4.8 and 5.3-5.6).</p>	<p>Welcome the support of the Committee for these actions, which are being taken forward as set out in the Communication.</p>
<p>5.3. Recommends setting up an observatory or agency to collect comments, analyses and exchanges of opinion on national health policy to improve quality, efficiency and effectiveness of healthcare provision.</p>	<p>The exchange of information and analysis described will be carried out, but through the tools of the High Level Group on health services and medical care in particular and through the process of the open method of coordination on healthcare and long-term care in general, rather than by establishing a specific observatory or agency.</p>

<p>48. Health Safety Own initiative opinion - EESC 1432/2004 - October 2004 DG SANCO – Mr Kyprianou</p>	
<p>Main points of the EESC opinion</p>	<p>Commission Position</p>
<p>6.3 The EESC recommends that the future European health monitoring centre in Stockholm be given as of now an extensive and reinforced mandate to draw up targeted and regular reports on public health and have the necessary measures taken by the EU countries, in accordance with the subsidiarity principle.</p>	<p>Commission is supportive of the conclusions with the exception of 6.3 where it says that: <i>'have the necessary measures taken by the EU countries, in accordance with the subsidiarity principle'</i>.</p> <p>The Regulation establishing the 'Centre for disease prevention and control' does not provide a legal base to the Centre for taking measures or to cause ("faire") the taking of measures by member states. The Centre can only advise and render opinions on request or by its initiative in the areas that are defined in its scope.</p> <p>The Commission does not have any objections or comments on other points.</p>

<p>51. Proposal for a Council Regulation on the European Monitoring Centre for Drugs and Drug Addiction (recast) COM (2003) 808 final – EESC 1437/2004 – October 2004 DG JLS - Mr FRATTINI</p>	
<p>Main points of the EESC opinion</p>	<p>Commission Position</p>
<p>The EESC proposes that the Centre be provided with a Liaison Committee comprising representatives of the European networks that are active in this field and able to provide information in addition to that supplied by the national focal points⁹.</p>	<p>Article 2A1) already allows the Monitoring Centre to collect data derived from non-governmental national sources. Besides, Article 16 provides for cooperation with other governmental or non-governmental agencies competent in the sector of drugs. Hence reference to the creation of a Liaison Committee in the basic regulation does not seem to be appropriate.</p>
<p>1.1 In view of the Community's financial contribution to the national focal points, the Committee calls for:</p> <ul style="list-style-type: none"> – closer Member State harmonisation when collating statistical data, so that the information will be more reliable and comparable, as is the case with Eurostat. Article 5 (2) of the draft Regulation must therefore be strengthened in this direction; – the national civil society networks active in the sector to be closely involved in the work of the national focal points. 	<ul style="list-style-type: none"> – the Monitoring Centre works on a permanent basis with the focal points with a view to harmonising collection data collation. The Commission shares the EESC's concern and will study the possibility of an alternative wording which would be in line with the wishes of the EESC. – Although cooperation with civil authority is desirable, organisation of the work of the focal points is not within the remit of the basic regulation governing the Monitoring Centre but is set out in the guidelines given to the Monitoring Centre and the national focal points.

⁹ The national focal points are part of the European Monitoring Centre for Drugs and Drug Addiction (REITOX), which is at the Centre's disposal.

<p>56. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No. 1059/2003 of the European Parliament and of the Council on the establishment of a common classification of territorial units for statistics (NUTS) by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union COM (2004) 592 final – EESC 1654/2004 – December 2004 DG ESTAT – Mr ALMUNIA</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The Committee approves the Commission's initiative to amend the Regulation (EC) No 1059/2003 of the European Parliament and of the Council</p>	<p>The Commission is satisfied with the rapid approval by the Committee of its initiative to amend the Regulation (EC) No 1059/2003 of the European Parliament and of the Council.</p>
<p>The Committee advises the Commission to control country by country the Annex I, Annex II and Annex III to regulation EC No. 1059/2003 to ensure the appropriate use of the terminology and language of the Member States regarding the NUTS 1, NUTS 2, NUTS 3 and existing administrative units and smaller administrative units.</p>	<p>The Commission has had intensive bilateral contacts with the central statistical office in each of the 10 new Member States in order to ensure an appropriate use of terminology and language regarding all territorial units at every NUTS level and also for the smaller administrative units. The Commission has already taken every reasonable measure to ensure the correct spelling and terminology.</p>
<p>The Committee believes that this exercise will help to integrate the classification of the territorial units of the new Member States into the statistical classification of the Community.</p>	<p>The Commission is of the opinion that a successful approval of the proposed amendment to the Regulation (EC) No 1059/2003 will improve the quality and harmonisation of regional statistics of the Community.</p>

c) **Opinions on which the Commission is not yet in a position to comment**

19. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No. 1228/2003 as regards the date of application of certain provisions to Slovenia
3rd quarter COM(2004) 309 final - EESC 958/2004 – June 2004
DG TREN – Mr PIEBALGS

No follow-up to be reserved for this opinion.

The Council had amended the legal basis of the proposal and considered that it was not necessary to consult either the European Parliament or the European Economic and Social Committee.

Hence, the proposal was adopted by the Council before the Committee delivered its opinion.

2. A Constitution for Europe
Referral to the European Parliament - EESC 1445/2004 – October 2004
SG – Mr le Président

Given that this concerns a referral to the European Parliament, the Commission simply takes note of the EESC's opinion.

11. Framework for State aid – public services
EESC 1632/2004 – December 2004
DG COMP – Mrs KROES

Follow-up to this opinion is deferred to the next quarter.

20. Co-existence between genetically modified crops, and conventional and organic crops
Own initiative opinion - EESC 1656/2004 – December 2004
DG AGRI – Mrs FISCHER-BOEL

Follow-up to this opinion is deferred to the next quarter, following the initiation of a formal interservice cooperation.

36. Communication from the Commission: Science and technology, the key to Europe's future – Guidelines for future European Union policy to support research
COM(2004) 353 final - EESC 1647/2004 – December 2004
DG RDT – Mr POTOČNIK

Follow-up to this opinion is deferred to the next quarter.

**50. Proposal for a Council decision amending Decision No. 2002/463/EC adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme)
COM(2004) 384 final EESC 1436/2004 – October 2004
DG JLS – Mr FRATTINI**

Follow-up to this opinion is deferred to the next quarter.

**53. Communication from the Commission to the Council and the European Parliament on the managed entry in the EU of persons in need of international protection and the enhancement of the protection capacity of the regions of origin – Improving access to durable solutions
COM(2004) 410 final EESC 1643/2004 – December 2004
DG JLS – Mr FRATTINI**

Follow-up to this opinion is deferred to the next quarter.

**54. Communication from the Commission to the Council and the European Parliament – A more efficient Common European Asylum System: The single procedure as the next step
COM(2004) 503 final - EESC 1644/2004 – December 2004
DG JLS – Mr FRATTINI**

Follow-up to this opinion is deferred to the next quarter.

**55. Proposal for a Regulation of the European Parliament and of the Council on the access to Community External Assistance
COM(2004) 313 final - EESC 1645/2004 – December 2004
DG DEV – Mr MICHEL**

The Commission does not intend to follow up this point.