

FOLLOW-UP PROVIDED BY THE EUROPEAN COMMISSION
TO THE OPINIONS OF THE
EUROPEAN ECONOMIC AND SOCIAL COMMITTEE
PLENARY SESSION OF DECEMBER 2019

DISCLAIMER:

Due to current circumstances of the COVID-19 pandemic, announcements made in this report may be subject to revision in coming weeks or months.

N°	Title	References
GROW		
1.	‘Use-value’ is back: new prospects and challenges for European products and services (own-initiative opinion) Rapporteur: Dimitris DIMITRIADIS (EL-I)	INT/883 EESC-2019-01356-00-00-AC-TRA
COMP		
2.	Report on Competition Policy 2018 Rapporteur: Gerardo LARGHI (IT-II)	INT/891 COM(2019) 339 final EESC-2019-04461-00-00-AC-TRA
EMPL		
3.	Common minimum standards in the field of unemployment insurance in EU Member States – a concrete step towards effective implementation of the European Pillar of Social Rights (own-initiative opinion) Rapporteur: Oliver RÖPKE (AT-II)	SOC/583 EESC-2018-01543-00-01-AC-TRA
4.	Shaping the EU agenda for disability rights 2020-2030: a contribution from the European Economic and Social Committee (own-initiative opinion) Rapporteur: Ioannis VARDAKASTANIS (EL-III)	SOC/616 EESC-2019-01571-00-01-AC-TRA
TAXUD		
5.	Taxation/private investment and the Sustainable Development Goals – cooperation with the UN Committee of Experts on International Cooperation in Tax Matters (own-initiative opinion) Rapporteur: Krister ANDERSSON (SE-I)	ECO/494 EESC-2019-01193-00-00-AC-TRA
JUST		
6.	Populism and fundamental rights – suburban and rural areas (own-initiative opinion) Rapporteur: Karolina DRESZER-SMALEC (PL-III) Co-rapporteur: Jukka AHTELA (FI-I)	NAT/771 EESC-2019-02189-00-00-AC-TRA
7.	Binding UN agreement on business and human rights (own-initiative opinion) Rapporteur: Thomas WAGNSONNER (AT-II)	REX/518 EESC-2019-01278-00-00-AC-TRA

DEVCO

8.	External aid, investment and trade as instruments to reduce economic migration, with a special focus on Africa (own-initiative opinion) Rapporteur: Arno METZLER (DE-III) Co-rapporteur: Thomas WAGNSONNER (AT-II)	REX/516 EESC-2019-02059-00-00-AC-TRA
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<p>N°1 ‘Use-value’ is back: new prospects and challenges for European products and services (own-initiative opinion) EESC 2019/1356 – INT/883 548th Plenary Session – December 2019 Rapporteur: Dimitris DIMITRIADIS (EL-I) DG GROW – Commissioner BRETON/Vice-President VESTAGER</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>European Commission position</p>
<p>3.1. The structural changes mentioned update the "usefulness" of SMEs: beside their well-documented socioeconomic impact – significantly boosting value added in a modern society and creating new jobs – SMEs can become the main factor in repositioning European production, given their ability to respond to the specific needs of niche markets and the increasing demand for variety worldwide.</p>	<p>Small and medium-sized enterprises (SMEs) contribute to the economic and societal development in many ways: they bring innovative solutions to global challenges, like climate change, resource efficiency and social cohesion. Therefore, SMEs play a central role in a successful implementation of the Commission’s flagship initiatives, such as the Green Deal. SMEs also face challenges in adjusting themselves to new production and business models and new market demands.</p> <p>The SME strategy¹, adopted in March 2020, will support small businesses’ transition to a sustainable and digital economy in order to release their full potential in responding to market needs in the Single Market and beyond. The strategy also aims to improve SMEs’ access to finance and markets, and reduce red tape. The Commission is prioritising certain key actions from the SME Strategy to support SMEs during the COVID-19 crisis. These include support through the Enterprise Europe Network, funding innovative solutions by SMEs under the European Innovation Council, and providing access to finance through the boosted program for the competitiveness of businesses and SMEs (COSME), Loan Guarantee Facility and European Scale-up Action for Risk capital (ESCALAR). Furthermore, the implementation of the</p>

¹ An SME Strategy for a sustainable and digital Europe, COM(2020) 103 final.

	<p>strategy will be a key support tool for SMEs in the post-crisis recovery phase.</p> <p>The SME Envoys’ network and the new Commission’s SME Envoy will continue to ensure that interests of small and medium-sized enterprises are taken into account in the EU and national policy making.</p>
<p>3.2. Acknowledging the contemporary importance of SMEs does not automatically make them less vulnerable. As such, one of the aims of this opinion is to help find new ways to support European small and medium-sized producers in overcoming scale-related disadvantages.</p>	<p>The latest data from the Commission’s annual SME Performance Review confirms that the overwhelming majority of SMEs in the EU, 93%, are micro-enterprises employing less than ten people. In 2019, they contributed to job and value creation more than small or medium-sized companies.</p> <p>Micro-enterprises suffer disproportionately from administrative burden, difficulties in accessing markets, including ‘green markets’, finance, data and in digitalising. The Commission’s objective is, therefore, to ensure that all key policies, e.g. related to sustainability, digitalisation, access to data, contain a strong SME dimension, taking into account the needs of all types of small and medium-sized enterprises.</p> <p>The new SME strategy aims, among other things, to help small businesses to scale up and expand their activities, including through improved access to finance. Initiatives aiming at further reducing the regulatory burden will be launched, in particular through the implementation of the ‘one-in, one-out’ proposal announced by the President in her political guidelines. In the face of the COVID-19 crisis, the new SME strategy focuses on enforcing the Late Payment Directive to ensure small and micro-enterprises with lower liquidity reserves are paid on time.</p>
<p>3.3. Improving access to financial resources and services is vital for European companies and</p>	<p>President von der Leyen’s political guidelines recognise that it is important to make it easier</p>

<p>especially for SMEs. The implementation of the Capital Markets Union Action Plan is essential, as it puts forward microfinancing tools for innovation, start-ups and non-listed companies, as well as methods for making it easier to enter and raise capital on public markets, etc. Moreover, given the importance of environmental and social aspects relating to goods and services (either directly or indirectly), green and use-value-related banking approaches should be further promoted. Appropriate competence centres could prove very helpful for including sustainability principles in SME operation.</p>	<p>for small businesses to become large innovators. To this end, it is necessary to continue developing the growth finance market for the innovative companies of the future.</p> <p>There is a commitment to completing the Capital Markets Union, to ensure SMEs have access to the financing they need to grow, innovate and scale up.</p> <p>Moreover, the emergence of new FinTech solutions has the potential to provide SMEs with much faster, cheaper and more sustainable market access, as well as with faster payment options.</p> <p>The SME Strategy has strong links with two important Commission priorities, in particular a new approach towards sustainability and digitalisation, that will pave the way for the transition to a new economic model for the future.</p> <p>Supporting SMEs in the twin transition is instrumental to implement the Green Deal. With support from the investment and innovation programmes of the Multi-annual Financial Framework, the industry will be encouraged to develop new market-leading environmentally friendly technologies and sustainable solutions.</p>
<p>5.1. In order to address all of the challenges associated with establishing a European identity and reasserting the role of European products and services in the global economy, the EU and its Member States have to invest significantly more resources in research and development, education, infrastructure, marketing and innovative technologies. To that end, as advocated by the European social partners, civil society and other stakeholders, an ambitious industrial policy for Europe is needed, focusing</p>	<p>On 10 March 2020, the Commission adopted a ‘New Industrial Strategy for Europe’². It aims at helping Europe’s industry lead the twin transitions towards climate neutrality and digital leadership, while driving Europe’s competitiveness and its strategic autonomy at a time of increasing global competition.</p> <p>‘The New Industrial Strategy for Europe’ outlines a new approach to European industrial policy that is firmly rooted in European values and social market principle.</p>

² COM(2020) 103 final.

<p>on innovation, smart regulation, social partnership, free trade, and social and environmental responsibility.</p>	<p>It sets out a range of actions to support all players of European industry.</p> <p>To uphold Europe’s industrial leadership, this strategy will help deliver on three key priorities: maintaining European industry’s global competitiveness and a level playing field, at home and globally, making Europe climate-neutral by 2050 and shaping Europe’s digital future.</p> <p>The Strategy outlines the fundamentals of Europe’s industrial transformation, namely a deeper and more digital single market, upholding a global level playing field, supporting industry towards climate neutrality, building a more circular economy, industrial innovation, skilling and reskilling, investments.</p>
<p>5.2. Given the rapidly transforming and intensifying global competition, trade policy is unavoidable. Moreover, it is essential for counteracting internally generated market failures. Nevertheless, rather than becoming trapped in a protectionism spiral, national and EU governance should develop and apply a use-value oriented policy mix, spatially adjusted according to local characteristics and needs: (i) standardisation and certification measures for domestic protection and for overseas promotion of European brands; (ii) (pro-)active economic diplomacy exploiting international political, cultural and socioeconomic bonds; (iii) use of public sector procurement as an instrument for enforcing qualitative standards in the European markets; (iv) promoting the necessary infrastructure investments and institutional arrangements that further strengthen the competitiveness of local production.</p>	<p>As explained in the ‘New Industrial Strategy for Europe’, Europe needs a globally competitive and world-leading industry.</p> <p>New geopolitical realities are having a profound effect on Europe’s industry. Global competition, protectionism, market distortions, trade tensions and challenges to the rules-based system are all on the rise. Europe’s response cannot be to erect more barriers, shield uncompetitive industries or mimic the protectionist or distortive policies of others. Being competitive requires competition – both at home and in the world.</p> <p>At the same time, the EU needs to be able to strengthen its strategic interests abroad through economic outreach and diplomacy. The EU must leverage the impact, the size and the integration of its single market to set global standards.</p> <p>The EU will make the most of its full toolbox of trade defence instruments. By mid-2020, the Commission will also explore how best to further strengthen the EU’s anti-subsidies mechanisms. This will be done in the White</p>

	<p>Paper on an Instrument on Foreign Subsidies, which will address distortive effects caused by foreign subsidies within the single market. This will be followed up with a proposal for a legal instrument in 2021.</p> <p>The distortive effects described above are often coupled with a lack of reciprocal access for European firms to the home country markets of foreign, state-owned companies. In particular, EU procurement markets are mostly open to businesses from countries where EU companies are discriminated against or confronted with outright market closures. Therefore, the White Paper will also tackle the issue of access of foreign, state-owned companies to procurement markets and EU funding. A swift agreement on the proposed International Procurement Instrument will also be essential to address lack of reciprocity and to give the EU further leverage in negotiations.</p>
<p>5.5. As already mentioned, VET and LLL are both a tool for networking and clustering in order to achieve scale benefits regarding the costs of human development that employers must bear, as well as a way to strengthen crucial abilities for boosting creativity, innovation and adjustability in the production process. Future European VET and LLL policy will need to prioritise these horizontal skills at all levels in a variety of ways, including new learning methods, utilising up-to-date technology and new funding mechanisms, thereby helping production units to adopt the newest achievements and use them in developing new differentiated products.</p>	<p>A competitive industry depends on recruiting and retaining a qualified workforce. As the twin transitions gathers speed, Europe will need to ensure that education and training keep pace. Making lifelong learning a reality for all will become all the more important.</p> <p>‘The New Industrial Strategy for Europe’ announced an update of the Skills Agenda. The Commission will also explore the idea of individual learning accounts for people of working age, enabling adults to accumulate training entitlements and use them for quality-assured training. The European Education Area will also support efforts towards making lifelong learning a reality.</p>
<p>5.6. Data access and data management ability is the next area of policy intervention that refers to the purpose of supporting European producers and service providers in responding to</p>	<p>With its Communication on Shaping Europe’s Digital Future, the Commission set out its vision for how Europe can retain its technological and digital sovereignty and be</p>

the contemporary evolution of globalised markets and utilising their comparative advantage in highly specialised goods and services. This is especially essential for SMEs. Nevertheless, freeing data access goes hand in hand with an increasing risk of data abuse. Ensuring both digital sovereignty and the privacy of natural and legal persons may be a technically and legally difficult task, yet at the same time essential.

the global digital leader. Recognising that scalability is key in a digitalised economy, strengthening the digital single market will underpin Europe's transition.

Europe must also speed up investment in research and the deployment of technology, in areas such as artificial intelligence, 5G, data and metadata analytics. In 2018, only around one in ten EU companies analysed big data, while only one in four used cloud-computing services. As set out in the Commission's recent Communication 'A European strategy for data'³, Europe needs a framework to enhance access and re-use of non-personal data by businesses, allowing them to improve products and compete internationally in a way that upholds European values and rights, including privacy.

In the said European strategy for data, the Commission has announced its support for business-to-business data sharing, in particular addressing issues related to usage rights for co-generated data (such as Internet of Things (IoT) data in industrial settings), typically laid down in private contracts. The Commission will also seek to identify and address any undue existing hurdles hindering data sharing. The general principle shall be to facilitate voluntary data sharing. In order to support business, in particular SMEs, the Commission has set up a Support Centre for Data Sharing⁴, officially launched in October 2019.

The Commission will also support the establishment of common European data spaces in crucial sectors and domains of public interest, including the common European industrial (manufacturing) data space, to enhance the competitiveness and

³ COM(2020) 66 final.

⁴ <https://eudatasharing.eu>

	<p>performance of the EU's industry, allowing to capture the potential value of use of non-personal data in manufacturing.</p> <p>The COVID-19 crisis has underlined the importance of the availability and sharing of data and the problems that exist in this regard. Furthermore, measures to stimulate the data economy will contribute to a rapid and smooth recovery of economic activity in Europe after the end of the crisis.</p>
<p>5.7. Finally, next to the already easier access to an exponentially growing amount of data, producers of products and services also need to have the possibility and the ability to use the necessary data-management "toolkit" consisting of methods and processes, digitalised or not. Business intelligence is a relatively new term in the relevant literature and describes exactly the ability to utilise information and data-sets. Next to the technical and legal interventions for providing OSS, this discussion guides us back to the relevant horizontal skills that need to be developed through VET and LLL.</p>	<p>In the Communication 'A European strategy for data', the Commission announced that it will help develop clear and trustworthy data governance mechanisms that need to be in place in the underpinning of the common European data spaces.</p> <p>In addition, the Commission's proposal of the Digital Europe Programme foresees support to skills aiming at narrowing the gap in terms of big data and analytics capacities of European citizens and companies.</p>

<p>N°2 Report on Competition Policy 2018 COM(2019) 39 final EESC 2019/4461 – INT/891 548th Plenary Session – December 2019 Rapporteur: Gerardo LARGHI (IT-II) DG COMP – Executive Vice-President VESTAGER</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>European Commission position</p>
<p>1.4. [...], the EESC calls for the granting of aid to be accompanied at all times by maximum transparency with regard to the costs that are passed on to consumers and for consumers to be clearly informed of these costs in their bills.⁵ [...]</p> <p>3.17. In the area of energy, the EESC notes that full and general transparency with regard to household bills is not yet guaranteed in some countries. Without transparency, consumers have less opportunity to make informed choices and the status quo is favoured, to the advantage of the big players.</p>	<p>Energy sector-specific legislation contains detailed rules on the information to be provided on consumer invoices.</p> <p>Moreover, State aid rules require Member States to publish, on a comprehensive State aid website, information concerning aid schemes and their beneficiaries. The Energy and Environmental Aid Guidelines (EEAG) require, for instance, the publication of the full text of the approved aid schemes or the individual aid granting decision, as well as the identity and the form and amount of aid granted to each beneficiary. The General Block Exemption Regulation⁶ also contains similar provisions.</p>
<p>1.10. The EESC welcomes the fact that the Commission guidelines on State aid aim to guarantee free competition on the European energy market through technology-neutral tenders. The latter are essential for the development of different renewable energy technologies, with a view to ensuring a resilient and competitive European energy market that guarantees security of supply. [...]</p>	<p>The Commission welcomes the opinion of the Committee in this respect and notes that the tendering and technology-neutrality requirements have been recently also spelled out in the Clean Energy Package.</p> <p>In line with Energy Union objectives, the Commission continues to promote the development of an open and competitive energy market. To this end, the Commission cooperates with Member States, energy regulators and national competition authorities and other European Union bodies such as the Agency for the Cooperation of</p>

⁵ Directive (EU) 2019/944 on common rules for the internal market for electricity.

⁶ Regulation (EU) 651/2014.

	Energy Regulators.
<p>1.11. The [EESC] calls for the same social and environmental rules to be guaranteed where competition with companies from outside the EU is concerned, in order to ensure a level playing field.</p>	<p>The public procurement directives adopted in 2014 include a provision stating that 'Member States shall take appropriate measures to ensure that in the performance of public contracts economic operators comply with applicable obligations in the fields of environmental, social and labour law established by Union law, national law, collective agreements or by the international environmental, social and labour law provisions.' This was further clarified in the Guidance on the participation of third-country bidders and goods in the EU procurement market, adopted on 24 July 2019 (C (2019) 5494 final).</p>
<p>1.12. The EESC highlights the importance, with a view to creating a social free market, of a competition policy that strikes a balance between the development of social and economic objectives for workers and consumers and maintaining an efficient and competitive productive structure.</p> <p>3.23. The aim is to prevent all forms of "social dumping" (unfair competition in terms of wages and working conditions, which causes a downwards spiral) in order to ensure the equal treatment of workers, regardless of where they work and where they come from, and the non-discrimination of workers and companies in the place where work is carried out.</p> <p>3.22. As regards the labour market and protecting competition, the EESC considers the legal framework on respect for fundamental social rights and the free movement of workers and services as one of the areas to be addressed in order to ensure genuine free competition between businesses in the current market.</p>	<p>The Commission has addressed the issue of fairness in the Internal Market in a consistent manner. With the adoption of Directive 2018/957/EU, the Posting of Workers Directive was revised to introduce the rule that posted workers are entitled to all the elements of remuneration established by law or universally applicable collective agreement that are mandatory for local workers.</p> <p>To safeguard social fairness and to create a deeper and fairer internal market, the Commission proposed in 2016 to revise the EU social security coordination rules to ensure fair labour mobility. The European Parliament and the Council reached a provisional agreement on the Commission proposal in March 2019. This provisional agreement has not been confirmed by the co-legislators and the legislative process is currently still ongoing.</p> <p>The European Labour Authority was established on 31 July 2019, following the</p>

	<p>entry into force of Regulation (EU) 2019/1149⁷. It officially started its activities on 16 October 2019 and expects to reach its full operational capacity in 2024. The European Labour Authority's objectives are to facilitate access to information on rights and obligations regarding labour mobility across the Union and the access to relevant services, as well as to strengthen administrative cooperation, including supporting and facilitating concerted and joint inspections, to mediate and facilitate solutions in cases of cross-border disputes between Member States, and to support cooperation between Member States in tackling undeclared work.</p> <p>As regards competition policy, the Commission considers socio-economic factors if they are related to competition in the market.</p>
<p>3.5. Any delay in applying the rules should be avoided by making proactive use of the competition toolbox (for example, interim measures) in cases where there is clear harm to competition and to consumers.</p>	<p>The Commission will continue to vigorously enforce the competition rules and to explore how to deploy the full potential of the tools at its disposal, including – but not limited to – the use of interim measures.</p> <p>In October 2019 the Commission issued, for the first time since 2001, a Decision pursuant to Article 8 of Regulation 1/2003 imposing interim measures on chipset manufacturer Broadcom. It was the first time in 18 years the Commission used the rules for interim measures. The Commission concluded that serious and irreparable damage to competition would have been likely to materialise in the absence of interim measures. An urgent intervention was warranted to prevent competitors from being marginalised or from being forced to exit the</p>

⁷ Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344 (Text with relevance for the EEA and for Switzerland), OJ L 186, 11.7.2019, p. 21–56.

	<p>markets.</p> <p>The Commission notes, however, that interim measures as such are not a tool to speed up procedures but rather to avoid that the final decision is deprived of its effectiveness. The measure can only be imposed if two conditions are fulfilled; (i) there is a risk of ‘serious and irreparable damage to competition’ and (ii) there is a ‘prima facie finding of infringement.’</p>
<p>3.6. It is crucial to transfer the burden of proof to companies that engage in mergers on the digital markets, so that they can prove that such agreements do not distort competition.</p>	<p>In EU merger control, the Commission bears the burden of proof under the EU Merger Regulation and the EU Court’s jurisprudence on most issues when assessing a merger (with limited exceptions, such as efficiency claims that have to be demonstrated by the merging parties). The Commission has the burden of proof both in prohibition and clearance decisions.</p> <p>The Commission takes note of the recent proposals regarding the reversal of the burden of proof in mergers in digital markets (for example, made in the report of the Special Advisers on Competition Law and Digitisation). Any such reform would have to be carefully considered, taking into account the need to ensure that the enforcement system is both effective/workable and fair.</p>
<p>3.11. AI merits special attention where discriminatory practices are concerned. EU legislation should be adapted in order to prohibit discrimination caused by AI-assisted profiling.</p>	<p>The Commission agrees that artificial intelligence (AI) should not be a means for escaping liability for breaches of the law.</p> <p>On 19 February 2020, the Commission published a White Paper on artificial intelligence. On 27 January 2020, at the meeting of the European Parliament’s Committee on Legal Affairs, Executive Vice-President Vestager, in charge of digital policy, stated that by default, AI technologies would be subject to current EU rules aimed at ensuring high standards regarding non-</p>

<p>4.1. With regard to digitalisation, the EESC agrees with the Commission's choice to prioritise this area and to focus its competition programme for 2021-2027 on challenges linked to Big Data, algorithms and AI. The EESC calls on the Commission to follow up on the report on "Competition Policy for the digital era" from April 2019, in particular with regard to:</p> <p>4.1.1. the strategies to be implemented to counter any restrictions to competition and the free market put in place by digital platforms, including in the trade and tourism sectors;</p> <p>4.1.2. the user-consumer's real and complete knowledge of personal data and their ability to transfer such data from each platform;</p> <p>4.1.3. tackling all forms of exclusion of businesses that certain digital platforms see as potentially dangerous to their dominant positions;</p> <p>4.1.4. safeguarding the free market by protecting small start-ups with market potential which are often taken over by big digital sector players who see them as dangerous future competitors.</p>	<p>discrimination.</p> <p>The Commission intends to maintain its leading role among global enforcers in antitrust enforcement in high-tech markets.</p> <p>Following the Special Advisers' report on 'Competition policy for the digital era'⁸, the Commission intends to continue vigorously investigating these markets and intervene when required, to ensure that companies can compete on equal terms and that citizens are not taken undue advantage of. Pending investigations and new cases will give the Commission concrete opportunities to consider and possibly test some of the ideas and recommendations of the Special Advisers, including the need for possible regulatory interventions in these fields.</p>
<p>4.3. The EESC suggests that the Commission should step up measures to monitor the implementation of free trade agreements and to protect European companies' free access to the world markets.</p>	<p>The Commission has stepped up its work on the implementation of bilateral trade agreements and since 2017 has been reporting annually to the Committee on this work through its annual report on implementation of free trade agreements. The report⁹ published in October 2019 includes, for the first time, a detailed section on enforcement actions launched in 2018 and 2019.</p>

⁸ <https://ec.europa.eu/competition/publications/reports/kd0419345enn.pdf>

⁹ Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Implementation of Free Trade Agreements 1 January 2018 - 31 December 2018, COM(2019) 455 final.

	<p>Furthermore, in line with the political guidelines of President von der Leyen, the Commission is further reinforcing the Union's tools to focus on compliance and enforcement of EU free trade agreements. In December 2019, the Commission created the position of Chief Trade Enforcement Officer who will be a Deputy Director General in Directorate-General for Trade.</p>
<p>4.4. To this end, genuine reciprocity on global public procurement markets must be guaranteed.</p>	<p>The Commission is engaged in opening public procurement markets of third countries in plurilateral (Government Procurement Agreement) and bilateral (Free Trade Agreements) negotiations. In addition, the Commission's proposal for the adoption of the International Procurement Instrument aims at providing increased leverage of the EU.</p>

N°3 Common minimum standards in the field of unemployment insurance in EU Member States – a concrete step towards the effective implementation of the European Pillar of Social Rights (own initiative opinion)
EESC 2018/1543 – SOC/583
548th Plenary Session – December 2019
Rapporteur: Oliver RÖPKE (AT-II)
DG EMPL – Commissioner SCHMIT

Points of the European Economic and Social Committee opinion considered essential	European Commission position
<p>1.5. The EESC reiterates its call for high employment and social standards¹⁰ and therefore recommends setting targets for the Member States' unemployment benefits. Targets should be set for net replacement rate, entitlement period and coverage rate. The EESC also recommends targets for training and activation.</p>	<p>In the field of unemployment benefits, the Commission has developed a benchmarking framework together with Member States and has used it as part of the European Semester since 2018. This covers, among others, the net replacement rate, entitlement periods and unemployment benefit coverage. Work is ongoing to identify key design features and indicators to assess activation policies.</p> <p>A separate benchmarking exercise, used in the Semester since 2019, pools together evidence and provides guidance on the access and quality of adult learning and training.</p> <p>At this stage, the benchmarking process is not accompanied by reference values or targets, as the primary aim is to allow for comparison across Member States and mutual learning to incentivise reforms.</p>
<p>1.8. The EPSR is supported by a social scoreboard, which monitors the implementation of the pillar by following trends and progress in the Member States and feeds these into the European Semester. The EESC recommends that, in future, unemployment benefits should also be monitored in the social scoreboard. It also recommends a benchmarking process for</p>	<p>As compared to the existing benchmarking process, which specifically focuses on policy levers, the social scoreboard is set to monitor policy outcomes (the effectiveness of social transfers to reduce poverty), as well as employment and social performance more in general. The two are complementary and mutually reinforcing.</p>

¹⁰ [OJ C 62, 15.2.2019, p. 165.](#)

<p>unemployment benefits as a complement to the social scoreboard.</p>	
<p>1.9. The aim of the proposed benchmark process on unemployment benefits is to promote the upward social convergence of the Member States and improve the functioning of labour markets. The benchmark process must be based on an analysis of the situation as it stands, with no omissions or airbrushing. It must not be confined to monitoring and evaluation alone. Member States should learn from one another by analysing those performing best (benchlearning) and make improvements (benchaction).</p>	<p>Benchmarking policy settings and outcomes across countries is useful to identify underperformance and action needs, monitor progress and communicate on policy results, in light of Member States' specificities.</p> <p>The focus of the existing benchmarking process is on 'policy levers', i.e. on how to adjust selected policy parameters to achieve better outcomes. Its advantage is the direct link with policy instruments and related reform needs, which is not possible with monitoring tools that only focus on general outcomes. The use of benchmarking thus clearly results in mutual learning and peer pressure in the framework of the European Semester.</p>
<p>1.10. The benchmark process for unemployment benefits should be managed by the Commission and the social partners should be closely and consistently involved in setting benchmarks.</p>	<p>The European social partners are regularly informed and consulted during the different stages of the European Semester by the Commission and relevant Council Committees, including on benchmarking.</p>
<p>1.12. The EESC recommends that the results of the benchmarking process should be closely monitored and evaluated. If there is insufficient progress towards the desired outcomes, a legally binding instrument should be introduced to support and complement Member States' efforts to modernise their unemployment insurance systems. In addition to a Council Recommendation to guide Member States, the EESC recommends introducing a directive pursuant to Article 153 TFEU laying down legally binding minimum standards for the Member States' unemployment insurance systems. This directive should include EU-wide minimum</p>	<p>The Commission Communication on 'A strong social Europe for just transitions'¹¹ launches a broad consultation and engagement process towards jointly building an Action Plan to implement the European Pillar of Social Rights.</p> <p>In this context, and bearing in mind the limited EU competence in this area, the Commission takes note of the recommendations of the Committee on possible further progress on the implementation of the European Pillar of Social Rights as regards unemployment insurance systems, including related training and activation measures.</p>

¹¹ COM(2020) 14 final, of 14 January 2020.

<p>standards for unemployment benefits in terms of net replacement rate, entitlement period and coverage rate. The EESC is also in favour of EU-wide minimum standards for training and activation in the context of unemployment insurance.</p>	
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<p>N°4 Shaping the EU agenda for disability rights 2020-2030: a contribution from the European Economic and Social Committee (own-initiative opinion) EESC 2019/1571 – SOC/616 548th Plenary Session – December 2019 Rapporteur: Ioannis VARDAKASTANIS (EL-III) DG EMPL – Commissioner DALLI</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>European Commission position</p>
<p>The EESC particularly recommends the following:</p>	
<p>1.2. That disability focal points (DFP) are present in all DGs and agencies of the EC, and in all EU institutions, with the central DFP located within the general secretariat of the EC, in light of the transversal nature of disability issues, and that a Disability Rights Committee made up of these DFPs oversees the implementation of the Agenda. As there will now be a Commissioner for Equality, it is also essential that a DFP exists within DG Justice.</p>	<p>The Commission has one focal point for the implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The relevant Commission services meet in an inter-service group to discuss and coordinate implementation matters.</p> <p>A Commissioner for Equality has been designated and will lead on the EU’s implementation of the United Nations Convention on the Rights of Persons with Disabilities and will, in particular, work closely with all Commissioners to pursue this aim, including on external affairs.</p> <p>With the new mandate, the Commission has established an Equality Task Force to support the work of the Commissioner for Equality, with the participation of all services. The task force will also further strengthen the transversal dimension of disability policy within the Commission.</p>
<p>1.6. That the EC reviews its shared competences with the Member States (MS) deriving from the CRPD and EU law to establish where the EU can work alongside MS for implementation. This should be</p>	<p>In 2017, the Commission published a list of EU legal acts containing provisions relevant for disability, together with the Progress report on the European Disability Strategy 2010-2020¹².</p>

¹² <https://ec.europa.eu/transparency/regdoc/rep/10102/2017/EN/SWD-2017-29-F1-EN-MAIN-PART-1.PDF>

<p>done by producing a Declaration of Competences revising the declaration of exclusive EU competences and concluding the Optional Protocol to the CRPD.</p>	<p>The Commission's proposal of 27 February 2007 for a Council decision on the signing of the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities is pending the agreement of the Council by unanimity of the Member States.¹³</p>
<p>1.7. That the EC mainstreams the principles of the Social Pillar into the Agenda, with particular proposals for implementing Principle 17 on the inclusion of persons with disabilities (PWD).</p>	<p>A Commissioner for Equality has been designated to strengthen the EU's commitment to inclusion and equality as regards sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.</p> <p>As reflected in its Communication on a Strong Social Europe for Just Transitions, the Commission is committed to the implementation of the European Pillar of Social Rights and to presenting an Action Plan for its implementation in early 2021.</p> <p>In this context, the Commission will present a strengthened strategy for disability in 2021, building on the results of the ongoing evaluation of the European Disability Strategy 2010-2020.¹⁴</p>
<p>1.9. That disability equality issues are mainstreamed into all EU economic, social and environmental policies, specifically into the Gender Equality Strategy, the Youth Guarantee, the Green New Deal, the Child Guarantee and the forthcoming Green Paper on Ageing.</p>	<p>Equality is high on the political agenda of the Commission. A dedicated Equality portfolio has been created.</p> <p>The Equality Task Force with members from all Commission services will coordinate the mainstreaming of equality issues, including disability, across all the policy areas of the Commission.</p> <p>For instance, as part of its Communication on the European Green Deal¹⁵ of 11 December 2019, the Commission has stressed the need to increase the</p>

¹³ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007PC0077:EN:HTML>

¹⁴ https://ec.europa.eu/commission/presscorner/api/files/attachment/860460/Strong_Social_Europe_Communication_and_Annex.pdf.pdf

¹⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1576150542719&uri=COM%3A2019%3A640%3AFIN>

	<p>accessibility of transport means in order to stimulate the shift to sustainable and smart mobility.</p> <p>In its White Paper on Artificial Intelligence¹⁶ of 19 February 2020, the Commission has raised the potential risks of the use of Artificial Intelligence leading to breaches of fundamental rights, including non-discrimination based on disability.</p>
<p>1.11. That the EU budget better supports PWD by investing in research into the development of new assistive technology, dedicating funds to increase the accessibility of Erasmus+ programmes to increase participation of PWD, funding the transition from institutional to family- and community-based care and independent living together with strong monitoring and evaluation mechanisms at MS level, and strategically investing EU funds to implement the CRPD in the MS, particularly in areas where the EU does not have full competence.</p>	<p>The Commission proposal for a Common Provisions Regulation¹⁷, setting out common provisions for seven shared management funds, stipulates that Member States should respect the obligations of the UN Convention on the Rights of Persons with Disabilities when implementing the funds. In particular, it includes a horizontal enabling condition requiring a national framework for implementing the UNCRPD to be in place and include (1) objectives with measurable goals, data collection and monitoring mechanism and (2) arrangements to ensure that the accessibility policy, legislation and standards are properly reflected in the preparation and implementation of the programmes.</p> <p>To foster equality, participation and autonomy of persons with disabilities in the digital sphere, the Commission is supporting research, innovation and development actions to improve web accessibility and digital inclusion under Horizon 2020 and intends to continue to do so under Horizon Europe.</p>
<p>1.12. That the Agenda plays a role in promoting the rights of PWD in the EU's</p>	<p>The rights of persons with disabilities are integral to the EU human rights policies in</p>

¹⁶ https://ec.europa.eu/info/sites/info/files/commission-white-paper-artificial-intelligence-feb2020_en.pdf

¹⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2018%3A375%3AFIN>

<p>external action.</p>	<p>external action. The EU promotes the ratification and effective implementation of the UN Convention on the Rights of Persons with Disabilities in all its external relations, including development cooperation, and as such the rights of persons with disabilities feature prominently in all human rights dialogues with partner countries.</p>
<p>1.15. That the EC puts pressure on the MS, through the European Semester, to develop their own national disability strategies for promoting disability equality mainstreaming and address the implementation of the CRPD in the National Reform Programmes.</p>	<p>The European Semester is an important tool for the implementation of the European Pillar of Social Rights.</p> <p>Disability has been progressively included in the Semester. In 2019, almost all of the Member States' country reports included references to persons with disabilities in relation to social protection systems, participation in the labour market, education and independent living. References to disability were also present in several country specific recommendations.</p> <p>Thereby, the Commission supports the implementation of the UNCRPD at Member State level.</p>
<p>The EESC urges the following:</p>	
<p>4.1.3. That the EU institutions accelerate the adoption of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) along with concrete measures to prevent, combat and sanction gender-based violence.</p>	<p>Since the EU signed the Istanbul Convention in June 2017, the Commission has been working with the Council towards the EU accession. In April 2019, the European Parliament approved a resolution to seek an opinion of the European Court of Justice on the legal base chosen by the Council; the split of the EU's accession in two Council decisions; and the practice of the 'common accord'. The written procedure was closed on 23 December 2019 and the Commission has presented its observations. The Court is expected to</p>

	issue its opinion by the beginning of 2021.
<p>4.1.3.1. That all EU institutions ensure accessibility in their role as a public employer, for example by ensuring accessible internal and external websites, human resource policies and procedures to increase the presence of staff with disabilities and the inclusivity of the European Schools.</p>	<p>While the Web Accessibility Directive¹⁸ does not apply to the EU Institutions, its recital 35 invites EU Institutions to comply with the accessibility requirements set forth in the Directive.</p> <p>Regarding the Commission’s public websites, the Commission’s rule book for the creation of websites, the Europa Web Guide¹⁹ clarifies the present requirements, namely: ‘although the Web Accessibility Directive does not directly apply to EU institutions, all European Commission’s websites and apps are encouraged to follow these rules. Web Content Accessibility Guidelines (WCAG) 2.1, level AA is the recommended standard’.</p> <p>The European Personnel Selection Office (EPSO) consistently applies an equal opportunities policy and takes all reasonable measures to ensure equal treatment of all candidates.</p> <p>EPSO also works to further enhance the diversity of applicants, notably by broadening its outreach and further developing diversity communication channels.</p> <p>As employer, the Commission objective is to cater for the needs of staff members and job applicants with disabilities at all stages of their careers.</p> <p>The Commission refined its information package, informing on the possibility for assistance and reasonable accommodation to all newcomers. As such, persons with a disability are made aware of the dedicated hotline on disability, where a social assistant provides answers addressing</p>

¹⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016L2102>

¹⁹ <https://wikis.ec.europa.eu/display/WEBGUIDE/01.+Accessibility+overview>

	<p>specific needs, next to all information centralised on the dedicated disability website.</p> <p>All newly appointed heads of units are also informed on the availability of reasonable accommodation, as part of their induction training.</p> <p>At present, all Commission buildings comply with the legal requirements on the accessibility for people with physical disabilities applicable where the buildings are located. In addition to legal requirements, the Commission also uses an internal reference which provides details on, for example, how to facilitate the access of people with disabilities to the Commission's premises or what installations should be in place to allow them to leave the buildings in case of emergency.</p> <p>In the framework of their 'Policy on the provision of educational support', the European Schools cater for pupils' specific educational needs. A recently adopted Action Plan on Educational Support and Inclusive Education (2019-2024) aims to strengthen the existing support.²⁰ In parallel, starting in September 2020, the Commission will fully cover the schooling costs of those disabled children who cannot be accommodated in the European Schools.</p>
<p>4.1.3.5. That the EC promotes the compliance of MS legislation on legal capacity with the CRPD and facilitates an exchange of expertise between MS.</p>	<p>Within the limits of its competence, the Commission's actions support and supplement national policies and programmes. To that end, the Commission has supported Member States through exchanges of information and promotion of best practices for example in the</p>

²⁰ <https://www.eursc.eu/en/European-Schools/studies/educational-support>

	context of the Disability High Level Group. ²¹
<p>4.2.2. That the EC proposes a directive harmonising the recognition of disability assessment for persons moving between MS. With this directive, the EU institutions must uphold the right of PWD to freedom of movement by ensuring the portability of social security benefits, either through their continued provision by the MS of origin, provision by the new MS of residence, or with a gradual transition between the two. Equivalent rights and eligibility for services must be ensured for PWD moving to another MS. This needs to be done in a coordinated manner that facilitates smooth and quick transferability of these entitlements, including personal assistance.</p>	<p>The competence on disability assessment and recognition lies with the Member States. The Commission is supporting Member States through the Structural Reform Support Programme with the reform of disability assessment systems, in line with the overall guidance provided through the UNCRPD in this area.</p> <p>In addition, the Commission has been supporting the EU Disability Card project since 2016 as a pilot in a group of eight Member States. The Card facilitates the voluntary mutual recognition of the disability status and some associate benefits among those Member States. It provides access to certain benefits in all or selected areas of culture, leisure, transports and sports - with each country deciding itself on which areas to cover - mainly in the form of price reductions, free entry or free services²².</p>
<p>4.2.2.1. That the EU institutions ensure EU funds are never used to further the institutionalisation of PWD and are actively invested in community- and family-based services. It is crucial that young people participating in the EU Solidarity Corps are not allocated placements in institutional care settings that perpetuate segregation. Investment should also go to training workers currently in institutions to offer community-based, CRPD-compliant care, co-produced alongside PWD. The EC should also spread awareness of the harm done to PWD by care institutions to incentivise MS transition towards</p>	<p>In the context of the future European Social Fund Plus (ESF+) 2021-2027²³, all groups targeted within the context of the transition from institutional/residential care to community and home based care will continue to benefit from measures supported through the ESF+, in line with the provisions of Article 19 (independent living) of the UNCRPD and the provisions of the UN Convention on the rights of the child.</p> <p>Similarly, the process of the transition from institutional/residential to family and community based care services will be</p>

²¹ <https://ec.europa.eu/social/BlobServlet?docId=16331&langId=en>

²² <https://ec.europa.eu/social/main.jsp?catId=1139>

²³ https://ec.europa.eu/commission/sites/beta-political/files/budget-may2018-european-social-fund-plus-regulation_en.pdf

<p>community-based alternatives.</p>	<p>further enhanced, including through the implementation of the relevant enabling conditions provided for in the proposal for a Common Provisions Regulation for the post-2020 programming period.²⁴</p>
<p>4.2.2.2. That the EU institutions prioritise access to culture and leisure through the use of EU funds, namely by promoting and formalising the use of the EU Disability Card by all MS, supported by EU funding.</p>	<p>The Commission proposal for the new Creative Europe programme includes clear references to the importance of participation of persons with disabilities in the programme, thus using the full potential of culture as a tool for building a more inclusive society based on equal opportunities for all citizens. The proposal also refers to the relevance of including artists with disabilities into the creative process.²⁵</p> <p>The Commission is currently assessing the implementation of the EU Disability Card pilot project. It will assess to what extent the Card has proved useful and cost-effective. Depending on the results of the assessment, the Commission will decide on possible next steps, both in terms of policy and funding. Any follow-up to the pilot project would take place in the context of the future disability policy.</p>
<p>4.3.1.1. That the EC takes concrete actions to create a European Access Board, similar to the US Access Board, to monitor the implementation of EU accessibility legislation, and facilitate the development of accessibility standards and guidelines, exchange of best practices and meaningful participation of representative OPDs in the field of accessibility.</p>	<p>The implementation of the European Accessibility Act will provide an opportunity to develop standards and technical specifications. The relevant working group will allow for the exchange of best practices and the participation of relevant stakeholders of representative organisations of persons with disabilities. The Commission does not have plans at this stage to create such an access board as proposed by the Committee.</p>

²⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2018%3A375%3AFIN>

²⁶ https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2019-4937091_en

<p>4.3.2.2. That the EC revises, extends and strengthens the passenger rights of PWD, for example by publishing a new legislative proposal on multimodal transport, revising the existing regulation on air passenger rights for PWD , eliminating, harmonising and defining in detail the cases of "denied boarding" and improving other existing regulations.</p>	<p>The Commission is currently evaluating Regulation (EC) 1107/2006 on the rights of disabled persons and persons with reduced mobility when travelling by air²⁶. This evaluation should be completed by the first semester of 2021 and will in particular examine cases when airlines deny transporting persons with reduced mobility who have a valid reservation.</p> <p>At the same time, the Commission launched the evaluation of Regulation (EU) 181/2011 on bus and coach passenger rights²⁷ and Regulation (EU) 1177/2010 on waterborne passenger rights²⁸ which also regulate the rights of persons with reduced mobility traveling by buses, coaches and ships.</p> <p>The Commission has assessed the rights of persons with reduced mobility travelling in various transport modes within the same journey. The study²⁹ was published in September 2019.</p> <p>On the basis of the above mentioned evaluations, the Commission will assess the next steps in this area.</p> <p>The Commission will consider the revision of the interpretative guidelines of 2012 on the rights of Persons with Disabilities (PWD) when traveling by air³⁰ to make sure that such persons are aware of their rights, and that airports and airlines apply EU law in a harmonised manner.</p>
<p>4.3.2.4. That the EC further improves rail accessibility for PWD by making sure MS</p>	<p>Member States' compliance with the Technical Specification for</p>

²⁶ https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2019-4937091_en

²⁷ https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2019-4477617_en

²⁸ https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2019-4477676_en

²⁹ <https://publications.europa.eu/en/publication-detail/-/publication/f176da6f-d9ca-11e9-9c4e-01aa75ed71a1>

³⁰ https://ec.europa.eu/transport/sites/transport/files/themes/passengers/air/doc/prm/2012-06-11-swd-2012-171_en.pdf

<p>ensure the accessibility of all rail platforms and facilitate access to train carriages, not only regarding new constructions, but also as regards the adaptation of existing infrastructure.</p>	<p>Interoperability – Persons with reduced mobility (PRM TSI)³¹ should ensure an adequate level of accessibility, also as regards the upgrading of existing infrastructure. Following the adoption of the Commission Implementing Regulation (EU) 2019/772 amending Regulation (EU) No 1300/2014³², an inventory of assets will be put in place within 36 months, enabling better monitoring of accessible infrastructure in Member States.</p>
<p>4.3.2.5. That the EC offers guidance to the MS on how to implement the EU directives on common minimum standards for procedural rights for victims of crime or persons suspected or accused of crimes, with regards to disability , including training on the rights of PWD for agents involved in access to justice. OPDs should be considered as collaborating entities and possess a specific status that legitimises them in the courts.</p>	<p>As regards the procedural rights of suspects and accused persons, the Commission has organised several expert meetings with Member States. One meeting provided also explicit guidance on the Commission Recommendation of 27 November 2013 on procedural safeguards for vulnerable persons in criminal proceedings³³ and a discussion on a possible follow-up.</p> <p>As regards the rights of victims of crime, the Commission organises experts' meeting with Member States on implementation of the Victims' Rights Directive³⁴. The Commission has also issued a guidance document to assist the Member States with implementation of the Directive.³⁵ The Commission is also working closely with Member States, in particular via the European Network on Victims' Rights (a forum regrouping national experts from Ministries of Justice). These activities aim at ensuring that all victims of crime can fully rely on their rights. Special attention is paid to vulnerable victims who should be supported and protected in accordance</p>

³¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014R1300>

³² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R0772>

³³ [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H1224\(02\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H1224(02)&from=EN)

³⁴ <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>

³⁵ https://ec.europa.eu/info/files/dg-justice-guidance-document-related-transposition-and-implementation-directive-2012-29-eu_en

	with their individual needs.
4.3.2.12. That the EC provides MS with the necessary support in transposing the Web Accessibility Directive in a correct and timely fashion.	<p>The Commission is in regular contact with a network of national contact points to support Member States in the transposition of the Web Accessibility Directive³⁶.</p> <p>Beyond transposition support, the Commission has set up an Expert Group (WADEX) to advise the Commission in the implementation of the Web Accessibility Directive and to foster cooperation and exchange of good practices among Member States. In that context, the Commission has also launched a call for proposals DT-TRANSFORMATIONS-23-2020³⁷, to set up a Digital Accessibility Observatory to support the implementation of the Web Accessibility Directive by helping relevant actors identify the most appropriate accessibility solutions.</p>
4.4.2. That the EC proposes measures harmonising requirements across the EU on what employers are obliged to offer, and in turn what support governments must offer their employers, in order to provide reasonable accommodations for workers with disabilities.	<p>The Commission carefully monitors the application of Article 5 of the Directive 2000/78/EC³⁸ to ensure effective implementation of the principle of equal treatment.</p> <p>The Commission therefore promotes good practice, raises awareness and exchanges information of reasonable accommodation examples.³⁹</p>
4.4.3.8. That the EC provides MS with the necessary support in ensuring that Directive 2000/78/EC banning discrimination in employment is fully implemented. The EC	The Commission carefully monitors the application of Directive 2000/78/EC to ensure effective implementation of the

³⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016L2102>

³⁷ <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/topic-details/dt-transformations-23-2020>

³⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078>

³⁹ <https://ec.europa.eu/social/main.jsp?langId=en&catId=88&eventsId=1435&furtherEvents=yes>

<p>and MS should also proceed with the adoption of the draft horizontal non-discrimination directive on access to goods and services, as discrimination in this domain can give rise to discrimination in the labour market.</p>	<p>principle of equal treatment.</p> <p>The Commission is committed to continuing the support of its proposal for a horizontal equal treatment directive.⁴⁰</p>
<p>4.5.2.2. That the EC takes concrete actions to increase participation of PWD in higher education by providing assistance for support needs and costs while studying or training.</p>	<p>The Commission considers that increasing the participation of persons with disabilities in higher education is vital. It is already undertaking concrete actions to this end, as a policy priority of the European Education Area.</p> <p>For example, the Erasmus+ Programme promotes flexible learning and training mobility formats to reach out to more students, including persons with disabilities, and provides additional financial support to cover in full additional costs related to their mobility; the European Universities and the European Student Card Initiative promote support services for persons with disabilities among other inclusion measures; through the open method of coordination, the Commission facilitates peer learning, networking and cooperation between governments and higher education institutions and transmits best practices on inclusion in higher education; the Commission also supports data collection for evidence-based policy making, for example, through the Eurostudent project on students' social situation.⁴¹</p>
<p>4.5.2.3. That the EC takes measures to increase the accessibility of Erasmus+ programmes and increase participation of PWD by providing assistance for support needs and costs while studying or training abroad.</p>	<p>The Commission has proposed a doubling of the Erasmus+ budget for the next programming period, and will focus efforts on making Erasmus+ as inclusive as possible. This will allow to introduce further assistance for people with fewer</p>

⁴⁰ <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52008PC0426>

⁴¹ <https://www.eurostudent.eu/>

	<p>opportunities, notably persons with disabilities. For example, persons with disabilities would be eligible for top-ups to their mobility grants, and there would be the possibility to undertake preparatory visits and other measures to facilitate their access to the programme.</p>
<p>5.10. That the EC takes appropriate measures to ensure that Eurostat, in collaboration with the national statistical authorities and representatives of OPDs, develops a human rights-based indicator system and a comparable comprehensive disability equality data collection system on the situation of PWD in the EU and also publishes more relevant and disaggregated disability analyses. This should take into consideration the intersectionality of issues and experiences of PWD such as those due to gender, age, refugee, asylum or migrant status or ethnic minority background, as well as different types of disability and the way they affect wellbeing and outcomes. Data also needs to be collected on the number of PWD living in institutions and of children with disabilities living outside of households.</p>	<p>The new Regulation establishing a common framework for European statistics relating to persons and households⁴², based on data at individual level collected from samples foresees that a disability variable (namely the Global Activity Limitation Indicator) will be included in all surveys covered by this legal act. This will allow the production of disability disaggregated statistics for most life aspects (labour market, education, health, income and poverty, living conditions, consumption expenditure, use of new technologies, use of time, etc.).</p> <p>The above-mentioned legal act also provides that ‘each Member State shall aim to extend, within the scope of this Regulation, the coverage of data collections to observation units that do not belong to private households’. In this respect, Eurostat, together with some Member States, is currently exploring practical aspects of survey and fieldwork methodology that would support Member States in collecting health/disability-related data on persons living in collective households.</p>

⁴² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.LI.2019.261.01.0001.01.ENG>

<p>N°5 Taxation/private investment and the Sustainable Development Goals – cooperation with the UN Committee of Experts on International Cooperation in Tax Matters (own-initiative opinion) EESC 2019/1193 – ECO/494 548th Plenary Session – December 2019 Rapporteur: Krister ANDERSSON (SE-I) DG TAXUD – Commissioner GENTILONI</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>European Commission position</p>
<p>International Tax System's Reform</p> <p>2.4. Tackling tax avoidance and diminishing tax competition is of high importance for achieving SDGs.</p>	<p>The Commission shares the opinion of the Committee on harmful tax competition and is working for a common solution at the global level. Indeed this is also part of wider efforts to strengthen Domestic Revenue Mobilisation in Developing Countries for achieving sustainable development goals (SDGs).</p>
<p>Taxation and environmental protection</p> <p>3.1. Several of the SDG targets relating to climate protection would benefit from the creation of a coherent framework and implementation plan in the area of taxation for the use of natural resources.</p>	<p>The European Green Deal foresees policy reforms to help ensuring effective carbon pricing throughout the economy. This will encourage changes in consumer and business behaviour and facilitate an increase in sustainable public and private investment. The different pricing instruments must complement each other and jointly provide a coherent policy framework. In this context, the European Green Deal foresees the revision of the Energy Taxation Directive, to align it with climate objectives and remove fossil fuel subsidies in transport.</p> <p>At national level, the European Green Deal will also create the context for broad-based tax reforms, removing subsidies for fossil fuels, shifting the tax burden from labour to pollution, and taking into account social considerations.</p>
<p>3.2. In designing these kinds of taxes, it</p>	<p>In the context of the follow up legislative</p>

<p>would be highly beneficial to involve civil society and business in the process as this would ensure that policies which strengthen the regulatory frameworks align private sector incentives with public goals.</p>	<p>proposals to the European Green Deal, i.e. the review of the Energy taxation Directive and the proposal for a carbon border adjustment mechanism, the Commission will consult all relevant stakeholders and carry out public consultations.</p>
<p>3.3. An example of a policy mix in the field of taxation could be to phase out subsidies on inefficient fossil fuel.</p>	<p>As stated in the European Green Deal, one of the objectives of the revision of the Energy taxation Directive is to remove subsidies to fossil fuels, in particular in transport.</p> <p>The European Green Deal also recalls that at national level the green transition will create the context for broad-based tax reforms and removing subsidies for fossil fuels. It also calls on the European Union to reinforce current initiatives and engage with non-EU countries on cross-cutting climate and environment issues, such as, among others, ending global fossil fuel subsidies in line with G20 commitments.</p>
<p>Taxation of the Digital Economy</p> <p>6.3. [The rapid digitalization of the economy] requires to find an internationally accepted solution for how to tax these new business models, while taking account of needs of both developed and developing countries.</p>	<p>A fair and effective taxation of the digital economy is a priority for the Commission. The Commission is actively engaged in the work done in the Organisation for Economic Co-operation and Development (OECD) and believes that the best solution is a global one. The Commission is already consulting the Member States on the necessary steps to implement a possible OECD agreement in a manner that is compliant with EU. However, if a solution is not found by the end of 2020, or the solution is not ambitious enough, further action at EU level can be expected.</p>
<p>Platform for Collaboration on Tax</p> <p>7.10. Platform [...] is a joint initiative of the IMF, OECD, UN and WBG, as it facilitates the interactions between standard-setting, capacity-building, and</p>	<p>The Commission recognises the importance of the Platform for Collaboration on Tax. The Commission shares the Committee's view that the EU should play an active role in the Platform in view of the important budgetary efforts</p>

technical assistance in the sphere of international tax. The EESC believes that the EU should also be a member of the Platform.

already made in favour of developing countries.

<p>N° 6 Populism and fundamental rights – suburban and rural areas (own-initiative opinion) EESC 2019/2189 – NAT/771 548th Plenary Session – December 2019 Rapporteur: Karolina DRESZER-SMALEC (PL-III) Co-rapporteur: Jukka AHTELA (FI-I) DG JUST – Commissioner REYNDEERS</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>European Commission position</p>
<p>1.1. The less people profit from the success of their countries' growth poles, the more pronounced their negative attitudes <i>vis-à-vis</i> governing elites, party systems and postmodern lifestyles tend to be. Civil society activists are often classified as being part of these groups, which reinforces negative attitudes towards them.</p> <p>1.2. For civil society, the situation becomes particularly severe where populists have gained power and are able to markedly influence government agendas, sliding towards authoritarianism. Civil society organisations (CSOs) are massively threatened not only by the shrinking of spaces available for their activities but also by personal threats and persecution.</p>	<p>The Commission attaches the utmost importance to the existence of a strong, free and vibrant civil society in the European Union and in all the Member States. Civil society organisations and independent human rights bodies play an essential role in promoting, safeguarding and raising awareness of EU common values and rights. These actors empower and invigorate communities, and make institutions and governments accountable.</p> <p>The importance of preserving and protecting the civil society space has become more evident in our time, where fundamental rights and values are under pressure.</p> <p>Indeed civil society is facing pressures in certain parts of the EU and genuine efforts must be made at all levels to promote and protect the civil society space. There is a progressive erosion of the civic space, in particular as regards civil society organisations engaged in the promotion of fundamental rights, democracy and the rule of law.</p> <p>They face many obstacles when it comes to their day-to-day work, ranging from changes in the legal environment, challenges in accessing resources, to sometimes threats and attacks.</p> <p>In other words, freedom of association,</p>

	<p>freedom of expression and freedom of assembly cannot be taken for granted.</p> <p>With regard to personal attacks on activists, the EU does not have a general competence to address violations of human rights by Member States. It is primarily the Council of Europe (e.g. the Venice Commission, the Committee for the Prevention of Torture and the European Committee of Social Rights) and the European Court of Human Rights, which are responsible for addressing violations of human rights at the national level.</p> <p>However, in some areas relevant to human rights, such as asylum or non-discrimination, the EU has adopted legislation. In these areas, the Commission is responsible for ensuring that the legislation is correctly applied. Where a Member State fails to comply with EU law, the Commission may commence infringement proceedings against the Member State and, where necessary, refer the case to the Court of Justice of the European Union.</p>
<p>1.10. The EESC reiterates its recommendation in the opinion on "Resilient democracy through a strong and diverse civil society"⁴³ for "the establishment of a Democracy Scoreboard that would (...) reflect the framework conditions for civil society activity and lead to specific recommendations for reform."</p>	<p>The Commission welcomes the Committee's engagement to ensure a resilient democracy in the European Union. The Commission fully supports the objective underlying the opinion, which is to ensure that our common values and rules are respected and enforced. The key issue is to identify the best means to achieve this objective.</p> <p>Upholding a strong and vibrant democracy in Europe is a question of legitimacy and trust. Democracy is a core value of the Union, together with fundamental rights and the rule of law. However, European democracy faces multiple challenges, both</p>

⁴³ EESC opinion on *Resilient Democracy through a strong and diverse civil society*, [OJ C 228, 5.7.2019, p. 24](#)

	<p>from outside and from within.</p> <p>To respond to this, the Commission will present a European Democracy Action Plan, to help improve the resilience of our democracies and address the threats of external interference in European elections. The aim will be to counter disinformation and to adapt to evolving threats and manipulations, as well as to support free and independent media.</p> <p>The European Democracy Action Plan was announced in the Commission Work Programme 2020 as a legislative and non-legislative initiative, foreseen for the fourth quarter of 2020.</p>
<p>1.13. The EESC calls on the EU and its Member States to strengthen infrastructure at the subnational level. The suspension of public transport connections, along with the shutdown of schools and health services, have clearly been among the reasons for populist protest in Europe. (p.4)</p>	<p>The Commission would like to recall that the organisation of healthcare services is a competence of Member States. The Commission can support their actions. Gaps in access to healthcare, also of territorial nature, may be addressed in the analysis of accessibility of healthcare systems in the framework of the European Semester. Country Reports refer to geographical disparities in access to healthcare as one of the most critical challenges. The Commission also stressed in the 2019 Companion Report, published in the recent State of Health in the EU cycle⁴⁴, that distributing resources according to needs is crucial to ensure access to healthcare and that accessibility problems in rural and peripheral areas still concern more than half of Member States. EU investment tools are available to address these challenges.</p> <p>The Commission is also planning to put in place in 2020 a project within the Health Programme, which will promote solutions to problems with shortages of professionals in</p>

⁴⁴ https://ec.europa.eu/health/state/companion_report_en

	‘medical deserts’.
<p>1.14. The EU institutions should enhance capacity-building for European, national and local CSOs and equip them with resources to help them improve the scope and quality of their action. They play an important role in recognising and responding to the needs of the communities. They are hit particularly hard when the rule of law, fundamental rights and democracy deteriorate.</p>	<p>One of the main outcomes⁴⁵ of the 12 November 2019 conference on ‘Making the EU Charter of Fundamental Rights a reality for all’, organised by the Commission, was to feed the reflection on how to help the actors in the Charter’s enforcement chain – including civil society organisations – using the Charter to its full potential.</p> <p>Discussions focused on the key role that civil society organisations and rights defenders play in helping citizens, in particular those more vulnerable, know about their rights and where to turn to if these are violated – and thus in making the Charter a reality for all. Participants exchanged ideas and examples of best practice on how to ensure that citizens are aware of their Charter rights and of the mechanisms at their disposal in case of violations of their rights, including legal aid schemes. The Commission has proposed new opportunities to promote Charter awareness and capacity building under the future Citizens, Equality, Rights and Values programme and the Justice programme.</p>
<p>5.1. Like globalisation, migration is a phenomenon affecting all countries, developed or less developed. It is not likely to disappear and will grow over time. The increasing pressure imposed by populist movements makes it complicated, but no less mandatory, for Member States to agree on a much needed fair, compassionate and responsible European migration and asylum policy which complies with international human rights law.</p> <p>5.3. With regard to migration, the most</p>	<p>The Commission would like to stress, as the opinion recognises, that these are complex issues and there are likely to be additional differences affecting geographic divisions and openness to immigrants, for example access to opportunities or services, or, more generally, trust in institutions and the EU. The Joint Research Centre publication ‘Immigration and trust in the EU – a territorial analysis of voting behaviour and attitudes’⁴⁶ published in 2020, gives analytical insights on attitudes towards</p>

⁴⁵ https://ec.europa.eu/info/events/2019-conference-eu-charter-fundamental-rights-2019-nov-12_en

⁴⁶ <https://op.europa.eu/en/publication-detail/-/publication/be5df459-4639-11ea-b81b-01aa75ed71a1/language-en/format-PDF/source-115660274>

<p>important divisions in geographical terms have to do with differences in social welfare systems and labour markets. Welfare systems and labour markets may be relatively open to immigrants in some countries but closed and exclusionary in others. With the arrival of larger numbers of migrants, the reactions of those parts of the local population which are marginalised, or are anxious about becoming marginalised, are different according to the types of political economies.</p> <p>5.4. In some countries, and in specific areas of those countries, there is a fear that welfare systems will become overburdened while, in others, migrants are perceived as competitors in the labour market. Subjectively, migrants may represent a challenge with respect to stable employment or the receipt of welfare benefits. Fears of this kind may be particularly pronounced among people living in rural and suburban areas.</p>	<p>migration and trust in the EU, and how they interrelate.</p> <p>‘Welfare policies’ are considered in a broad manner, and also include in particular education or healthcare systems. Reactions towards immigrants can also be partly shaped by perceptions of education or healthcare systems being insufficiently resourced, or by general difficulties to access affordable housing, for instance.</p>
<p>5.6. The EESC refutes the idea that there is competition for public resources between migrants and local populations. It calls for civil society organisations to step up their activities intended to address the fear and anxiety present among parts of the population. It also calls for the setting up of education and social programmes addressing the range of motives driving populism, especially in remote parts of the EU. More support should be offered to civil society's national and European platforms and networks in order to obtain a more detailed analysis of the phenomenon and encourage distribution of reliable information and educational activities aimed at a better understanding of it.</p>	<p>Sharing reliable information and pursuing educational activities on migration are crucial actions but not always sufficient to address people’s perceptions about the impact of migrants and migration on public resources and on society more generally.</p> <p>There can be situations where reliable information is not sufficient or might even have unintended consequences if it is not perceived as being credible. The research platform ‘Resoma’⁴⁷ offers useful resources, in particular on public opinion on migrants.</p> <p>The Commission would agree that civil society organisations have a key role to play, and they would need support, bearing in mind that this is a shared responsibility, including of public authorities.</p>
<p>8.1. Two sets of policies are recommended</p>	<p>As stated in the Commission’s contribution</p>

⁴⁷ <http://www.resoma.eu/>

as tools to combat populism. The first is related to the populist threat in general and to potential instruments to be used by the European Union. The second set of recommendations refers more directly to specific regions, rural and suburban areas.

to the informal EU27 leaders' meeting in Sibiu (Romania) on 9 May 2019⁴⁸, the Commission responds to populist propaganda and disinformation through a constant outflow of fact-based messaging that helps citizens to distinguish reality from falsehood.

The Commission responds to disinformation directly via its Spokesperson's Service, the Commission Representations in the Member States and on social media by drawing on the expertise of its Network against Disinformation, a group of Commission mythbusters, data analysis from social media and insights from behavioural science. The Commission provides factual and accurate information on its policies and political priorities as well as rebutting any disinformation that seeks to mislead European citizens as regards the EU.

Self-regulatory policies promoted in Europe by the signatories of the Code of Practice on Disinformation⁴⁹ include concrete actions to limit the impact of disinformation. The Commission is assessing their effectiveness in the context of its ongoing analysis to determine whether additional measures may be called for.

The Commission is supporting the creation of the European Digital Media Observatory, which includes the funding of a network of research hubs operating at national and regional level and connecting multi-disciplinary teams with specific knowledge of local information environments. This

⁴⁸ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: Europe in May 2019: Preparing for a more united, stronger and more democratic Union in an increasingly uncertain world. The European Commission's contribution to the informal EU27 leaders' meeting in Sibiu (Romania) on 9 May 2019, COM(2019) 218 final.

⁴⁹ <https://ec.europa.eu/digital-single-market/en/news/code-practice-disinformation>

	<p>will enhance the detection and analytical capabilities across Member States and produce evidence-based research on trends and threats due to disinformation, to the benefit of public authorities, media and civil society organisations.</p> <p>In Member States, Commission Representations also play a part in mythbusting, setting the record straight on the most persistent and commonplace falsehoods about the EU.</p> <p>In this context, the Commission, the European Parliament and the European External Action Service (EEAS) will jointly launch a web-based hub on the Europa website as a unique entry point to all actions related to the fight against disinformation.</p>
<p>8.6. The EESC recommends strengthening a tool implemented in the context of European cohesion policy, namely Community-Led Local Development (CLLD). Local actors and citizens would thereby have the opportunity to take decisions with respect to problems of direct concern to them and would thus substantially contribute to improving their quality of life.</p>	<p>In its Common Provisions Regulation proposal, the Commission has foreseen to continue supporting community-led local development (CLLD) under the European Agricultural Fund for Regional Development (EAFRD), the European Regional Development Fund (ERDF), the European Social Fund Plus (ESF+) and the European Maritime and Fisheries Fund (EMFF) in the programming period 2021-27. The LEADER Programme (for links between actions for the development of the rural economy) would remain an obligatory instrument of the common agricultural policy with a minimum allocation of 5% of EAFRD.</p> <p>The provisions for community-led local development have been streamlined and cooperation mechanisms built in to facilitate implementation of local development strategies funded through several funds.</p>

8.8. The EU and the Member States must improve their responses to the fundamental rights and rule of law violations resulting from action by populist movements, including those in power. The EESC points to its recommendation in the opinion on "Resilient democracy through a strong and diverse civil society" for "the establishment of a Democracy Scoreboard that would (...) reflect the framework conditions for civil society activity and lead to specific recommendations for reform", as well as its recommendations in the opinion on "Further strengthening the rule of law".

8.9. The EESC recommends integrating the considerations of this opinion into this Democracy Scoreboard and a future rule of law monitoring mechanism. Careful communication should make it clear that the response of the EU and the Member States aims to address violations of fundamental rights and the rule of law carried out by certain populist policies, rather than targeting people who voted for populist parties and whose legitimate concerns must be answered through fair, non-discriminatory and effective policies.

Reinforcing European democracy is an essential topic for the Commission. In her political guidelines, the President of the Commission has announced a new push for European democracy as one of the headline priority of the Commission.

Part of this will be the European Democracy Action Plan to help improve the resilience of our democracies and address the threats of external interference in European elections. The aim will be to counter disinformation and to adapt to evolving threats and manipulations, as well as to support free and independent media.

This work will build on the extensive efforts of the institutions and the Member States to secure free and fair elections in Europe, following the Commission's electoral package issued in 2018.

The Commission thereby supported new structures at national and European level to ensure the exchange of information and best practice.

This included the formation of the European Cooperation Network on Elections, which brought together Member States' authorities with competence relevant to the electoral context. Through this group the Commission has fostered data protection compliance, awareness raising, protection against cyber threats, transparency of political ads and communications, cooperation among authorities, exchange of best practices, increased monitoring and enforcement.

This work will continue and the Commission will further develop this cooperation amongst Member States to support our European democracies.

Best use must also be made of existing tools and instruments. For instance, the

	<p>Race Equality Directive prohibits discrimination on the ground of race and ethnic origin in employment, education, social protection, social advantages and access to and supply of goods and services. The Directive is applicable also to non-EU nationals, but it does not apply to other than ethnic minorities, and of course not outside of its scope.</p>
<p>9.10. The EESC, its member organisations and other EU institutions should enhance capacity-building for local CSOs and equip them with resources to improve the scope and quality of their action. More support should be offered to CSOs and their European networks to train the members of local CSOs.</p>	<p>Based on the 2018 Commission proposal, the Citizens, Equality, Rights and Values Programme should include an objective to protect and promote rights and values by supporting civil society organisations (CSOs) and other stakeholders active at local, regional, national and transnational level, and by encouraging civic and democratic participation, such as under the Rights & Values Programme (2021-2027).</p>

N°7 Binding UN agreement on business and human rights (own-initiative opinion)
EESC 2019/1278 - REX /518
548th Plenary Session – December 2019
Rapporteur: Thomas WAGNSONNER (AT-II)
DG JUST - Commissioner REYNDERS

European Commission general comment

The Commission fully agrees with the need for better prevention of human rights abuses by businesses and improved access to remedy for victims. In line with the European Union Charter of Fundamental Rights provisions, the Commission continued to address respect for fundamental/human rights by businesses throughout their operations, support victims of business related abuses and facilitate access to remedy. It called on States and on all business enterprises, both multinational and domestic, to implement and comply with the UN Guiding Principles on Business and Human Rights (UNGPs) and their three pillars: ‘the State duty to protect’; ‘the corporate responsibility to respect’ and ‘access to remedy’. By the end of 2019, 16 EU Member States adopted National Action Plans on Business and Human Rights, out of 24 States worldwide.

The EU has adopted binding rules for its companies on corporate due diligence in the field of human rights (non-financial reporting⁵⁰, conflict minerals⁵¹, timber⁵²). It has measures in place to ensure judicial and non-judicial access to remedy for victims, including victims of corporate abuses in third countries, access to justice and acknowledgement of victims’ rights (Brussels I⁵³, Rome II⁵⁴, Victims Directive⁵⁵).

In 2019 the Commission has continued to promote Corporate Social Responsibility (CSR)/Responsible Business Conduct (RBC) and Business and Human Rights as part of the wider work on the implementation of the Sustainable Development Goals (SDG). In the reflection paper ‘Towards a Sustainable Europe by 2030’ published in January 2019⁵⁶, the Commission underlined that, given the growing complexity and globalisation of supply chains, it is important to promote the application of high sustainability standards also in third countries.

The Commission carried out a stocktaking exercise and published, in March 2019, an overview of progress on Corporate Social Responsibility (CSR), Responsible Business Conduct (RBC), and Business & Human Rights⁵⁷. The publication provides an overview of actions across all policy areas. Over 200 initiatives relevant to CSR, RBC and Business and Human Rights were implemented since 2011, by using a smart mix of

⁵⁰ Directive 2014/95/EU of 22.10.2014.

⁵¹ Regulation (EU) 2017/821 of 17.05.2017.

⁵² Regulation (EU) 995/2010 of 20.10.2010.

⁵³ Regulation (EU) 1215/2012 of 12.12.2012.

⁵⁴ Regulation (EU) 864/2007 of 11.07.2007.

⁵⁵ Directive 2012/29/EU of 25.10.2012.

⁵⁶ COM(2019) 22 of 30.01.2019.

⁵⁷ <https://ec.europa.eu/docsroom/documents/34963>

voluntary and regulatory measures.

Concerning, in particular, the access to redress mechanisms for victims of abuses, the European Union Agency for Fundamental Rights (FRA) worked on a follow-up study to its opinion published in April 2017 on 'Improving access to remedy in the area of business and human rights at the EU level'⁵⁸. FRA has been collecting, as proposed by the Commission in August 2017, information on judicial and non-judicial mechanisms in the Member States concerning access to remedy for victims of business related violations. The results of the study should be published by mid-2020. The Commission also started working on the addition of a redress information page on the European e-Justice Portal⁵⁹.

In addition, the Commission carried out analytical and consultative work with relevant stakeholders (business, non-governmental organizations (NGOs), Member States) to assess the possible need to require corporate boards to develop and disclose a sustainability strategy, including appropriate due diligence throughout the supply chain, and measurable sustainability targets⁶⁰.

The current COVID-19 crisis demonstrates the need to build a new business governance model which would ensure that sustainability is enshrined in corporate strategies by setting science-based targets and risks and that impacts are appropriately addressed by undertaking due diligence through the supply chain.

The economic recovery that will follow needs to be built on sustainability in order to rebuild a competitive economy that is delivering social progress within environmental limits.

Within the multilateral framework, the Commission and the European External Action Service are committed to working with partners from around the world to implement the UN Guiding Principles on Business and Human Rights, considering that they are the authoritative framework in this field and a constant reminder of the obligation to comply with existing legally binding norms.

The Commission considers there could be potential benefits in an international legally binding instrument. A fit-for-purpose instrument establishing a globally enforceable access-to-remedy and due diligence tool could fill a gap in the current architecture of international protection of human rights, and bring about legal certainty to companies worldwide. However, only on condition that such an instrument is legally sound, implementable and enforceable, and that it applies to a critical mass of committed developed and developing countries.

In respect of this, the Commission, together with the European External Action Service, has regularly underlined its readiness to discuss the content of any legally binding

⁵⁸ [Improving access to remedy in the area of business and human rights at the EU level, 2017](#)

⁵⁹ <https://e-justice.europa.eu/>

⁶⁰ [On 24.2.2020 the Commission published the Study on due diligence requirements through the supply chain, - Final Report](#)

instrument in a constructive manner, based on the following core principles:

- Any possible instrument needs to make sure that States involved treat all economic operators in a non-discriminatory manner. Therefore, the measures, which any legally binding instrument obliges the States involved to take, should apply to all companies.
- Any possible instrument must be based upon, be consistent with, and have a real value added to the UN guiding principles.
- Any discussion must be held within a fair, impartial, transparent, inclusive, predictable and clear process.
- It should enjoy broad support among Member States of the United Nations to ensure both the effectiveness of the instrument as well as international coherence in the framework of business and human rights.

In this context, the Commission notes the efforts made by Ecuador as the chair of the Intergovernmental Working Group (IGWG) on transnational companies to meet EU concerns and welcomes the thrust of the revised draft Instrument acknowledging progress to enlarge the scope of the draft legally binding instrument to include all companies. While noting that more progress needs to be made, the EU constructively participated in the fifth session of the IGWG on transnational companies and other business enterprises with respect to human rights, held in October 2019. The EU made general comments and a number of preliminary observations on the draft Instrument, without engaging into formal negotiations.

<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>European Commission position</p>
<p>1.12 The EESC recommends that there shall also be provisions allowing for flexibility between commensurate but not overburdening rules for SMEs on the one hand, and more stringent rules for high-risk industries on the other. Moreover, the EU shall offer special support instruments to help SMEs to manage the challenges of such a treaty (e.g. an agency, support for peer learning).</p>	<p>The Commission agrees with the recommendation to not create rules overburdening small and medium-sized enterprises (SMEs) – and already has put in place special support instruments helping SMEs in their due diligence process, for instance in the Conflict Minerals Regulation. In March 2020, the Commission launched a tender for a dedicated study on the uptake of Corporate Social Responsibility (CSR) by SMEs and start-ups⁶¹.</p> <p>The Commission would like to draw attention to the fact that SMEs can be affected by legislation both directly, when</p>

⁶¹ <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=6016>

	<p>they fall within the scope of legislation, and indirectly, where legislation creates requirements on larger companies for which SMEs are suppliers or form part of a value chain. This needs to be reflected in any regulation.</p> <p>The SME Strategy⁶² adopted on 10 March also addresses administrative burden issues, in particular with a more consistent application of the existing Better Regulation tools (SME test) and the introduction of the 'one-in, one-out' principle to reduce burdens when a new legislation is proposed.</p>
<p>1.13 The EESC fully supports the resolutions adopted by the European Parliament (EP)⁶³, in particular its calls for full commitment to the development of a binding instrument and specifically the need for an international grievance and monitoring mechanism. The EESC notes that there are international systems, like the complaints procedure at the ILO, which can serve as a template for more ambitious international enforcement, because binding rules will not be effective without strong engagement by states and enforcement mechanisms.</p>	<p>The International Labour Organisation (ILO) provides in its Constitution a complaint procedure under which a complaint may be filed against a Member State for not complying with a ratified Convention by another Member State which has ratified the same Convention, a delegate to the International Labour Conference or the Governing Body of its own motion.</p> <p>It remains to be assessed, depending on the respective binding instruments, whether the ILO complaints procedure can serve as a model.</p>
<p>1.14 Where not already developed, national action plans shall be drawn up to implement human rights due diligence and there shall also be a European action plan. When developing, implementing and enforcing the action plans, organised civil society must be involved.</p>	<p>The Commission supports Member States in developing national action plans and has had regular meetings with Member States to support this.</p> <p>The Commission also remains committed to improving the uptake of Corporate Social Responsibility and Responsible Business Conduct (CSR/RBC) including human rights across its policies. As noted in Commission Staff Working Document on</p>

⁶² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: An SME Strategy for a sustainable and digital Europe, COM(2020) 103 final.

⁶³ i.a: EP resolution of 4 October 2018 (2018/2763(RSP)).

	<p>‘Corporate Social Responsibility, Responsible Business Conduct, and Business and Human Rights: Overview of Progress’⁶⁴, since 2011, the Commission and the European External Action Service have adopted or implemented over 200 measures in these areas. The Commission remains committed to ensuring that business respect for human rights, including labour rights, is mainstreamed and promoted at every opportunity across EU policies, in line with the UN Guiding Principles on Business and Human Rights, initiatives and guidelines by the OECD and the ILO and as part of the European Union’s wider implementation of the UN Sustainable Development Goals. The Commission will put particular emphasis on such mainstreaming in the implementation of the European Green Deal, Industrial Strategy, Sustainable Finance (including sustainable corporate governance), Circular Economy Action Plan, European Gender Strategy and trade policies among others.</p>
<p>1.15 The EESC recommends that the European Commission study the feasibility of a "Public EU Rating Agency" for human rights in the business context.</p>	<p>The Commission is ready to discuss any ideas that will promote business respect of human rights, mindful of their feasibility, effectiveness and proportionality, including towards SMEs.</p>
<p>1.19 The EESC notes the importance of witnesses and the role of whistle-blowers. It welcomes the protective provisions included in the current draft text. NGOs working in this area shall be supported.</p>	<p>The new EU Directive on the protection of whistleblowers⁶⁵ was adopted on 23 October 2019 and entered into force on 16 December 2019. Member States have until 17 December 2021 to transpose it into national law.</p> <p>The Directive sets high standards of protection for whistleblowers in the public and private sector who report information on</p>

⁶⁴ SWD(2019) 143 final.

⁶⁵ Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law.

	<p>breaches of Union law in a large number of key EU policy areas (ranging from anti-money laundering, data protection, protection of the Union’s financial interests, food and product safety, to public health, environmental protection and nuclear safety). Among others, the Directive ensures that whistleblowers have at their disposal easily accessible reporting channels ensuring confidentiality, prohibits and punishes any form of retaliation, provides for the reversal of the burden of proof in favour of the whistleblower and for exemptions from certain forms of liability.</p>
<p>1.18 The draft already stipulates a choice of competent jurisdictions, which needs further refining and so the EESC considers that, when a company is involved with its business activities in transnational supply chains, it shall be ensured that jurisdiction can be asserted in its country of domicile. It shall also be made clear that local subsidiaries and suppliers can be sued or at least joined to claims in the country of domicile of the parent or recipient company.</p> <p>1.21 The EESC recommends that there shall be criminal liability in cases of grave negligence. In the case of less serious offences, such as neglecting the duty to report regularly, administrative liability shall be stipulated.</p> <p>1.22 The draft text includes a provision on reversing the burden of proof in civil liability, which shall be clarified to ensure consistent application across jurisdictions and to ensure that victims can rely on its application when</p>	<p>According to the Article 4 of the Treaty on the Functioning of the European Union (TFEU), the Union has shared competence with its Member States in the area of justice in general. However, pursuant to Article 3 TFEU and in line with relevant case-law, the EU has acquired exclusive external competence concerning issues of jurisdiction, applicable law, recognition and enforcement of judicial decisions in civil and commercial matters. Regarding in particular civil justice matters, some of the provisions of the proposed revised version of the legally binding instrument fall within the EU’s competence (including exclusive competences, e.g. jurisdiction of the courts, recognition and enforcement of judgments, rules of applicable law or taking of evidence) and it is essential to ensure consistency between any possible legally binding instrument and EU law.</p> <p>There is no harmonised EU procedural law on evidence in civil and commercial matters,</p>

necessary.	but the EU has competence in cross-border cooperation in taking of evidence ⁶⁶ .
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66 Regulation (EC) No. 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters.

<p>N°8 External aid, investment and trade as instruments to reduce economic migration, with a special focus on Africa (own-initiative opinion) EESC 2019/2059 - REX/516 548th Plenary Session – December 2019 Rapporteur: Arno METZLER (DE-III) Co-rapporteur: Thomas WAGNSONNER (AT-II) DG DEVCO – Commissioner URPILAINEN</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>European Commission position</p>
<p>1. General conclusions and recommendations</p>	<p>The opinion is in line with the Commission’s development cooperation policy framework and overarching priorities (e.g. 2030 Agenda, the European Consensus on Development).</p> <p>The innovations introduced in the Neighbourhood, Development and International Cooperation Instrument (NDICI) proposed by the Commission for the next multiannual financial framework 2021-2027 respond to the Opinion’s call for simplification of EU’s instruments, improved coherence and greater impact.</p> <p>On Foreign Direct Investment (FDI) in general, the EU and its Member States remain the top investor in Africa, ahead of China. In addition, the EU Foreign Direct Investment comes with a seal of sustainability (economic, environmental, social and financial).</p>
<p>1.4. [...] The EESC has played a major role in identifying civil society relationships under the Cotonou Agreement. It is now important that continued and even greater engagement by the EESC and its structures becomes a substantial element of the post-Cotonou agreement [...]"</p>	<p>The Commission takes note of the Committee’s willingness to engage more in the post-Cotonou agreement. However, the negotiations are still on-going and their outcome cannot be pre-judged at this stage.</p> <p>In the negotiations on the principles and modalities of consultation and involvement of stakeholders to the Agreement (civil</p>

<p>7.3. The EESC has played a major role in fostering civil society relationships under the Cotonou Agreement. It is now important that continued and even greater engagement by the EESC and its structures becomes a substantial element of the post-Cotonou agreement. In this way EU civil society will be enabled to help civil society from African countries to become a reliable and trustworthy partner for investors.</p>	<p>society, private sector and local authorities), the Commission as negotiator will establish and further refine the EU's negotiating position, taking into account the EU Negotiation Directives of June 2018.</p>
<p>1.5. To achieve common objectives, strengthening economic collaboration will be crucial. Recent years have witnessed approaches to a new paradigm in EU-Africa relations (for example in agriculture), focusing increasingly on policy cooperation and the promotion of sustainable investment and a stable, responsible and inclusive business environment. This paradigm has to be successfully developed further in the agriculture sector as well as in other sectors and must include more local people on the ground.</p>	<p>The Commission intends to further develop the already close EU cooperation with Africa in agriculture and on food systems. The enhanced collaboration can build on and take inspiration from the report of the Task Force Rural Africa and the various initiatives taken in the past years on innovation in agriculture, sustainable value chains, responsible investments, governance and policy effectiveness. Sustainable agriculture and agri-food systems offer important opportunities for employment and inclusive growth, while maintaining or improving the capacity of rural areas to provide essential ecosystem services.</p> <p>The Joint Communication on the Global EU response to COVID-19⁶⁷ proposes a Team Europe approach, focussing on addressing the immediate health crisis and resulting humanitarian needs, strengthening partner countries' health, water and sanitation systems and their research and preparedness capacities to deal with the pandemic, as well as mitigating the socioeconomic impact. It integrates shared priorities for action, and a strong, joined-up international response, without prejudice to the competences of the Union in this area and the applicable decision-making</p>

⁶⁷ JOIN(2020) 11 final, adopted on 8 April 2020.

	rules, in particular the voting rules.
1.9. [...] the fight against internationally organised crime and climate policies must be coherent with the goals of development cooperation policy.	The Sustainable Development Goals and the European Green Deal are important strategic frameworks and should be taken into account.
1.10 The EESC is strongly committed to making European development finance more efficient and effective. Taking into consideration the EU investment funds which already invest in Africa, the EESC recommends establishing an investment fund, similar to the ESF, to partner as co-investor with private and public investments. This fund should be based on the criteria and principles of the 2030 Agenda and recognition of internationally accepted basic standards ⁶⁸ . The projects supported should be monitored and listed in central registers or platforms. The EESC urges even closer collaboration by CSOs (especially the EESC) on their ethical values in connection with all projects.	<p>It is important to note that since 2016 the Commission has established the External Investment Plan (EIP). One of its objectives is to mobilise additional resources from the private sector and provide a link between private and public sector financial efforts. Pillar 1 – the European Fund for Sustainable Development (EFSD)⁶⁹ - is the innovative financing tool, which provides guarantees to private sector investing in Africa. The External Investment Plan also contributes with grants that are blended with loans from financial institutions for the development of infrastructure and production capacity in African countries.</p> <p>The Commission has proposed to expand this mechanism into the next multiannual financial framework 2021-2027 under the European Fund for Sustainable Development Plus (EFSD+), part of the Neighbourhood, Development and International Cooperation Instrument (NDICI). If adopted as proposed, it would be global in scope and it would incorporate all types of financial instruments and guarantees (private sector and public) linked to external action.</p> <p>In the light of the COVID-19 crisis, the EFSD will be a powerful tool to assist the governments and private sector by providing guarantees.</p>
1.18 Through a multi-stakeholder	The Commission agrees with the

⁶⁸ Such as the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

⁶⁹ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=urisrv%3AAOJ.L_.2017.249.01.0001.01.ENG

<p>approach also involving civil society organisations, the EESC promotes initiatives and adjustments to the FTA/EPA/GSP trade policy regimes conducive to effective and sustainable implementation of the AfCFTA and African market integration. It should in particular strengthen intra-African trade and regional and continental integration and develop major sectors of the economy throughout Africa.</p>	<p>Committee on the role to be played by trade and investment in supporting sustainable development. This can be done notably by building on the African agenda for 2063, by supporting the new impetus around the African Continental Free Trade Area and accompanying it with skills development to ensure that labour demand and labour supply match.</p> <p>In the context of the COVID-19 crisis, the Commission will use all its policy tools, including trade.</p>
<p>1.19. At the heart of improving living conditions in Europe has been investment in public infrastructure, especially in education. One core aim of our development policy in Africa must be to improve the level of education there, particularly among economically vulnerable groups.</p>	<p>The Commission agrees with the Committee that the level of education must improve in Africa. For Africa to fully exploit the potential of its growing young population, access to quality education, learning and training opportunities at all levels need to be enhanced, particularly for girls, women and economically disadvantaged groups.</p>
<p>3.2. [...] The multiplicity of modalities in EU-Africa relations produces a complex and at times incoherent architecture, where elements of other policies mix with development cooperation. To this confusion are added the divergent interests of the Member States.</p>	<p>The Commission proposal for Neighbourhood, Development and International Cooperation Instrument provides for the inclusion of all financial modalities under a single instrument and a single governance. The push for a joint programming approach with Member States would also address possible and remaining bottlenecks from a policy perspective.</p>
<p>4.3. The EU is Africa's biggest investor, with its Member States holding approximately 40% of foreign direct investment stock worth EUR 291 billion in 2016. Africa's strong economic progress over the last two decades and the inherent potential for the future mean that there is a substantial opportunity to do more. Demographic projections for Africa make it clear that it is also necessary to</p>	<p>In accordance with the Commission proposal for a Neighbourhood, Development and International Cooperation Instrument, the EFSD+ would increase the maximum capacity of EU guarantees to up to €60 billion and would provide special attention to least developed countries (LDCs) and fragile states, thus aiming to address the uneven investment</p>

<p>generate millions of new, quality jobs, especially for young people entering the labour market. Macroeconomic indicators do not by themselves translate into better living standards for everyone. Policies need to make sure that economic development benefits the living standards of the population at large.</p>	<p>patterns.</p>
<p>4.4. In order to achieve sustainable development and create quality jobs for the African population – which is set to double by 2050 – public and private investment in particular must increase.</p>	<p>Increasing public and private investment is among the objectives of the External Investment Plan, as mentioned above. The increased critical mass of funding would in return mean more leveraged funds, thus facilitating the increase in investment.</p>
<p>5.1. The EU is still Africa's biggest trading partner, accounting for 36% of all exports, ahead of China and the US. The aim of the European Commission is to intensify this cooperation and put it on a new contractual basis.</p> <p>5.2. As Africa's main trading partner, the EU's intention has been to offer its most generous trade preferences to African countries, either through its GSP (and EBA for LDCs, many of which are in Africa), or through FTAs, notably Economic Partnership Agreements, which have development as their prime objective.</p> <p>5.3. Yet, contrary to provisions in the new generation of EU FTAs and in the Caribbean EPA, EU FTAs and EPAs with African countries do not contain any mechanism for dialogue with organised civil society. FTAs with north African countries do not yet have clauses on Domestic Advisory Groups or a Trade and Sustainable Development chapter. And EPAs, which are about development, do not provide for a Consultative Committee clause to foster non-state actor</p>	<p>On trade in general, the EU remains Africa's biggest trading partner, ahead of China. It is also important to highlight to our partner countries that the EU views its trade policy as a tool to support their sustainable development.</p> <p>The EU is seeking to upgrade its trade agreements with Africa with chapters on Trade and Sustainable Development, including the involvement of non-state actors. This is notably the case of the Economic Partnership Agreement (EPA) 'deepening' negotiations with five Eastern and Southern African countries and negotiations for a Deep and Comprehensive Free Trade Agreement with Tunisia.</p> <p>The Cotonou Agreement continues to provide a framework for fostering sustainable development and for engaging with non-state actors. As the Committee's Opinion suggests, the EU is already seeking dialogue and engagement with civil society organisations in Economic Partnership Agreement (EPA) countries, even in the absence of specific structures in the EPAs themselves.</p>

dialogue on the sustainable implementation and impact of the EPA.

5.4. Engagement and dialogue with organised civil society can also take place outside of (or in parallel to) trade agreements. As trade and investment relations between the EU and Africa are meant to foster sustainable development, all stakeholders, and not only state actors, should be engaged.

5.5. There are development challenges resulting from the current structure of trade between Africa and Europe. Even when ratified, not all EPAs are actually implemented by partner countries. This is also not wholly unjustified, as there have been numerous reports of European exports crowding out the development of local industries and sectors. Extended free trade is a definite structural shift for partner countries, which were previously able to regulate their economic sectors through preferential systems. Also, EPAs are negotiated with economic blocs, the members of which often have different situations, and this could merit different approaches to trade policy. Last but not least, comprehensive trade agreements could in and of themselves pose an organisational challenge regarding negotiations for developing countries and newly industrialised countries.

5.6. A greater engagement with civil society has some capacity-building and cost implications, which should be addressed for effective engagement mechanisms to be put in place. The EU should target some of its Aid for Trade (a percentage could be identified) to the support of civil society participation, social dialogue and capacity-building, regarding sustainable trade and

14 countries in sub-Saharan Africa are already implementing an EPA. Another 20 have successfully negotiated one. Most of these 20 East and West African countries, far from resisting implementation, are actually blocked from implementing their agreement because one country in their region has not signed the agreement.

None of the 14 implementing countries have witnessed any crowding out of local economic activity because of the Economic Partnership Agreements. Some have issues with food imports in general, but these are not EPA-related. The EPAs give these countries more tools to address problems related to imports from the EU.

EPAs are flexible partnerships taking full account of the diversity of African situations and capacities. They also come with substantial aid for trade and capacity-building, including for non-state actors.

The European Union is a long-standing supporter of economic integration in Africa, as an engine for economic growth and jobs and sustainable development throughout the continent. Building on this approach, the African Continental Free Trade Area is potentially a game changer which may increase intra-continental trade and contribute to industrialisation.

The EU remains fully supportive of African Union efforts to implement an African Continental Free Trade Area (AfCFTA) that is sustainable and inclusive. EU development cooperation and trade policy are helping to achieve AfCFTA goals, in the long-term perspective of a continent-to-continent agreement.

investment endeavours.

5.7. Africa is also engaged in the establishment of the African Continental Free Trade Agreement (AfCFTA), towards a single African market. To date it has over 40 signatories and is seen as extremely significant by many state and non-state actors across Africa. It should strengthen intra-African trade and regional and continental integration and develop major sectors of the economy across Africa. The EU can effectively support this endeavour and help ensure that its preferential trade regimes with African countries and regions (EU FTAs with north Africa, EPAs and GSP regime) contribute to support Continental trade integration, moving towards a continent-to-continent trade agreement.