

**FOLLOW-UP PROVIDED BY THE COMMISSION TO THE OPINIONS
OF THE**

EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

PLENARY SESSION OF JANUARY 2017

N°	Title	References
DG GROW		
1.	<p>Threats and obstacles to the Single Market</p> <p>Rapporteur: Oliver RÖPKE (GR11-AT)</p>	<p>EESC-2016-01244-00-00-AS-TRA</p> <p>INT/786</p> <p>Own-initiative opinion</p>
DG CNECT		
2.	<p>Body of European Regulators for Electronic Communications (BEREC)</p> <p>Proposal for a Regulation of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications</p> <p>Rapporteur: Jorge Pegado Liz (GR11-PT)</p>	<p>COM(2016) 591 final – 2016/0286 COD</p> <p>EESC-2016-05211-00-00-AS-TRA</p> <p>TEN/613</p>
3.	<p>Copyright package</p> <p>Proposal for a Directive of the European Parliament and of the Council on copyright in the Digital Single Market</p> <p>Proposal for a Regulation of the European Parliament and of the Council laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes</p> <p>Proposal for a Directive of the European Parliament and of the Council on certain permitted uses of works and other subject-matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print disabled and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society</p> <p>Rapporteur: Juan MENDOZA CASTRO (GR11-ES)</p>	<p>COM(2016) 593 final – 2016/0280 COD</p> <p>COM(2016) 596 final – 2016/0278 COD</p> <p>COM(2016) 594 final – 2016/0284 COD</p> <p>EESC-2016-05382-00-02-AS-TRA</p> <p>INT/804</p>

4.	<p>European Gigabit Society</p> <p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Connectivity for a Competitive Digital Single Market - Towards a European Gigabit Society</p> <p>Rapporteur: Ulrich SAMM (GRI-DE)</p>	<p>COM(2016) 587 final</p> <p>EESC-2016-05303-00-00-AS-TRA</p> <p>TEN/611</p>
5.	<p>European Electronic Communications Code (recast)</p> <p>Proposal for a Directive of the European Parliament and of the Council establishing the European Electronic Communications Code (recast)</p> <p>Rapporteur: Jorge PEGADO LIZ (GRIII-PT)</p>	<p>COM(2016) 590 final –</p> <p>2016/0288 COD</p> <p>EESC-2016-05296-00-00-AS-TRA</p> <p>TEN/612</p>
6.	<p>Internet connectivity in local communities</p> <p>Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) No 1316/2013 and (EU) No 283/2014 as regards the promotion of Internet connectivity in local communities</p> <p>Rapporteur: Emilio FATOVIC (GRII-IT)</p>	<p>COM(2016) 589 final –</p> <p>2016/0287 COD</p> <p>EESC-2016-05185-00-02-AS-TRA</p> <p>TEN/614</p>
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<p>N°1 Threats and obstacles to the Single Market (own-initiative opinion) EESC 2016/1244 - INT/786 522nd Plenary Session - January 2017 Rapporteur: Mr Oliver RÖPKE (GRII-AT) DG GROW – Commissioner BIEŃKOWSKA</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>3.4.3. In its opinion on "Unjustified geo-blocking", the European Economic and Social Committee welcomed the proposal for a Regulation on geo-blocking, both for companies and for consumers, as an indispensable element of the Digital Single Market Strategy. It is, however, a small step, not a game-changer. The practice of geo-blocking, i.e. discrimination against consumers in terms of their access to online services on the grounds of residence or their geographical internet address or nationality, must come to an end. Redirecting consumers to a local website with higher prices also constitutes discrimination in the single market. The European Economic and Social Committee will deal with the conclusions reached by the Competitiveness Council configuration (Compet) in November 2016 on the general approach to the proposed text, stressing clearly the need to distinguish between price discrimination and price differentiation.</p>	<p>The European Commission considers that the proposal on geo-blocking can have real life impact to the benefit of citizens. The proposed legislation should ensure that consumers seeking to buy products and services in another European Union country, be it online or in person, are not discriminated against in terms of access to prices, sales or payment conditions, unless this is objectively justified for reasons such as Value-Added Tax or certain public interest legal provisions.</p> <p>However, to avoid introducing disproportionate burden on companies, the proposed Regulation does not impose an obligation to deliver across the European Union and exempts small businesses that fall under a national Value-Added Tax threshold from certain provisions.</p> <p>The Regulation is currently under discussion in the European Parliament and the European Council.</p>
<p>3.4.8. Social and collaborative entrepreneurship is crucial to social cohesion, in order to guarantee Europeans more efficient and sustainable economic growth. The European Economic and</p>	<p>European legislation is already applicable to the Collaborative Economy and therefore the European Commission issued guidance to Member States to help ensure the</p>

<p>Social Committee once again urges the European Commission to undertake a whole raft of indispensable policy measures in order to ensure that the numerous variations of the sharing economy and the different ways it operates are supported, implemented, and gain credibility and trust at European Union level and in the various Member States.</p>	<p>balanced development of the collaborative economy. With this guidance, the European Commission addresses uncertainty over applicable rules in a context of regulatory fragmentation stemming from divergent regulatory approaches at national or local level. The European Commission does not consider it appropriate to propose specific legislation for business models in the Collaborative Economy at this stage.</p>
<p>3.7.2. The European Commission is therefore planning to reform the notification procedure, which should now also apply to the services currently excluded from the scope of the Services Directive¹. The European Commission has to take care that the proposals are not set up such that they bring the sovereignty or the democratic principle of the Member States into question.</p>	<p>European Union law already requires Member States to notify changes to national rules on services to the European Commission, providing the European Commission and other Member States with the opportunity to raise potential concerns about possible inconsistencies with European Union legislation early in the process. Therefore the European Commission proposed improvements to this mechanism to make the process more timely, effective and transparent. This measure does not go beyond the scope of the Services Directive and it does not “bring the sovereignty or the democratic principle of the Member States into question.”</p>
<p>3.8.2. Time and time again, the winners are tenderers operating unfairly, who lower the costs of their tenders below a fair price and use unreliable subcontractors. Subsequently, there are often follow-up costs, which exceed the price of the second or third best tenderer.</p>	<p>The European Commission does not have any evidence of a systematic malpractice as the one alleged by the rapporteur.</p> <p>On abnormally low tenders, Directive 2014/24/EU² has significantly strengthened the rules by providing</p>

¹ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, OJ L 376, 27.12.2006.

² Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC Text with EEA relevance, OJ L 94, 28.3.2014.

	<p>that the contracting authorities must require economic operators to explain the price or costs proposed in the tender where tenders appear to be abnormally low.</p>
<p>3.8.3. In order to curb this practice, several measures are required: the introduction of an electronic procurement process should create a statistical collection capability that should make it possible to identify low bidders and encourage those responsible to behave positively. Within the framework of the statistical survey, the best tender price and the subsequent actual costs incurred must be recorded centrally in order to create transparency with regard to possible cost overruns. Bids based on prices that do not meet minimum requirements as set out in the respective national provisions and practices must be excluded from the tender in order to avoid a possible rush to reduce costs and quality standards.</p>	<p>Electronic procurement up to and covering contract award is made mandatory in Directive 2014/24/EU with a deadline in October 2018. Potentially, systems in place at national level may be designed for this. Electronic procurement covers the procedure up until and covering contract award. However, there is no legal obligation to produce data on contract amendments. That is why the Commission is engaged with Member States in proposing the establishment of contract registers.</p> <p>As explained above, Directive 2014/24/EU strengthens the observance of applicable labour law obligations, including for instance minimum pay provisions established in universally applicable collective agreements. Non-observance is explicitly identified as a potential ground for exclusion and, in case it would result in a tender being abnormally low, it leads to a rejection of the tender by the contracting authorities.</p>

<p>Nº2 Body of European Regulators for Electronic Communications (BEREC) COM(2016) 591 final – EESC 2016/5211 – TEN/613 522nd Plenary Session - January 2017 Rapporteur: Mr Jorge PEGADO LIZ (GR11-PT) DG CNECT – Vice-President ANSIP</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>Overall assessment</p> <p>1.1. and 1.2. The European Economic and Social Committee broadly speaking supports the intention behind the Commission's proposal since it supports the increase in responsibilities and powers of the Body of European Regulators for Electronic Communications, so as to give it the necessary capacity to perform an effective regulatory role for the sector at European level. However, it would have preferred the proposal to go further and turn the Body of European Regulators for Electronic Communications into a 'genuine regulatory authority'.</p>	<p>The European Commission welcomes the opinion of the European Economic and Social Committee, which supports the European Commission's aim to strengthen and improve the current set-up of the Body of European Regulators for Electronic Communications.</p>
<p>Institutional options</p> <p>1.4. and 3.1. to 3.5. The European Economic and Social Committee holds that the European Commission's proposals introduce only cosmetic changes to the current Body of European Regulators for Electronic Communications and that the latter should be turned instead into a European Union regulator, which could perform tasks in areas with a pan-European Union dimension such as global information services (Machine to Machine, Over-the-top Content) or binding pan-European assignment procedures for specific bands (as</p>	<p>The European Commission's proposals for the Body of European Regulators for Electronic Communications stem from a thorough assessment of possible alternatives, among which the proposed one was considered to be the most suitable.</p> <p>The European Commission shares the view of the European Economic and Social Committee that in order to achieve a more effective regulatory institutional framework there is a need to modify the current Body of European Regulators for Electronic</p>

<p>indicated in Option 4 of the European Commission Impact Assessment).</p> <p>The European Economic and Social Committee also holds that the proposal is confining the Body of European Regulators for Electronic Communications' level of intervention to the area - albeit reinforced - of cooperation or coordination.</p>	<p>Communications set-up and to provide the Body of European Regulators for Electronic Communications with additional tools and tasks – even binding ones.</p> <p>However, the European Commission, in its Impact Assessment, concluded that the establishment of a European Union Regulator with wide regulatory decision-making and enforcement powers, although it would have promoted consistency, would have been less effective in cases where knowledge of local conditions was required (such as for issues related to regulation of infrastructure). This option would not have allowed sufficient scope for national circumstances to be taken into account, as the subsidiarity principle requires.</p>
<p>Board of Appeal</p> <p>1.5. and 4.2. The European Economic and Social Committee expresses some reservations on the independence and impartiality of the Board of Appeal. It also emphasises the need to ensure an effective appeal system.</p> <p>4.3. to 4.5. The European Economic and Social Committee, referring to other agencies' founding acts, expresses its wish for the introduction of further details on the procedures related to the functioning of the Board of Appeal, as well as the explicit clarification that its decisions are subject to actions for annulment before 'the Court of the European Union'.</p>	<p>The European Commission would like to clarify that the provisions in its proposal concerning the composition and functioning of the Board of Appeal aim at ensuring the impartiality and independence of its members. In this respect, it is clearly spelled out that the members of the Board of Appeal are chosen from a list of qualified candidates established by the European Commission and that "<i>the members of the Board of Appeal shall be independent and shall not perform any other duties within the Body of European Regulators for Electronic Communications (BEREC)</i>" (Article 11, paragraph 3 and Article 12, paragraph 2). Therefore, it is made clear that the members of the Body of European Regulators for Electronic Communications Board of Appeal are</p>

not chosen from among the staff of the Body of European Regulators for Electronic Communications/ Management Board and that they shall act with independence and impartiality.

The European Commission would also like to clarify that the Board of Appeal deals with appeals against binding decisions of the Body of European Regulators for Electronic Communications, while decisions of national regulatory authorities (for example National Regulatory Authorities' decisions on cross-border disputes or net neutrality, which take into account opinions/ guidelines of the Body of European Regulators for Electronic Communications) are subject to a right of appeal to the national courts, according to the relevant procedures (Article 31 Code).

As for the suggested level of detail on the functioning of the Board of Appeal, its specificities shall be defined by the relevant Rules of Procedure envisaged in the Body of European Regulators for Electronic Communications (BEREC) Regulation (Article 11(5))³.

Lastly, concerning the European Economic and Social Committee's valuable comments on the need to clarify that the decisions issued by the Board of Appeal are subject to actions for annulment before the Court of Justice of the European Union, the European Commission, in recital 18 of the Body of European Regulators for Electronic Communications proposal,

³ Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office (Text with EEA relevance), OJ L 337, 18.12.2009.

	indicates that an "action for review of their legality may be brought to the General Court".
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<p>Nº3 Copyright package COM(2016) 593 final, COM(2016) 594 final and COM(2016) 596 final – EESC 2016/5382 - INT/804 522nd Plenary Session - January 2017 Rapporteur: Mr Juan MENDOZA CASTRO (GR11-ES) DG CNECT – Vice-President ANSIP</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.1. and 3.1. The European Economic and Social Committee welcomes the package of measures to adapt copyright to the requirements of the digital economy.</p>	<p>The European Commission appreciates the positive reception of the package of measures on copyright by the European Economic and Social Committee.</p>
<p>1.5. and 5.7. The European Economic and Social Committee stresses that swift ratification by the European Union of the Marrakesh Treaty is important and necessary and considers that the proposals for a regulation and a directive to implement them will allow the European Union to fulfil an international obligation incumbent upon it under such a Treaty.</p>	<p>The European Commission shares the European Economic and Social Committee's assessment that the swift ratification of the Marrakesh Treaty is important and necessary. In this regard the European Commission welcomes the clarification provided by the Court of Justice of the European Union in its Opinion of 14 February 2017 that the ratification of the Marrakesh Treaty falls within the exclusive competence of the European Union. The European Commission furthermore welcomes the European Economic and Social Committee's view that the proposed directive and regulation implementing the Marrakesh Treaty within the European Union legal framework are appropriate for this purpose. The European Commission trusts that the Court's Opinion and the political agreement reached between the co-legislators in May 2017 on the proposed regulation and directive will now pave the way for the quick ratification of the</p>

	Marrakesh Treaty by the European Union.
<p>1.6. and 4.1. The European Economic and Social Committee considers that the European Commission proposal on certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes is appropriate and will promote the distribution of European film productions. The European Economic and Social Committee also stresses that the ‘country of origin’ principle is not incompatible with the territoriality of law and freedom of contract.</p>	<p>The European Commission welcomes the support of the European Economic and Social Committee and its favourable opinion on the application of the ‘country of origin’ principle to certain online transmissions of broadcasting organisations.</p>
<p>1.7. and 5.5. The European Economic and Social Committee considers that the European Commission proposals correctly pinpoint the problems regarding the adaptation of exceptions to the digital and cross-border environment. However, the European Economic and Social Committee suggests:</p> <p>a) extending the scope of application of the Text and Data Mining exception (to include researchers and businesses that operate for profit) and of the preservation exception (to include making available online of works that are not available in commercial channels or actively distributed by right holders) laid down in the proposal;</p> <p>b) amending the research and consultation exceptions provided for in Article 5(3), points (a) and (n), of Directive 2001/29/EC⁴;</p> <p>c) introducing a new exception for the cross-border provision of documents by</p>	<p>Regarding the scope of the Text and Data Mining exception, it is framed in such a way as to benefit research activities also when research projects are carried out with a possible commercial outcome, thus taking into account the realities of the current research environment and supporting innovation. Recital 10 of the proposal for a Directive on copyright in the Digital Single Market explicitly specifies that “research organisations should also benefit from the exception when they engage into public-private partnerships”. Moreover, as this exception would often apply in a licence-based environment, the European Commission has considered necessary to provide that contractual provisions contrary to the exceptions should be unenforceable. The extension of this principle to other exceptions requires a case-by-case assessment.</p>

⁴ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, OJ L 167, 22.6.2001.

<p>libraries and archives; and</p> <p>d) providing that agreements contrary to exceptions and limitations be declared null and void.</p>	<p>With regard to the preservation exception, Article 5 of the proposed directive aims at providing a clear and ample space for preservation of cultural heritage and therefore lays down an exception to the reproduction right. The European Commission addressed the need to improve the legal framework for the dissemination and making available of cultural heritage in Articles 7 to 9 of the proposed Directive, which provide for legal mechanisms supporting easier collective licensing for the dissemination of out-of-commerce works in the collections of cultural heritage institutions.</p> <p>Finally, in relation to the amendment of exceptions provided for in Directive 2001/29/EC or the introduction of new ones, the European Commission takes note of the suggestions proposed by the European Economic and Social Committee. As announced in the Communication ‘Promoting a fair, efficient and competitive European copyright-based economy in the Digital Single Market’⁵, the Commission will continue to assess a number of other issues related to exceptions, including on the exception authorising libraries and other institutions to allow on-screen consultation of works for research and private study on their premises.</p>
<p>1.10. and 5.6. The European Economic and Social Committee considers that the ‘panorama exception’ should be harmonised by means of European rules.</p>	<p>The European Commission carried out a public consultation on the ‘panorama exception’ in 2016. The European Commission has confirmed the relevance of this exception, which is provided for under European Union law</p>

⁵ COM(2016) 592 final.

	<p>on an optional basis but has been implemented in nearly all Member States. The European Commission recommends that all Member States implement this exception. Member States that had not previously done so have introduced this exception in their laws or are discussing draft measures to this end. The European Commission will continue monitoring developments at national level in this area.</p>
<p>1.9., 1.11., 1.12., 1.13., 5.8., 5.9., 5.10. and 6. The European Economic and Social Committee supports the European Commission's proposals on: out-of-commerce works; the exclusive right of publishers on their press publications; the use of content by service providers storing and giving access to large amounts of works uploaded by their users; and on fair remuneration in contracts of authors and performers.</p>	<p>The European Commission welcomes the support of the European Economic and Social Committee on these measures to improve licensing practices, ensure wider access to content and achieve a well-functioning marketplace for copyright.</p>

<p>N°4 European Gigabit Society COM(2016) 587 final – EESC 2016/5303 - TEN/611 522nd Plenary Session - January 2017 Rapporteur: Mr Ulrich SAMM (GRI-DE) DG CNECT – Vice-President ANSIP</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>4.7. The European Economic and Social Committee asks for a scheme to ensure that vulnerable end-users have access to reasonable and adequate connectivity, allowing them to participate socially and economically in modern society. Free Wi-Fi for Europeans (WiFi4EU) could be one element of this.</p>	<p>The European Commission thanks the European Economic and Social Committee for its support for the Communication and for the initiatives that accompanied it.</p> <p>While the European Commission agrees with the view that it is necessary to offer access to vulnerable users such as older people, the aim of the Communication is to provide selected geographical areas with a foretaste of the benefits of Gigabit society, thus improving social and economic living conditions for the population as a whole.</p> <p>The European Commission, in the implementation of Free Wi-Fi for Europeans (WiFi4EU), will ensure that the service is provided in a multilingual and user-friendly manner. It is expected that access to services be made available at least in the relevant languages of the Member State concerned and, to the extent possible, in other Union languages.</p>
<p>4.8. Regulatory incentives for network providers to support the Communication's objectives should not conflict with other important objectives, such as network</p>	<p>The objectives as previously set in terms of network neutrality are still respected in the Commission Communication. Network providers</p>

<p>neutrality.</p>	<p>are free to use any technology which has the capabilities to meet the European Union's connectivity objectives.</p>
<p>4.9. In the long term, people in rural areas should also be able to benefit from healthy competition and freedom to choose their internet access provider. Regulatory measures should therefore also provide incentives for such competition.</p>	<p>The European Commission's proposals will continue to allow market players to make investment decisions and offer their services as they see fit. In case of proven market failure, for example in rural and remote areas, the proposed European Electronic Communications Code will facilitate infrastructure investment (e.g. through co-investment or public funding) without inhibiting the ability of telecoms providers to compete at the retail level.</p>

<p>N°5 European Electronic Communications Code (recast) COM(2016) 590 final – EESC 2016/5296 – TEN/612 522nd Plenary Session - January 2017 Rapporteur: Mr Jorge PEGADO LIZ (GR11-PT) DG CNECT – Vice-President ANSIP</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.1. and 3.2. The legislative technique and the overall objectives of the proposal.</p> <p>4.4.2. Access regulation</p> <p>4.4.3. Spectrum assignment.</p>	<p>The European Commission welcomes the European Economic and Social Committee's positive remarks on the use of the recast legislative technique, the overall objectives pursued by the proposal and its support of the proposals on the regulation of access and spectrum assignment.</p>
<p>1.4. and 3.2.5. The decision to leave the directive on privacy out of the scope of the recast proposal.</p>	<p>The review of the ePrivacy Directive depended on the finalisation of the negotiations of Regulation (EU) 2016/679⁶ and, therefore, could not be reviewed at the same time as the rest of the telecoms package. Nevertheless, the proposal to revise the ePrivacy Directive was adopted in January 2017⁷ and co-legislators are therefore in a position to examine both proposals and their possible interaction.</p>
<p>1.5. and 3.2.4. The choice of the legal instrument, a Directive instead of a Regulation.</p>	<p>Even if certain provisions could be redrafted in a way in which they could be made directly applicable, this would require extensive redrafting of the current directives and would not avoid the need to</p>

⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), OJ L 119, 4.5.2016.

⁷ COM(2017) 10 final.

	<p>adopt a Directive. For example, a Directive appears to be the most suitable legal instrument to ensure that Member States set up national regulatory and other competent authorities. Furthermore, in many areas there is a need to allow some flexibility to the Member States.</p>
<p>4.4.4.2. The exclusion from the scope of the Universal Service of public payphones, telephone directories and directory enquiry services.</p>	<p>The evaluation of the regulatory framework for electronic communications concluded that some of the universal service components had lost their relevance due to market and technological developments, in particular taking into account that the rules will enter into force in 2020⁸. In any case, the proposal envisages that Member States have the flexibility to continue mandating legacy services, if the need is duly demonstrated at national level and regularly reviewed.</p>
<p>4.4.4.3. Enabling Member States to define functional broadband on the basis of the services used by the majority of end-users in their territory, and of a minimum set of services which should be supported throughout the European Union, such as e-mail, internet banking, e-governance services etc.</p>	<p>The proposal leaves it to the Member States to define the national capacity level of the functional internet access service which adequately reflects the capacity needed for supporting the services used by the majority of end-users in their territory, and provides for a minimum set of services which should be supported throughout the European Union. In this way, it takes fully into account the different pace of network deployment and consumer behaviour in the Member States and ensures that there is no digital divide within the Member States. Lastly, defining functional internet access within the context of universal service by reference to service characteristics rather</p>

⁸ SWD(2016) 313. As analysed in the evaluation document, these services have already been withdrawn from the scope of the Universal Service in a number of Member States. The assessment is supported by the low use across the EU28 regarding public payphones and the availability of commercial directories/enquiry services. Cf. also study Tech4i2 et al. (2016) Review of the scope of universal service. This was supported by the public consultation.

	<p>than technical parameters, such as Mbps, reduces the risk that the legislative provisions become rapidly outdated as a result of technological and market developments.</p>
<p>4.4.4.4. to 4.4.4.5. The financing regime of the United States through the State budget, rather than through sector funds, an option which is provided in the current regulatory framework.</p>	<p>The proposed rules focus on ensuring the affordability of basic broadband access and voice communications services, to address the cost element preventing the take-up of broadband. The cost of ensuring the affordability of basic services, in cases where this is not already assured by offers available in the market, is likely to be significantly lower than the cost of ensuring the availability of networks supporting them. Connectivity benefits all sectors of the economy and not only the electronic communications sector. Hence, the cost of addressing the shortcomings of connectivity in terms of affordability for certain users or availability (if there are still coverage gaps in 2020) should be supported by all the sectors of the economy benefiting from it, hence by the State budget.</p>
<p>4.4.5.1. The maximum harmonisation of end-users' rights. The European Economic and Social Committee expresses a view in favour of minimum harmonisation to the highest level of protection.</p>	<p>The proposed full harmonisation applies only to the subject matters governed by Title III on end-user rights. The European Commission considers that this full harmonisation is necessary in order to better adapt the legal regime to the needs of online electronic communications service providers which function internationally, and often globally, and would come within the scope of the framework to an increasing extent. The European Commission believes that the chosen approach and scope of Title III will not lower the effective level of consumer protection in Member States. In addition, Member States will be able to</p>

	<p>react to any new challenge potentially raised in the future to the extent that the issue is not addressed in Title III. Furthermore, there are certain exceptions provided from maximum harmonisation, such as for maximum initial contract duration, where Member States can maintain or introduce shorter maximum duration periods.</p>
<p>4.4.5.2. The deletion of retail price regulation.</p>	<p>The telecoms regulatory Framework follows a deregulatory trend in terms of retail market regulation. In Recommendation 2003/311/EC⁹, the European Commission considered that seven retail markets warranted ex-ante market regulation. The number was reduced to one in Recommendation 2007/879/EC¹⁰ and to none in Recommendation 2014/710/EU¹¹. Consistently, most National Regulatory Authorities have lifted the ex-ante regulation of retail markets as wholesale regulation is sufficient to ensure competition at the retail level. In the prospect of 2020, when these rules are expected to be transposed into national law, the analyses carried out showed that there will be no residual need for ex-ante market regulation of retail markets.</p>
<p>4.4.5.3. On a number of end-user</p>	<p>As already mentioned in response to point</p>

⁹ Commission Recommendation of 11 February 2003 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communication networks and services (Text with EEA relevance) (notified under document number C(2003) 497), OJ L 114, 8.5.2003.

¹⁰ Commission Recommendation of 17 December 2007 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services (notified under document number C(2007) 5406) (Text with EEA relevance), OJ L 344, 28.12.2007.

¹¹ 2014/710/EU: Commission Recommendation of 9 October 2014 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services Text with EEA relevance, OJ L 295, 11.10.2014.

<p>rights. The European Economic and Social Committee considers that in the areas of contract duration or termination, renewal in case of bundled offers, sanctions for ensuring efficiency of the supplier change system and compensation for the pro rata temporis compensation of the end-user for subsidised equipment or promotional advantages, the proposed rules could be more beneficial to the consumer.</p>	<p>4.4.5.2 above, Member States are free to set shorter commitment periods nationally. As for the European Economic and Social Committee's comment on automatic prolongation or the pro rata compensation, the European Commission believes the proposed provisions go as far as is necessary to solve severe consumer problems which have led to lock-in effects on the telecoms market since the last revision of the framework. At the same time, it appears appropriate that consumers would pay the outstanding value of subsidised equipment. The introduction of switching systems led by the gaining operator should significantly improve incentives for effectiveness.</p>
<p>4.6.3. Cross-border dispute resolution - the European Economic and Social Committee argues that the process is complex and does not yield an effective outcome.</p>	<p>The proposal simplifies the procedure for the resolution of cross-border disputes, which applies only to undertakings and not to end-users (Article 27). For disputes between undertakings and end-users, the relevant Article of the Universal Service Directive (Article 34) has been included with limited changes within Article 25 of the Code.</p>

<p>N°6 Internet connectivity in local communities COM(2016) 589 final – EESC 2016/5185 - TEN/614 522nd Plenary Session - January 2017 Rapporteur: Mr Emilio FATOVIC (GRII-IT) DG CNECT –Vice-President ANSIP</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.3. The European Economic and Social Committee would point out that the rapid progress of digital technology is likely to render obsolete all of the technologies installed within a short time. The European Economic and Social Committee would therefore call on the Commission to establish goals for social as well as technological development, so as to make the Free Wi-Fi for Europeans (Wifi4EU) initiative more dynamic, long-term and sustainable.</p> <p>4.3. The European Economic and Social Committee calls on the European Commission to envisage the Free Wi-Fi for Europeans (Wifi4EU) initiative having a lasting impact in the beneficiary areas. Given the rapid progress of digital technology, all of the equipment installed is likely to become obsolete within a short space of time. For this reason, the European Economic and Social Committee recommends including the pilot project in a broader, more sustainable strategic vision that places an emphasis on social objectives ahead of the purely technological.</p>	<p>The European Commission thanks the European Economic and Social Committee for its support for the Commission's Free Wi-Fi for Europeans (WiFi4EU) initiative and for the objectives which underlie it.</p> <p>Internet connections are proven to be important agents of change, positively influencing a broad range of innovations and sectors such as medical care, education, employment and growth. The social objective, in a wider sense, is to give a foretaste of the benefits of a Gigabit society, thus stimulating demand for high-speed and Very High Capacity internet connections locally.</p> <p>The European Commission shares the European Economic and Social Committee's view, and one of the Free Wi-Fi for Europeans' (WiFi4EU) envisaged technical features serving such social objectives is to bring end-users to a "landing page" customizable by the local authorities which will provide direct access to innovative digital services available locally (eGovernment, eHealth, eTourism, etc.). The proposal also caters for the possible evolution of technical</p>

	requirements at the level of the work programme, aiming to adapt over time and ensure sustainability.
<p>1.4. The European Economic and Social Committee supports the idea of drawing on the Eduroam project to establish Free Wi-Fi for Europeans (WiFi4EU), and proposes integrating the two processes so as to ensure that all citizens have a single digital identity throughout Europe, as already provided for under the eIDAS Regulation¹². This would also have a considerable impact in terms of strengthening the sense of European citizenship and overcoming digital poverty.</p> <p>5.6. While the European Economic and Social Committee supports the idea of drawing on the Eduroam project to establish Free Wi-Fi for Europeans (WiFi4EU), it considers that these initiatives need to be made complementary from the outset, beginning by ensuring network access for all citizens anywhere in Europe using a single digital identity. In this regard, the European Economic and Social Committee proposes redeploying the provisions already established by the eIDAS Regulation on digital identity, which has been proven to provide guarantees for data protection and security against distorted use of the service (terrorism). This would also have a considerable impact in terms of strengthening the sense of European citizenship.</p>	<p>The European Commission welcomes the support of the European Economic and Social Committee on the idea of establishing a single authentication system. For the first pilot call for projects in 2017, synergies with the Eduroam project are being explored while, for practical reasons, more sophisticated means of online authentication such as those enabled by the eIDAS Regulation, are not considered feasible as yet, but would be looked at in the context of the work programmes in preparation of future calls for projects.</p>

¹² Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC, OJ L 257, 28.8.2014.

<p>1.5. The European Economic and Social Committee considers Free Wi-Fi for Europeans (WiFi4EU) to be a strategic project and feels that its EUR 120 million budget is totally inadequate to cover the needs of the whole of Europe. The European Economic and Social Committee therefore calls for a substantial increase in the funds allocated so that we can aspire to free, very high speed Wi-Fi access by 2025 in all public places throughout Europe, and thus to implement the scheme on the basis of "Quality Wifi4all".</p> <p>4.6. The European Economic and Social Committee regrets that the budget proposed is limited to EUR 120 million, relegating such an important initiative to a mere pilot project. The European Economic and Social Committee would therefore like to see the budget for this scheme increased significantly in order to raise the status of Free Wi-Fi for Europeans (WiFi4EU) to a structural and strategic measure, with measurable objectives, which is an integral part of the Gigabit Society vision and a means of achieving the digital development targets set for 2025. The European Economic and Social Committee stresses the need for the Gigabit Society programme to include the target of 100% free Wi-Fi in all public places by 2025.</p>	<p>The European Commission considers that the budget allocated for this initiative will be sufficient to build a momentum towards the provision of free and high-quality access points in cities and villages throughout Europe by 2020. Achievement of this objective can be further accelerated by national and local authorities. The final decision on this initiative's budget lies with the European Parliament and the Council.</p>
<p>1.6. The European Economic and Social Committee considers the criteria outlined for the allocation of funds (first come, first served basis and the geographical criterion) to be unclear and contradictory. The European Economic and Social Committee would recommend taking into account the population and</p>	<p>The criteria established are intended to ensure a fair distribution according to interest and need, which is perfectly legitimate, and there is in fact no contradiction.</p> <p>The first come, first served criterion is intended to stimulate rapid declaration</p>

<p>geographical size of the countries concerned, and establishing in advance the maximum amount of funding to be allocated to each country, so that all regions can access it in a balanced way.</p>	<p>of interest from the different bodies, and contribute to making it more attractive.</p> <p>A fair geographical balance will be considered in advance in the design of the various calls, so as to avoid significant concentration of the vouchers in a specific country or region.</p> <p>In order to guarantee the aforementioned geographical balance in the first pilot call for projects in 2017, it is planned to introduce specific parameters in the Connecting Europe Facility work programme, the impact of which will be reviewed and, as necessary, fine-tuned for any subsequent calls.</p>
<p>1.7. The European Economic and Social Committee would propose earmarking 20% of the budget for areas that are less developed economically and digitally, with particular emphasis on islands and on mountainous, border and peripheral areas, as well as on areas that have been exposed to natural disasters, in order to invest the resources where they are most needed.</p>	<p>Criteria to ensure a proper geographical balance will be introduced in the Connecting Europe Facility work programme and consulted with the Member States.</p>
<p>1.8. The European Economic and Social Committee supports the principle of allocating the funding to delivering free internet access where it does not currently exist. However, as part of its strategic vision, the European Economic and Social Committee calls on the European Commission to supplement the public initiative with public-private partnerships.</p>	<p>Public/private partnerships could be envisaged once the network has been operating for some time. Complementary financing initiatives, some directly funded by the Connecting Europe Facility, will be examined and evaluated as required after the initial period. Before that, however, no commercial reuse of the user data is possible according to the European Commission's proposal.</p>
<p>1.9. The European Economic and Social</p>	<p>The European Commission may</p>

<p>Committee calls for a high-quality free Wi-Fi service to be deployed over the period 2017-2020, with a minimum connection speed of 100 megabit/s, but anticipating from the outset that higher speeds will already have to be delivered in the medium term.</p>	<p>establish minimum quality of service requirements in its relevant work programme, which may be reviewed for each call.</p>
<p>1.10. The European Economic and Social Committee endorses the adoption of red-tape free and streamlined arrangements for accessing the funding. However, it calls on the European Commission to set at a minimum of three years the obligation to provide the service, subject to repayment of the funds received.</p>	<p>The European Commission will set up an applicant-friendly portal and envisages funding only Capital expenditure (Capex) (purchasing and installation costs). The period during which the beneficiaries are committing to cover the Operating expense (Opex) will be set in the relevant work programme.</p>
<p>4.4. The European Economic and Social Committee feels that this proposal does not sufficiently explain how this initiative will be integrated into the European Union's digitisation process, which is currently rather hit-and-miss. The situation ranges from areas that do not yet have an Asymmetric Digital Subscriber Line (ADSL) connection to areas that already have ultra-wide-band and are even successfully piloting speeds of 1 Gigabit/second. The European Economic and Social Committee hopes that the initiative sets ambitious objectives in terms of the quality of the service provided.</p>	<p>The proposal aims to provide the selected geographical areas with a foretaste of the benefits of Gigabit society, thus stimulating demand for fast and ultrafast internet connections locally. The European Commission wishes to be very ambitious in terms of quality of service.</p>
<p>4.5. The European Economic and Social Committee points out that the proposal is not supported by a proper in-depth feasibility study. This is demonstrated by the fact that the data provided by the European Commission concerning the scheme's potential impact are too general, not adequately supported</p>	<p>The European Commission's proposal on Free Wi-Fi for Europeans (WiFi4EU) is part of a package of measures supporting connectivity, including the European Electronic Communications Code. This was subject to a very wide-ranging and thorough impact assessment. The European Commission</p>

<p>by a socio-economic assessment and probably overestimated due to its modest budget.</p>	<p>concluded, when drafting the proposal, that a separate impact assessment would not be necessary.</p> <p>The evidence gathered as part of these impact assessments has been presented to and discussed with the representatives of the Member States at technical level.</p>
<p>5.9. The European Economic and Social Committee reiterates its call for the Commission to take the demographic aspect into account. Many older people are still, in fact, digitally illiterate. The European Economic and Social Committee therefore recommends that Free Wi-Fi for Europeans (WiFi4EU) includes the creation of a single, multilingual and user-friendly access point. The European Economic and Social Committee also recommends that local authorities in receipt of funding provide training for older people, in particular in order to encourage greater internet use, guarantee the initiative's success, combat social exclusion and bolster local communities.</p>	<p>The European Commission, in the implementation of Free Wi-Fi for Europeans (WiFi4EU), will ensure that the service is provided in a user-friendly manner. It is expected that access to services be made available at least in the relevant languages of the Member State concerned and, to the extent possible, in other Union languages.</p> <p>While the European Commission agrees that it is important to provide training for older people, the aim of the initiative is to provide selected geographical areas with a foretaste of the benefits of Gigabit society. It should be noted that there are a number of other initiatives under different programmes to promote digital skills such as the new Skills Agenda for Europe published in June 2016¹³ and the Skills and Job Coalition and other activities as found in the European Union eSkills strategy.</p>

¹³ COM(2016) 381 final.

<p>N°7 5G for Europe: An action plan COM(2016) 127 final – EESC 2016/1902 - TEN/615 522nd Plenary Session - January 2017 Rapporteur: Mr Mihai MANOLIU (GRI-RO) DG CNECT – Vice-President ANSIP</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.11 (also 2.11) The agriculture and forestry sectors and many businesses in rural and remote areas of Europe have consistently been promised faster broadband and 3/4G mobile networks, but these promises have never been kept. If the rural, remote, mountain and island areas of Europe are to have a future, then they surely have a right to demand access to at least 5 megabytes (Mb) broadband and 3/4G mobile communications.</p> <p>3.3 Radio frequencies used by third generation (3G) and fourth generation (4G) are overcrowded, and so solving technical problems regarding fifth generation mobile network (5G) frequencies and bandwidth is a global requirement. In addition to working with Member States, the Commission must also take into account action already taken at international level by industry bodies. For fifth generation mobile network (5G) technology, the International Telecommunication Union and the Third Generation Partnership Project, which bring together standardisation bodies such as the Association of Radio Industries and Businesses, the Alliance for Telecommunications Industry Solutions, the European Telecommunications Standards Institute, the</p>	<p>The European Commission agrees with the European Economic and Social Committee on the need to improve mobile broadband connectivity for the rural, remote, mountain and island areas of Europe. The recent Council adoption of the 700 megahertz (MHz) legislation will help to achieve ubiquitous availability of mobile broadband services. In addition to better broadband performance, it is expected that fifth generation mobile networks (5G) will also bring much better capabilities to connect the Internet of Things, including in sparsely populated areas.</p> <p>The European Commission agrees that the setting of common standards is necessary at global level. The European Commission will continue further leveraging the industrial activities under the Fifth Generation Mobile Networks Infrastructure Public Private Partnership (5G-PPP) to promote industrial consensus regarding the definition of fifth generation mobile networks (5G) standards. The European Commission also intends to leverage the important opinion of the Radio Spectrum Policy Group of 9 November 2016 identifying a set of European fifth generation mobile network (5G) pioneer bands to</p>

<p>Telecommunications Standards Development Society India, the Telecommunications Technology Association, the Telecommunication Technology Committee and the China Communications Standards Association, have adopted a two-stage plan, with the first stage being research and the second being mass development.</p>	<p>facilitate the choice of frequencies, notably in the International Telecommunication Union World Radiocommunication Conference 2019 (WRC 19).</p>
<p>3.8 The timely testing of terminals and applications at European level can be an asset in the global race with major players. In commercial terms, large-scale development of fifth generation mobile networks (5G) requires that a series of conditions be met. The European Economic and Social Committee therefore considers that until specific standards have been adopted, mass development is impossible; without development, affordable equipment will not appear on the market; and the lack of equipment means that crucial fifth generation mobile network (5G) components will not be available.</p>	<p>The European Commission agrees on the time-critical necessity of proving the standards choice through demonstrators, trials and deployment pilots. The European Commission's "European Union Trials Roadmap Strategy", one of the first deliverables of the fifth generation mobile network (5G) Action Plan¹⁴, was developed in cooperation with the fifth generation mobile network (5G) stakeholders, operators, vertical industries, manufacturers, small and medium-sized enterprises and the research community of the Fifth Generation Mobile Networks Infrastructure Public Private Partnership (5G-PPP) and was presented during the Mobile World Congress 2017. The Fifth Generation Mobile Networks Infrastructure Public Private Partnership (5G-PPP) phase 2 projects also include an impressive number of trials and showcases that may be leveraged in that context.</p>
<p>3.15 (also 3.16 and 1.9) The European Economic and Social Committee considers that developing digital skills among the general public and among the labour force in particular must continue to be a priority for the European Union, given the</p>	<p>The European Commission agrees on the need to develop digital skills among the general public and the labour force. The Fifth Generation Mobile Networks Infrastructure Public Private Partnership (5G-PPP) has planned in its</p>

¹⁴ COM(2016) 588 final.

<p>deployment of fifth generation mobile networks (5G). European Union action on the e-Skills strategy and the European e-Competence Framework is still relevant today.</p>	<p>contractual agreement to set up a cooperation with the European Institute of Innovation & Technology to develop digital skills for fifth generation mobile networks (5G). The research projects and the trials will also contribute to educate technicians, engineers and Doctor of Philosophy (PhD) students.</p>
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<p>N°8 European Pillar of Social Rights COM(2016) 127 final – EESC 2016/1902 - SOC/542 521st Plenary Session - January 2017 Rapporteurs: Mr Jacek KRAWCZYK (GRI-PL), Ms Gabrielle BISCHOFF (GRII-DE), Mr Luca JAHIER (GRIII-IT) DG EMPL –Commissioner THYSSEN</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>2.8. Whereas the European Semester process continues, the Europe 2020 Strategy aiming at "smart, sustainable, inclusive growth" has become marginalised, and the hopes for achieving its social targets, notably of the objectives of achieving 75% employment participation rates, or lifting 20 million people out of poverty, have faded away. Similarly, the 2008 Active Inclusion Recommendation has had a limited impact.</p> <p>2.11. The development of the Pillar should take account of the Europe 2020 Strategy and learn from its problematic implementation.</p>	<p>In recent years, the relative share of Country-Specific Recommendations addressed to Member States in the employment and social field has seen a continuous increase.</p> <p>The follow-up at European Union level of the European Pillar of Social Rights can also take place through the European Semester of economic policy coordination, supported by a new social scoreboard.</p> <p>The Active Inclusion Recommendation triggered important reforms across the European Union as highlighted in the Commission Staff Working Document on its implementation¹⁵.</p>
<p>2.9. The legal status of the Pillar is yet to be determined, as is also its relationship to the Core International Human Rights Instruments¹⁶. However, the European Economic and Social Committee stresses that social rights must apply to everyone living in the European Union and in all European Union Member States, while acknowledging that particular instruments/mechanisms may</p>	<p>The Pillar is presented in the form of a Recommendation from the Commission adopted on 26 April 2017, together with a proposal for an interinstitutional proclamation by the European Parliament, the Council and the European Commission to give broad political support and high-level endorsement of the Pillar</p>

¹⁵ SWD (2017) 257 of 26 April 2017.

¹⁶ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>.

<p>be needed for the Eurozone.</p> <p>6.1.3. The European Economic and Social Committee stresses that the Pillar can become a positive project while fully respecting the division of competences and the principle of subsidiarity. The European Economic and Social Committee fears that this can create even more uncertainty and frustration by raising expectations that will not or cannot be met</p> <p>6.2.1. The European Economic and Social Committee is of the opinion that the Pillar should apply to all 28 European Union Member States.</p>	<p>The principles enshrined in the Pillar are addressed to Union citizens and legally residing third country nationals in Member States, regardless of their employment status, and the public authorities and social partners are recommended to take these principles into account.</p> <p>The Pillar is primarily conceived for the Member States of the euro area but applicable to all Member States that wish to be part of it.</p>
<p>2.11. The development of the Pillar [...] should also be linked to an overarching European Union strategy¹⁷ to implement the 2030 Agenda for Sustainable Development [...] including the human rights of persons with disabilities as enshrined in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).</p>	<p>The European Commission adopted on 22 November 2016 a Communication on "Next steps for a sustainable European future; European action for sustainability". One aim is to fully integrate the Sustainable Development Goals in the European Union policy framework. The European Union is a party to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and fully committed to its effective implementation in European Union policies. The European Disability Strategy 2010-2020 is the main instrument.</p> <p>In February 2017, a progress report on the implementation of the Strategy presented the results achieved up to 2016.</p>
<p>2.13. It is imperative to better define the scope of the Pillar. The European Economic and Social Committee is of the view that</p>	<p>The principles enshrined in the Pillar are addressed to Union citizens and legally residing third country nationals</p>

¹⁷ OJ C 34, 2.2.2017, p. 58.

<p>this initiative should include all citizens, covering all phases of the life-cycle. The European Economic and Social Committee is concerned about the lack of reference to asylum seekers and migrants in the European Commission's Communication.</p>	<p>in Member States, regardless of their employment status.</p>
<p>3.1. The European Economic and Social Committee calls for a coherent European Employment Strategy on, inter alia, the work of the future,</p> <p>The European Economic and Social Committee urges the institutional actors of the Member States to move rapidly towards a "high-road" strategy combined with an active labour market policy. This should be supported by a revamped and inclusive European Employment Strategy and a coherent and ambitious European Industrial Strategy.</p>	<p>Since 2011, the European Employment Strategy has been incorporated in European economic governance through the European Semester.</p> <p>The European Pillar of Social Rights, promotes the process of upwards convergence and to further strengthen the European Union social dimension.</p> <p>The European Commission has integrated industrial competitiveness aspects across all policy initiatives, addressing the key challenges for European Union industry: the investment gap (Investment Plan for Europe, Capital Markets Union), the integration into global value chains (Single Market Strategy, Trade for All), resource-efficiency (Circular Economy, Energy Union), digitalisation (Digitising European Industry), skills development (Skills Agenda) and the regulatory framework (Better Regulation Agenda).</p>
<p>3.6. The changes occurring in the world of work are many and multi-faceted. We must find ways to ensure secure transitions between jobs, statuses and from unemployment to employment, as well as from education to work, for the whole workforce. (...) The European Economic and Social Committee proposes to discuss in a holistic manner the frameworks and support mechanisms to support these transitions.</p>	<p>The Pillar emphasises the importance of the right to quality and inclusive education, training and life-long learning in order to maintain and acquire skills that enable them to participate fully in society and manage successfully transitions in the labour market. Furthermore, the Pillar stresses the necessity to receive support for job search, training and re-qualification. The Pillar also addresses the transfer</p>

	social protection and training entitlements during professional transitions ¹⁸ .
<p>3.7. Digitalisation, along with frequent references to the need for the necessary investment in training and infrastructure, was widely identified as one of the main challenges that should be reflected in the Pillar. The impact of these developments on the labour market and standards, economy, tax and social security systems and on the living wage must, therefore, be carefully assessed.</p> <p>3.9. The European Economic and Social Committee has already recommended that the European Commission, the Organisation for Economic Co-operation and Development and the International Labour Organization should work together with the social partners at all appropriate levels and wider civil society organisations, to develop appropriate provisions on decent working conditions and the protection required to take account of new forms of work (such as online work, the gig and sharing economies)¹⁹.</p> <p>3.15. The European Economic and Social Committee has called for urgent clarification of the status of labour market intermediaries and online platforms, as well as an investigation into the contractual status of crowd workers and other new forms of work and employment relationships. Guidelines are also necessary to clarify possible grey zones linked to employment status in relation to taxation and social insurance²⁰.</p> <p>3.17. The "sharing economy" and other</p>	<p>The European Commission is aware that the digital revolution is having a profound impact on the labour market and that emerging trends in the collaborative economy are part of this broader tendency. The European Pillar of Social Rights is also addressing these questions.</p> <p>The Pillar addresses the fair and equal treatment for workers regarding working conditions, access to social protection and training, regardless of the type and duration of the employment relationship. The Pillar also contains the principles of fostering transitions towards open-ended forms of employment and that of preventing employment relationships that lead to precarious working conditions, including by prohibiting abuse of atypical contracts.</p> <p>The Pillar also addresses the right to transfer social protection and training entitlements during professional transitions. The right to adequate social protection is mentioned regardless of the type and duration of the employment relationship, including for the self-employed, under comparable conditions²¹.</p> <p>As announced in its Work Programme for 2017, the European Commission launched on 26 April 2017 a social partner consultation in view of</p>

18 Proposal for a Interinstitutional Proclamation on the European Pillar of Social Rights, COM(2017) 251 final. 19OJ C 303, 19.8.2016, p. 54.

20OJ C 303, 19.8.2016, p. 54.

21 Ibid.

<p>new employment models should not be used as a means of avoiding decent wages, or meeting tax and social security obligations. The European Economic and Social Committee has also already suggested that the European Union should consider ways in which the development of European Union platforms can be encouraged in such a way that the value created remains in local economies.</p>	<p>reviewing the Written Statement Directive²², which can address the scope of application of existing labour rights to new types of employment relationships.</p> <p>The European Commission has also launched a consultation of the social partners on a new initiative in the area of social protection, particularly regarding non-standard and self-employment.</p> <p>The Communication on a European agenda for the collaborative economy²³ (June 2016) provided additional legal clarifications on the conditions under which an employment relationship exists.</p>
<p>3.8. The Digital Agenda and the Digital Single Market initiative should be connected to a new overarching approach to the future of work. This must address the economic, employment and social challenges, including the objective of providing the necessary skills and a level playing field.</p>	<p>The Digital Single Market fully recognises the need to provide workers with adequate skills for the digital economy. The 2016 "New Skills Agenda for Europe"²⁴ addresses the need to invest in improving basic skills (literacy, numeracy and digital) through the Upskilling Pathways Recommendation²⁵. The Digital Skills and Jobs Coalition, which was launched in December 2016 aims to mobilise labour market and digital stakeholders to share best practice and work in partnership to improve digital skills.</p>
<p>3.11. Collective bargaining should be promoted at all appropriate levels; and to monitor this, the European Economic and Social Committee recommends collecting</p>	<p>The Pillar sets out that social partners shall be encouraged to negotiate and conclude collective agreements in matters relevant to them, while</p>

22 Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship, OJ L 288, 18.10.1991.

23 COM(2016) 356 final.

24 <http://ec.europa.eu/social/main.jsp?catId=1223>.

25 Council Recommendation of 19 December 2016 on Upskilling Pathways: New Opportunities for Adults, OJ C 484, 24.12.2016.

<p>data on the coverage of collective bargaining throughout Europe, through indicators in the European Semester, while fully respecting national practices and industrial relations systems.</p>	<p>respecting their autonomy and the right to collective action.</p> <p>The Database on Institutional Characteristics of Trade Unions, Wage Setting, State Intervention and Social Pacts is already used by the European Commission in the context of the European Semester.</p>
<p>3.18. Convergence of wages and establishing minimum wages in the Member States were raised by participants in some of the national debates²⁶. The European Economic and Social Committee believes that further efforts are needed in this direction[...]. Further discussions on these issues are needed and should be undertaken in the context of the development of the Social Pillar.</p>	<p>The Pillar addresses the right to fair wages that provide for a decent standard of living and the principle of ensuring adequate minimum wages that provide for the satisfaction of the needs of the worker and his/her family in the light of national economic and social conditions, whilst safeguarding access to employment and incentives to seek work²⁷.</p>
<p>3.20. The European Economic and Social Committee calls for an integrated approach between legislative and non-legislative measures to be introduced at the appropriate level to promote work-life balance in the Member States. It is important that sufficient investments are targeted to accessible and affordable care facilities. This will contribute to increasing employment participation overall, notably among women and also for full-time work.</p>	<p>The Pillar addresses the right to suitable leave, flexible working arrangements and access to care services for parents and people with caring responsibilities. It equally expresses the principle of equal access to special leaves of absence for care, encouraging a balanced use of such leaves between women and men.</p> <p>On 26 April 2017 the European Commission adopted an initiative to support work-life balance of working parents and carers²⁸. The initiative combines legislative and non-legislative measures, puts forward a proposal for a Directive on paid paternity, parental and carers' leave and on flexible working arrangements for</p>

26 Addressed in Eastern and Central European MS such as Bulgaria, Czech Republic and Slovakia, but also in France.

27 Proposal for a Interinstitutional Proclamation on the European Pillar of Social Rights, COM(2017) 251 final

28 COM(2017) 252 final; COM(2017) 253 final.

	<p>parents and carers. It also contains measures to support Member States in promoting affordable and quality formal care services available for children and other dependents and addressing economic disincentives to work.</p>
<p>3.22. A European comparative pension sustainability and adequacy index would be a helpful benchmark to underpin Member States' efforts to reform their pension systems and to reduce poverty.</p>	<p>The overall results of pension developments in European Union countries are already monitored in the Ageing Report produced by the Economic Policy Committee and the Pension Adequacy Report produced by the Social Protection Committee. Currently, benchmarks that combine concern for both the adequacy and the sustainability dimensions of pensions are being developed and discussed.</p>
<p>3.24. The European Economic and Social Committee has also referred to the need to aspire to a binding social protection floor²⁹. Better exchange of best practices is required for a more inclusive social security net for everyone living legally in the European Union [...] so as to develop the unemployment insurances into inclusive employment insurances that can work as a future safety-belt and also facilitate employment and decent work. Benchmarking in this area could add value for Member States to improve, where needed, eligibility conditions, benefits duration and levels.</p>	<p>The Pillar addresses the right to adequate social protection regardless of the type and duration of the employment relationship, including for the self-employed, under comparable conditions. The Pillar addresses rights to unemployment benefits, minimum income, old age income and pensions, health care, long-term care, housing and assistance for the homeless.</p> <p>Benchmarking and exchange of best practices will be conducted for a number of areas, such as unemployment benefits, minimum income and skills³⁰. The European Commission is currently working together with the Employment Committee and the Social Protection Committee on developing benchmarks within the European Semester,</p>

29OJ C 13, 15.01.2016, p. 40.

30 COM(2017) 250 final

	<p>respectively on: 1) unemployment benefits and active labour market policies; 2) skills; and 3) minimum income schemes.</p>
<p>4.3. The European Economic and Social Committee calls for renewed efforts to promote the concept of social investment throughout all relevant policy fields. The European Economic and Social Committee believes that further consideration needs to be given to how to link the ‘Juncker Plan 2’ with the Social Investment Package objectives. Moreover, it has called for a European Social Investment Pact, which would support social reforms and social investments and help to bring about renewed economic, social and territorial convergence.</p>	<p>The European Commission is already working with the European Investment Bank Group to reinforce the use of the European Fund for Strategic Investments under the Investment Plan for Europe to support social and employment objectives. A set of complementary financial instruments pooling resources from the European Fund for Strategic Investments and the European Union Programme for Employment and Social Innovation Microfinance and Social Entrepreneurship axis has been designed to strengthen Union support towards microfinance and social enterprise finance. In addition, at least EUR 150 million has been earmarked to support social enterprises through equity investments under the European Fund for Strategic Investments' Small and Medium-Sized Enterprises Window Equity Product, with combined funding from the European Union for Employment and Social Innovation, InnovFin – European Union Finance for Innovators, European Fund for Strategic Investments and the European Investment Bank Group.</p>
<p>4.6. The European Economic and Social Committee has already expressed its view that the establishment of a European minimum income under a framework directive would help to combat social exclusion, ensure economic and territorial cohesion, protect the fundamental rights of</p>	<p>The Pillar addresses the right to minimum income benefits ensuring a life in dignity at all stages of life, and effective access to enabling goods and services. It also establishes the principle of combining minimum income benefits with incentives to (re)integrate into the</p>

<p>the individual, guarantee a balance between economic and social objectives and distribute wealth and income fairly. It reiterates its call for the European Commission to examine funding possibilities for a European minimum income and the establishment of an appropriate fund.</p> <p>4.13. In general, and within the sphere of the European Union's competences, the Pillar should aim to provide a common reference framework to benchmark and monitor the necessary national legal and policy framework to secure the right to good quality provisions, in particular of social protection benefits, including the availability, affordability and accessibility of social services as well as sustainability and effectiveness. This should apply to all branches of social security, as well as to all other social (protection) services.</p>	<p>labour market for those who can work³¹.</p> <p>Quantitative and qualitative assessments of minimum income schemes in the context of the active inclusion approach take place in the framework of European Semester.</p> <p>In order to underpin the analysis in the European Semester, a benchmarking exercise has been recently launched in the Social Protection Committee in the field of minimum income schemes.</p>
<p>4.11. and 12. It is recommended that the European Commission and Member States ensure that major instruments such as public procurement and the European Structural and Investment Funds are effectively employed to support social innovation and social economy enterprises.[...]</p>	<p>In 2016, the European Commission worked on how to improve the ecosystem for social economy and social enterprises (GECES Report). In 2017, the European Commission will focus on better access to finance and better access to markets for all enterprises that are part of the social economy ecosystem.</p> <p>The Startup – Scale up Initiative gives a political momentum to act as well: social economy and social enterprises being mentioned as a core group of enterprises to be boosted.</p>
<p>4.14. In the same vein, the Pillar should aim to create the necessary incentives for the</p>	<p>The Pillar addresses the right to transfer social protection and training</p>

³¹ Proposal for a Interinstitutional Proclamation on the European Pillar of Social Rights, COM(2017) 251 final

<p>Member States to secure the portability of entitlements acquired in accordance with relevant national criteria thus ensuring free movement.</p>	<p>entitlements during professional transitions³².</p> <p>The European Union acquis stipulates rules to coordinate national social security systems and ensure social security coverage when moving within Europe. On 13 December 2016 the European Commission proposed to modernise the current rules to ensure that they are fair, clear and easier to enforce in order to facilitate labour mobility.</p>
<p>4.15. Additionally, the Pillar should be used to set benchmarks concerning the provision of essential services. Implementation strategies by Member States should be developed taking into account the specific socio-economic and fiscal situation of each country.</p>	<p>The Pillar addresses the right to access essential services of good quality, including water, sanitation, energy, transport, financial services and digital communications. It supports the availability to those in need of support for access to such services³³.</p>
<p>4.17. Progress is also needed in the promotion of equality and non-discrimination in other aspects of life, beyond work, such as access to goods and services, education, housing and healthcare. Within this context, it is hoped that the discussions on a European Union Equal Treatment Directive on access to goods and services will be rapidly re-launched.</p>	<p>The Pillar addresses the right to equal treatment and opportunities regarding employment, social protection, education, and access to goods and services available to the public, regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation.</p>
<p>6.3.1. and 2. The European Semester and the National Reform Programmes –which apply equally to non-Eurozone countries – should become the principal vehicles for the implementation and monitoring of the Pillar [...]. All measures under the European Semester - in accordance with the horizontal social clause - must be subject to a social</p>	<p>In recent years, the European Commission has stepped up the monitoring of key employment and social developments in the framework of the European Semester. With the European Pillar of Social Rights, the European Commission intends to further reinforce this monitoring by a new</p>

32 Proposal for a Interinstitutional Proclamation on the European Pillar of Social Rights, COM(2017) 251 final.

33 Proposal for a Interinstitutional Proclamation on the European Pillar of Social Rights, COM(2017) 251 final.

<p>impact assessment.</p> <p>6.3.4. The European Economic and Social Committee calls for the rebalancing of the European Semester so that the existing scoreboard of key employment and social indicators are taken into account when formulating the Country-specific Recommendations.</p>	<p>scoreboard of key indicators to screen employment and social performances³⁴. The scoreboard will be discussed with the relevant Council committees, with a view to its incorporation in the annual Joint Employment Report published each autumn in the framework of the European Semester.</p> <p>Furthermore, the European Commission has consistently taken into account social considerations in its policy making, in line with the horizontal social clause in Article 9 TFEU.</p>
<p>6.4.4. Better involvement of the social partners can contribute to improved Economic and Monetary Union governance. Their views on how to organise labour market and social policy should also be considered as part of the debates on the future of the Economic and Monetary Union³⁵. A strengthened and structured dialogue with civil society would also help to improve democratic resilience and governance.</p>	<p>The European Commission has been closely associating European and national social partners in the European Semester notably during the preparation of the country reports, the Annual Growth Survey and the Joint Employment Report.</p> <p>The Macroeconomic Dialogue, which brings together twice a year representatives from the social partners, the European Commission, the Council, the Eurogroup and the European Central Bank, provides the proper framework to address these issues in a coordinated manner.</p>
<p>6.6.2. Within the limits of the Stability and Growth Pact, the European Economic and Social Committee has presented different options and proposals. One could be a "golden" or, indeed, "silver" rule³⁶ for public investment, including in the social sector by Members States to add to European Union public investment via a system of commonly agreed parameters which, in combination</p>	<p>The current form of the Stability and Growth Pact already provides flexibility within existing rules to support growth enhancing structural reforms and investment without compromising fiscal responsibility. The European Commission's recent proposal for a positive fiscal stance in the euro area to boost potential growth goes in the same</p>

34 SWD(2017) 200 final.

35 See, for example, the In-depth employment analysis.

36 OJ C 268, 14.8.2015, p. 33.

<p>with the right structural reforms, would foster private investment³⁷.</p>	<p>direction.</p>
<p>6.7.1. The reflections on the Pillar should also consider, where appropriate, the global dimension. The latest debates stemming from the International Labour Organization, the Council of Europe, the Organisation for Economic Co-operation and Development and International Monetary Fund are key, particularly in respect of evidence showing that inequality affects the durability of growth and that redistribution does not harm growth. Reflections should also recognise that the sustainability of the European social model is interlinked with improving the global competitiveness of Europe.</p>	<p>The Pillar builds on the body of law which exists at European Union and international level, in particular the European Social Charter of 1961, the Revised European Social Charter of 1996 and the European Code of Social Security of the Council of Europe. The Principles also take account of the relevant International Labour Organization conventions, recommendations and related protocols, and the United Nations Convention on the Rights of Persons with Disabilities.</p>
<p>6.8.1. The European Economic and Social Committee calls on the European Commission to propose a clear and coherent strategy for the Pillar [...]. Designing new appropriate benchmarks on a limited number of key labour market and social challenges to assess progress can be part of this process.</p>	<p>Delivering on the principles set out in the European Pillar of Social Rights is the joint responsibility of the European Union, of local, regional and national authorities and social partners. At European Union level, several legislative and non-legislative initiatives related to work-life balance, access to social protection, information of workers, and working time are accompanying the European Pillar of Social Rights. They cover and enact principles included in the Pillar.</p>

37 OJ C 451 of 16.12.2014, p.10, on more flexibility of SGP concerning certain "public investment".

<p>N°9 Union certification system for aviation security screening equipment COM(2016) 491 final – EESC 2016/0236 - INT/805 522nd Plenary Session - January 2017 Rapporteur: Mr Stefan BACK (GRIII-DE) DG HOME – Commissioner KING</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.4. The European Economic and Social Committee regrets that the Proposal does not introduce a single European Union approval authority with an integrated technical service, as this would have made for optimal efficiency and cost reduction. The European Economic and Social Committee has serious doubts about the resource efficiency of the proposed option of splitting the technical services and approval authorities.</p> <p><i>Addressed together with points 3.13. & 3.14.</i></p> <p>3.13. The Proposal provides for an approval authority in each Member State. The European Economic and Social Committee questions both the capacity of all Member States to set up such an authority at the time of the entry into force of the Proposal as well as the resource efficiency of such a requirement and its added value, bearing in mind that currently only five Member States have the capacity to test equipment and issue a type-approval. The European Economic and Social Committee considers that a single European approval authority would have been a more efficient solution, in line with the one-stop shop approach.</p> <p>3.14 In this connection, the European</p>	<p>Having a single European Union approval authority with an integrated technical service was analysed as one of the possible policy options in the Impact Assessment. However, this option was relinquished as it would require extending the mandate and staff of the European Aviation Safety Agency, which is not in line with the current efforts of the European Commission to reduce the number of officials in public administration/agencies. It has to be considered that Member States have already invested in the creation, running and maintenance of the European Civil Aviation Conference Common Evaluation Process.</p> <p>Moreover, it should be noted that during the first discussions at the Council, a majority of Member States voiced concern that the proposal could restrict them in their national prerogatives on aviation security or negatively affect their intergovernmental agreements within the European Civil Aviation Conference.</p>

<p>Economic and Social Committee also questions the usefulness of splitting the testing and certification functions between the technical services and the approval authorities, meaning that the actual testing of a product's performance is to be carried out by a technical service, which has been certified as to its competence level, while the decision to issue certification (type-approval) is to be taken by the approval authority, which clearly does not need to fulfil any specific criteria of technical competence but will rely entirely on the assessments made by the technical service. Should the reason for this two-tier system be that adequate technical competence is not available in all Member States, the European Economic and Social Committee would suggest integrating the two functions in a reduced number of approval authorities or, ideally, as already suggested, setting up one common approval authority for the entire European Union.</p>	
<p>1.5. The European Economic and Social Committee further regrets that the possibility provided for in Article 6 of Regulation (EC) No 300/2008³⁸ on common rules in the field of civil aviation security of prescribing more stringent requirements at national level than the basic level provided for under that Regulation, which was expressly welcomed by the European Economic and Social Committee in its opinion on the proposal for that regulation, is not reflected in the proposal.</p> <p><i>Addressed together with point 3.5.</i></p> <p>3.5. The European Economic and Social</p>	<p>The proposal does not limit the possibility of Member States to apply more stringent measures for performance requirements as foreseen in the European Union aviation security legislation - Regulation (EC) No 300/2008. The performance requirements are established under that Regulation and are not part of this proposal. This proposal fully encompasses Regulation (EC) No 300/2008, which establishes the technical specifications and performance requirements for aviation security screening equipment used at</p>

³⁸ Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (Text with EEA relevance), OJ L 97, 904.2008.

<p>Committee thus regrets that the possibility contained in Article 6 of Regulation (EC) No 300/2008 for a Member State to apply more stringent measures than the common basic standards referred to in the proposal is not included in the proposal. Neither the procedures for dealing with equipment presenting a risk at national level nor the union safeguard procedure are suitable for tackling this kind of problem.</p>	<p>European Union airports. Therefore, it is deemed that all provisions of Regulation (EC) No 300/2008 automatically apply.</p>
<p>1.6. The European Economic and Social Committee deplores the fact that internal market considerations seem to have taken precedence over security concerns, to the point where not even the possibility of allowing additional national security requirements to safeguard vital national interests in accordance with Article 114(10) TFEU has been granted.</p>	<p>This proposal is based on Article 114 TFEU as its main objective is to contribute to the proper functioning of the European Union internal market and to increase the global competitiveness of the European Union industry. The European Commission would like to reassure the European Economic and Social Committee that the proposal does not limit in any way the application of the existing provisions of Regulation (EC) No 300/2008 with regard to more stringent measures pursuant to that Regulation.</p>
<p>1.8. The European Economic and Social Committee questions the adequacy of the provision in Article 24(3) of the proposal specifying that the Commission shall chair the coordination committee of the technical services, considering the highly technical and complex nature of the questions that will have to be dealt with by its services.</p> <p><i>Addressed together with point 4.1.</i></p> <p>4.1. The proposal specifies that the European Commission shall establish and chair a sectoral group of technical services to ensure cooperation and coordination between technical services. Bearing in mind that this group is likely to be dealing with highly complex technical matters, the</p>	<p>According to the proposal, the European Commission will only act as a Chair of the sectoral group of technical services in order to ensure the necessary coordination and cooperation among designated technical services. It is the role of the technical services, which possess highly technical knowledge and adequate experience, to exchange information and best practice as well as to answer complex and technical questions.</p>

<p>European Economic and Social Committee questions the adequacy of this solution.</p>	
<p>1.9. In this respect, the European Economic and Social Committee also expresses its regret that no consideration seems to have been given to the possibility of including in the proposal a system for exchange of information and coordination between the different national approval authorities.</p> <p><i>Addressed together with point 4.2.</i></p> <p>4.2. The European Economic and Social Committee is surprised that no need has been seen to propose an exchange of information and coordination between the various national approval authorities, and between the approval authorities and the European Commission, bearing in mind that such a system has been considered useful for the technical services and in other contexts where national authorities exercise decision-making competence that is of relevance for the application of European Union law, for instance in the field of competition.</p>	<p>The European Commission would like to refer to "Article 24 Coordination of technical services", which comprises a set of measures on coordination and the exchange of information and best practice between the technical services.</p>
<p>1.10. The European Economic and Social Committee questions whether the extent to which the proposal authorises the use of delegated acts to modify technical provisions goes beyond the scope of what is authorised under Article 290(1) TFEU. This is in particular the case with respect to Article 27(a) of the Proposal, which sets no limits to the scope or character of the new performance requirements that may be included in Annex I to the proposal through delegated acts.</p> <p><i>Addressed together with point 3.11.</i></p> <p>3.11. The European Economic and Social</p>	<p>The European Commission wishes to ensure that Article 27(a) does not go beyond what is authorised under Article 290(1) TFEU. The purpose of this Article is to empower the European Commission to adopt delegated acts amending Annex I in order to reflect the introduction of new performance requirements for aviation security screening equipment as currently laid down in Regulation (EC) No 300/2008. Moreover, the exercise of the delegation of power to the European Commission with regard to amending Annex I is subject to strict</p>

<p>Committee takes note of the fact that the proposal enables the European Commission to adopt delegated acts to amend Annex I to reflect the introduction of new performance requirements for aviation security screening equipment (Article 27(a)) and to amend the annexes to the Regulation to adapt them to the development of scientific and technical knowledge (Article 27(b)). Article 290(1) TFEU limits delegation to non-essential elements of the legal act in question, including updates due to technical developments. The delegation in Article 27(a) of the proposal appears to go beyond that limit. The European Economic and Social Committee therefore questions the compatibility of the delegation proposed in Article 27(a) of the Proposal with the TFEU.</p>	<p>conditions laid down in Article 28 of the proposal.</p>
<p>1.12. The European Economic and Social Committee welcomes in principle the proposal that the European Union should seek to become a full member of the European Civil Aviation Conference. However, in view of the fact that the current European Civil Aviation Conference Constitution only authorises states as members, that the scope of European Civil Aviation Conference membership is wider than that of European Union Member States and that the outcome of any such membership negotiation cannot be taken for granted, it might be more realistic to state that the European Union should take the appropriate steps with a view to obtaining membership of European Civil Aviation Conference.</p> <p><i>Addressed together with point 3.16.</i></p> <p>3.16. The European Economic and Social Committee takes note that Article 10 of the Proposal stipulates that the European Union</p>	<p>Article 10 of the proposal foresees the possibility of the European Union to become a member of the Common Evaluation Process of the European Civil Aviation Conference. In particular, it sets an obligation to start preparations for the European Union to become a member. In parallel, as recommended, the European Commission is starting to take the appropriate steps with the European Civil Aviation Conference.</p>

<p>shall become a full member of the body responsible for the elaboration of the common testing methodologies, i.e. the European Civil Aviation Conference. The European Economic and Social Committee points out that European Union membership of the European Civil Aviation Conference would require a prior amendment to the European Civil Aviation Conference Constitution, as it currently allows only states as full members. Since membership would be the outcome of a negotiation process, the European Economic and Social Committee would suggest that the provision be changed to stipulate that the European Union should be mandated to start negotiations with a view to obtaining full membership of the European Civil Aviation Conference.</p>	
<p>1.13. The European Economic and Social Committee has taken note of the provision in the proposal for a maximum average time of six months between submitting a request for a test by technical services and the delivery of the test results to the relevant authorisation authority. The European Economic and Social Committee suggests that a better option would be for the technical service to make an initial assessment of a request in order to define the amount of time needed for testing and to inform the applicant within a fixed time limit. If the deadline for testing is subsequently not met, the applicant should be informed and the reasons for the delay explained.</p> <p><i>Addressed together with point 4.4.</i></p> <p>4.4. The proposal specifies that the technical services shall ensure that the average time between a request for a test of equipment and delivery of the results to the</p>	<p>Article 22(4) imposes a maximum period of 6 months between the request to carry out a test of equipment and the provision of the test results to the approval authority. However, the very same article allows, in exceptional cases or if formally requested by the manufacturer, to prolong this time.</p>

<p>approval authority shall at most be six months, except in exceptional circumstances or at the specific request of the manufacturers. The European Economic and Social Committee takes the view that a fixed time period of this kind is neither desirable nor realistic. A better option might be an obligation for the technical service to immediately assess the time needed to deal with a request and inform the applicant within a fixed period of time, for example 15 working days. If the deadline set cannot subsequently be met, the technical service should give a reasoned explanation.</p>	
<p>4.3. While the proposal provides for one approval authority for each Member State, no such requirement applies to the technical services which, as pointed out above, will hold a key role in the planned certification system. This again supports the view that the requirement of one approval authority in each Member State has a merely symbolic value, bearing in mind that type-approval certification and the certificates of conformity issued based on that certification are valid across the whole of the European Union. The procedure for dealing with equipment presenting a risk at national level (Article 17 of the Proposal) could be dealt with by a national authority competent in security matters.</p>	<p>The European Commission would like to underline that the proposal does not oblige Member States to establish national approval authorities. Article 6, in its current wording, requires Member States to either establish its own national approval authority or appoint an approval authority of another Member State. In this respect, each Member State must designate only one national approval authority for the sake of clarity in certification process, even if there are more bodies involved in aviation security at national level.</p> <p>The European Commission wishes to state that suppression of this provision may have to be considered in the light of possible amendments suggested by the Council and the European Parliament in the course of the legislative process.</p>
<p>1.15. For the reasons indicated, the European Economic and Social Committee has doubts about the added value of the</p>	<p>This proposal establishes a unique European Union certification system based on European Union type-</p>

proposal as it now stands and would therefore ask the European Commission to reconsider its content with a view to taking on board the observations made in this opinion.

approval and issuance of a certificate of conformity by manufacturers, which would be valid in all European Union Member States, based on the principle of mutual recognition. Today, conformity of the aviation security screening equipment with the applicable performance requirements is assessed by individual Member States and equipment certified in one Member State can be made available in that Member State only. Any other Member State is free to either recognise this certification or to require that the equipment is tested again to verify whether it meets the requirements prescribed by the European Union legislation, or even to impede its use in its territory. Therefore, this proposal demonstrates an added value by raising the overall European Union market efficiency in the aviation security screening sector and by having a positive impact on the free movement of goods.

<p>N°10 Union Resettlement Framework COM(2016) 468 final – EESC 2016/5234 - SOC/548 522nd Plenary Session - January 2017 Rapporteur: Mr Christian MOOS (GR/III-DE) DG HOME – Commissioner AVRAMOPOULOS</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.2. The European Economic and Social Committee calls on the Union to take more responsibility for people in need of international protection, to make more of an effort to take them in than has hitherto been the case, and to show more solidarity with third countries – as well as with European Union Member States such as Greece – with regard to the issue of refugees.</p>	<p>The proposal for a Union Resettlement Framework will contribute to expanding the number and range of legal pathways available for refugees to be admitted to or resettled in third countries, as required by the New York Declaration for Refugees and Migrants³⁹.</p> <p>More specifically, the key objectives of the Union Resettlement Framework are to provide for a legal and safe arrival of third country nationals in need of international protection to Member States, to reduce the risk of large-scale irregular inflow of third country nationals in need of international protection, and to contribute to international resettlement initiatives in the spirit of solidarity and responsibility.</p>
<p>1.6. The European Economic and Social Committee calls for the resettlement programme to be uncoupled from partnership agreements that aim to encourage third countries to prevent refugees from fleeing, as this carries the risk of infringing international law and</p>	<p>Resettlement is an important tool to offer international protection to people who need it. Resettlement may also be used strategically to encourage third countries to increase their capacity for protection and reception. In addition, resettlement may facilitate cooperation</p>

³⁹ http://www.un.org/ga/search/view_doc.asp?symbol=A/71/L.1.

<p>fundamental rights. It emphasises that return agreements or other similar cooperation agreements with third countries must not place conditions on measures undertaken neither in partnership with third countries, nor on development aid more generally.</p>	<p>with third countries in order to achieve foreign policy objectives and global responsibility sharing for the protection of refugees. Resettlement may therefore be a tool to better manage migration. In line with Article 4 of the proposal, these elements may be considered among other factors when deciding on the regions/countries from which resettlement should take place.</p>
<p>1.8. The European Economic and Social Committee welcomes the emphasis on the vulnerability of women as well as children and adolescents, but has reservations about the category of "persons with socio-economic vulnerability". The European Commission proposal blends together a variety of legal ways to enter the European Union, which in general risks lowering the quantity and quality of resettlement.</p>	<p>The eligibility criteria in Article 5(a) and (b) are cumulative, meaning that persons with specific vulnerability needs must be in need of international protection to be eligible for resettlement. The eligibility of persons with socio-economic vulnerability is intended to cover persons in need of international protection with specific characteristics and special needs which cannot be sufficiently addressed in the country within which or to which they have been displaced.</p> <p>The scope proposed by the Regulation builds on the experience from national resettlement programmes and European Union-level resettlement initiatives of the past two years. It proposes certain common rules to achieve a common approach, more predictability and structure in the area of resettlement to the European Union. The European Commission therefore does not consider that the proposal risks lowering the quantity and quality of resettlement.</p>
<p>1.9. The European Economic and Social Committee questions, according to the 1951 Geneva Convention, the blanket exclusion of people who have irregularly stayed in,</p>	<p>Resettlement is an integral part of a larger objective to ensure that protection can be offered to those who need it while reducing the irregular and</p>

<p>entered, or attempted to enter the territory of the Member States during the five years prior to resettlement, as well as of people who have been rejected by Member States during the five years prior to resettlement, despite the fact that they otherwise fulfil the eligibility criteria;</p> <p><i>Jointly addressed with point 2.5.1.</i></p> <p>2.5.1. The European Economic and Social Committee rejects the blanket exclusion of persons under Article 6(1)(d) and (f), since these points conflict with the fundamental right to asylum. Both must be deleted in order to safeguard the integrity and credibility of the institution of asylum.</p>	<p>dangerous routes that are used to obtain such protection. The provision on exclusion of persons was inspired by the approach set out in the European Union-Turkey Statement of 18 March 2016 according to which priority is given to migrants who have not previously entered or tried to enter the European Union irregularly, when implementing resettlement from Turkey under the 1:1 mechanism. The proposed provision should be read in this context.</p>
<p>1.14. The European Economic and Social Committee calls for complementary, alternative reception and funding programmes to be examined, along the lines of Canada's Private Sponsorship of Refugees Program. Institutionalising a tripartite approach – one that involves the Member States, the Office of the United Nations High Commissioner for Refugees and private/civil society actors – would be broadly beneficial to an European Union Resettlement Framework. However, this must not bring down the quality or quantity of resettlement.</p> <p><i>Jointly addressed with point 3.2.2.</i></p> <p>3.2.2. Alternative admission and funding schemes should also be considered – e.g. those involving individuals, non-governmental organisations, civil society organisations, including social organisations, or other interested parties – so as to create legal ways into the European Union. While these schemes can usefully</p>	<p>The European Commission has repeatedly encouraged the establishment of additional legal avenues for people in need of international protection, in line with the New York Declaration for Refugees and Migrants adopted in September 2016. The 3rd European Migration Forum⁴⁰ also gave the Commission the opportunity to hold consultations on possibilities for private sponsorship schemes to complement resettlement to the European Union, including the role civil society can play in this regard.</p> <p>The High-Level Resettlement Committee regrouping major stakeholders is an important element of the European Union's internal decision making process to make the Union Resettlement Framework operational. It aims to facilitate broad consultations among key actors.</p>

⁴⁰ <http://www.eesc.europa.eu/?i=portal.en.events-and-activities-european-migration-forum-3>.

<p>complement the European resettlement plan, they must under no circumstances replace it. In this regard, the European Economic and Social Committee would like to single out Canada's Private Sponsorship of Refugees Program for praise. Civil society, social partners and local authorities play an important role and foster cohesion after a person is resettled; they should therefore be involved at as early a stage as possible in planning and decision-making processes under the Resettlement Framework.</p>	
<p>1.15. The European Economic and Social Committee recommends that the European Union and its Member States should have a stronger institutional presence in particularly hard-hit countries of origin and transit, and that these countries should be helped by increasing their capacity for local reception and protection.</p>	<p>The European Union engages actively with third countries through a variety of political and funding instruments. For instance, projects developed under the Regional Development and Protection Programmes in North Africa and the Horn of Africa, aim among other things to help third countries build their capacity to provide international protection, first reception, and integration. Resettlement can be used as a further strategic tool to incentivise third countries in this respect.</p>
<p>2.2.3. However, from the European Economic and Social Committee's point of view, the European Union is attempting to use these partnerships to shift the issue of refugees and its responsibility for persons seeking protection onto third countries, as well as attempting to use material incentives to get third countries to stop refugees at their external borders. In this connection, the increased rate of readmission of third-country nationals and stateless persons irregularly staying in the territory of the Member States that results from new agreements should also be</p>	<p>The European Commission does not share the view of the European Economic and Social Committee in this regard. The European Commission considers that resettlement can be used as a protection tool as well as a strategic migration management tool. The Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union.</p>

<p>examined. Efforts to reduce the number of refugees harbour the risk of third countries impeding, turning away or deporting persons arriving at their borders in search of protection, thereby breaching the prohibitions on refoulement in the Charter, the 1951 Geneva Convention and the European Convention on Human Rights. The European Economic and Social Committee therefore calls for a strict application of the principles of international law and the creation of effective control mechanisms.</p>	
<p>2.3.1. The European Economic and Social Committee calls for the resettlement Programme to be uncoupled from partnership agreements; thus the phrase in Article 4(a) ("and any onward movement of those persons to the territory of the Member States") should be deleted. The European Economic and Social Committee believes that the criteria set out in Article 4(c) and (d) (with the exception of (iii)) jeopardise the right to asylum and protection against refoulement provided for in Articles 18 and 19 of the Charter and, therefore, that they should also be deleted.</p>	<p>See the response to points 1.6. and 2.2.3.</p>
<p>2.3.3. The European Economic and Social Committee notes with concern that the return mechanism under the European Union-Turkey Statement could turn the hot-spots into detention centres. This would violate the right to freedom and protection against arbitrary detention (Article 5 of the European Convention on Human Rights and Article 6 of the Charter). The European Economic and Social Committee therefore expresses its alarm over the arrests and returns under the European Union-Turkey Statement and considers that the current return mechanism must be urgently</p>	<p>The European Union-Turkey Statement provides for the return of all new irregular migrants and asylum seekers, whose applications have been declared inadmissible or unfounded, crossing from Turkey to the Greek islands after 20 March 2016. These measures are carried out strictly in accordance with the requirements of European Union and international law, and in full respect of the principle of non-refoulement.</p> <p>Between December 2016 and 9 June 2017, 462 persons who entered Greece</p>

<p>reviewed in order to ensure proper protection in this and in new partnership agreements.</p>	<p>through Turkey were returned in the framework of the European Union-Turkey Statement. The returned persons had either received negative asylum decisions (including negative decisions at second-instance), had withdrawn their asylum applications or their applications for international protection, or had not applied for asylum in the first place.</p> <p>The number of persons returned, however, remains much lower than the number of arrivals, which adds pressure on the islands' hotspot facilities. This is due to the accumulated backlog in processing asylum applications notably at second instance on the Greek islands and difficulties in locating migrants at various stages of their asylum and return procedures. Some of the measures set out in the Joint Action Plan aim at tackling this issue: putting in place an efficient case tracking system, continuing to enforce the geographical restrictions on migrants on the islands, and creating sufficient reception capacity including closed centres on the islands.</p> <p>In addition, the European Commission supports efforts to increase voluntary returns from the Greek islands. The Assisted Voluntary Return and Reintegration Programme has recently been upgraded with the inclusion of reintegration packages for all participants, and Greece has been encouraged to fully participate in European Union-funded joint programmes on return.</p>
<p>2.4.1. The European Economic and Social Committee welcomes the special emphasis that is placed on the vulnerability of women</p>	<p>The eligibility criteria in Article 5(a) and (c) are cumulative, meaning that people in need of international</p>

<p>and girls as well as children and adolescents, including unaccompanied minors, and welcomes the inclusion of people with family links as an extension of the classical resettlement categories. The European Economic and Social Committee particularly welcomes the concern for family unity which means that consideration is given to siblings, as "family members". However, these criteria should only apply in cases when existing family reunification measures, such as the 2003 Family Reunification Directive, do not permit family reunification. The European Economic and Social Committee underlines that the principles of equality and non-discrimination must be upheld and should be applied without prejudice to (a), (b), (c) or (d).</p>	<p>protection who have family links to persons legally residing in a Member State are eligible for resettlement under the Union Resettlement Framework. Family reunification and resettlement are complementary legal avenues, but the rationale, conditions and procedures for resettlement and family reunification are different. Resettling people with family links to persons legally residing in the European Union reduces the risks of secondary movements and their integration potential is higher. Finally, not all persons in need of protection with family links in the European Union may have access to family reunification. The proposed Regulation upholds the general principles of equality and non-discrimination, and is in line with the Charter of Fundamental Rights. This is without prejudice to cases where a difference in treatment is necessary for the application of the eligibility criteria in accordance with Article 5(a) and (b).</p>
<p>2.4.2. However, the European Economic and Social Committee has reservations about expanding the categories to cover "persons with socio-economic vulnerability" if these people have a low income, low professional status or a poor level of school education etc. This category does not require protection under the 1951 Geneva Convention, potentially leading to discrimination against those in need of international protection. However, it is imperative that other legal ways to enter the European Union and measures are established that cater for persons with socio-economic vulnerability.</p>	<p>The eligibility criteria in Article 5(a) and (b) are cumulative, meaning that persons with specific vulnerability needs, including persons with socio-economic vulnerability must be in need of international protection to be eligible for resettlement under the Union Resettlement Framework. This provision is therefore in line with the 1951 Geneva Convention.</p>

<p>2.4.3. Overall, the European Economic and Social Committee recommends adopting the Office of the United Nations High Commissioner for Refugees' long-standing recognition criteria, thereby reinforcing its central role in the identification of people in need of international protection.</p>	<p>The key role of the Office of the United Nations High Commissioner for Refugees is maintained. Given its expertise, experience and a long lasting co-operation with Member States in resettlement, the Office of the United Nations High Commissioner for Refugees would continue to play a key role in the implementation of the Union Resettlement Framework. The possibility for Member States to ask the Office of the United Nations High Commissioner for Refugees to refer to them persons whom the Office of the United Nations High Commissioner for Refugees has assessed whether they fall within the scope of a targeted Union resettlement scheme and whether they qualify as refugees, is maintained.</p>
<p>2.5.2. It is also necessary to ensure that Article 6(1)(c) is only applied in accordance with the principle of proportionality. In addition, vague terms and phrases such as "have committed a serious crime" in Article 6(1)(a)(ii) should be avoided in the context of eligibility and exclusion criteria, due to states' differing legal systems and interpretations, or else they should be clearly defined.</p>	<p>The Commission does not share the European Economic and Social Committee's view. Given the nature of resettlement, Member States should not be allowed to derogate from the requirement to exclude from resettlement a person for whom an alert has been issued in the Schengen Information System or in a national database of a Member State for the purposes of refusing entry.</p> <p>The concept of serious crime within the meaning of the proposed Regulation must be regarded as an autonomous concept of European Union law which, in line with Article 78 (1) TFEU, must be interpreted in accordance with the Geneva Convention using the same terminology. This said, the European Commission is exploring scope for clarification of this notion in the</p>

	context of interinstitutional negotiations on the proposed Qualification Regulation ⁴¹ .
<p>2.5.3. There must be clear and reasonable evidence to invoke the optional exclusion ground (Article 6(2)), which enables Member States to refuse resettlement of third-country nationals or stateless persons to whom one of the grounds for exclusion in Article 6(1)(a) or (b) applies "prima facie". Otherwise, this should be deleted. A Member State acting on the basis of mere suspicion would be infringing the principle of non-discrimination.</p>	<p>The European Commission does not share the European Economic and Social Committee's view on this point. It is at the discretion of the co-legislator to determine the standard of proof.</p>
<p>2.6.1. The European Economic and Social Committee welcomes the possibility of finding a flexible response to shifting migration flows and evolving international circumstances. However, in accord with the Office of the United Nations High Commissioner for Refugees and other civil society organisations, it urges – in contrast to Article 7 – that the number of people to be resettled be treated as a minimum, and calls for the Office of the United Nations High Commissioner for Refugees' annual report to be used as the basis of a forecast of the number of people to be resettled. The European Economic and Social Committee believes that a level of at least 25% of the number of people that the Office of the United Nations High Commissioner for Refugees considers to be in need of resettlement internationally is appropriate for Europe.</p>	<p>The European Commission agrees that the Union Resettlement Framework should contribute to the aim of the New York Declaration for Refugees and Migrants, i.e. to provide resettlement places and other legal pathways for admission on a scale which corresponds to the annual resettlement needs identified by the Office of the United Nations High Commissioner for Refugees.</p> <p>The proposed Regulation foresees the annual resettlement of a certain number of third-country nationals or stateless persons to the territory of the Member States. The maximum total number of persons to be resettled annually is to be determined by the Council on the basis of a proposal from the Commission taking into account the discussions within the High-Level Resettlement Committee.</p>
<p>2.6.2. The European Economic and Social</p>	<p>The European Commission does not</p>

⁴¹ COM(2016) 466 final.

<p>Committee has reservations about the Member States' involvement in implementing the annual resettlement plan. These doubts are justified by the state of implementation of the Council conclusions of 20 July 2015 to date, and also by the infringement proceedings launched by the European Commission for failure to implement the Common European Asylum System and the European Commission's reports on progress made in the implementation of the European Union-Turkey Statement.</p>	<p>share the Committee's reservations regarding the implementation of the ongoing European Union-level resettlement schemes. By 9 June 2017, Member States, together with Associated States, had resettled 16 419 persons under the Conclusions of 20 July 2015⁴², which is over two thirds of the agreed target of 22 504. Equally, the Member States' efforts to resettle from Turkey are well on track⁴³.</p>
<p>2.6.3. Article 8 should draw a clearer distinction between the Office of the United Nations High Commissioner for Refugees resettlement framework on the one hand and resettlement measures and other legal entry routes pertaining to the European Union, its Member States or other stakeholders on the other hand. The European Economic and Social Committee broadly welcomes a formalised tripartite approach under the European Union Resettlement Framework, allowing the Office of the United Nations High Commissioner for Refugees, the European Union and its Member States, and private/civil society actors to carry out resettlement.</p>	<p>The proposal builds on standards and practices in the field of resettlement and humanitarian admission both at a national and at a European Union-level. The different approaches are reflected in the possibility to follow either an ordinary procedure or an expedited procedure when implementing the Union Resettlement Plan and Targeted Union resettlement schemes. In line with Article 8, each Targeted Union resettlement scheme shall determine which standard procedure applies to its implementation.</p>
<p>2.7.1. While the resettlement procedures under Articles 10 and 11 must be based on the consent of third-country nationals or stateless persons, third-country nationals or stateless persons who have refused resettlement in a particular Member State, e.g. for family, social or cultural reasons, should not be excluded from being resettled</p>	<p>Refusal of consent to be resettled to a particular Member State is not among the exclusion grounds set out in the proposed Regulation. Moreover, a Member State may give preference to persons with family links, social or cultural links, or other characteristics that can facilitate integration in the</p>

⁴² COM(2017) 330 final.

⁴³ COM(2017) 323 final.

<p>in another Member State.</p>	<p>participating Member State. The European Commission therefore does not consider it necessary to amend its proposal.</p> <p>In the meantime, the European Commission does not oppose such an exclusion ground in principle. The absence of choice as to which Member State will conduct the resettlement procedure would be coherent with the absence of choice as to which Member State will examine an asylum application, which is a key element of the Dublin system. Thus, the Standard Operating Procedures for the implementation of the resettlement element of the European Union-Turkey 1:1 scheme foresees that a candidate who has refused admission to a particular Member State is no longer eligible.</p>
<p>2.8.1. The European Economic and Social Committee accords a key role to the Office of the United Nations High Commissioner for Refugees in identifying third-country nationals and stateless persons. The Office of the United Nations High Commissioner for Refugees can be supported by a Union Agency for Asylum, the purpose and remit of which the Commission has not yet set out in detail, or by relevant international bodies. The European Economic and Social Committee questions special rights – such as in the case of the European Union-Turkey Statement – that enable the third country, rather than the Office of the United Nations High Commissioner for Refugees, to choose among those departing; otherwise, it cannot be guaranteed that the fundamental rights under the 1951 Geneva Convention, the Charter and the European</p>	<p>According to the Union Resettlement Framework, Member States are the sole actors to identify third-country nationals for which a resettlement procedure will be conducted. They may do this on the basis of referrals by the Office of the United Nations High Commissioner for Refugees, the European Union Agency for Asylum (pending interinstitutional negotiations on the respective proposal), or relevant international bodies. Member States are also the only actors to decide on the admission of third-country nationals under the Union Resettlement Framework.</p>

<p>Convention on Human Rights are being upheld.</p>	
<p>2.8.2. According to the proposal, resettlement should be the preferred avenue to international protection in the territory of the Member States and should not lead to another asylum procedure. Such restrictions may impinge upon the right to asylum of a person in need of protection. There must be a guaranteed option of applying for asylum in a different way in the territory of the Member States, otherwise this could run counter to the right and obligation of those seeking protection to apply for asylum in the first host country in the European Union.</p>	<p>The European Commission does not share the European Economic and Social Committee's views on this matter. Persons resettled under the Resettlement Framework Regulation have access to the asylum procedure in accordance with the Asylum Procedure Regulation⁴⁴. However, as stated in the explanatory memorandum to the proposal, applications for international protection of persons resettled via an ordinary procedure, for whom a full assessment of their qualification as a refugee and eligibility as a beneficiary of subsidiary protection has been conducted, should be declared inadmissible.</p>
<p>2.8.3. The European Economic and Social Committee warns that a conflict arises between the integration of resettled persons in a Member State and the granting of subsidiary protection status under the expedited procedure (Article 11). An individual's refugee status must be re-examined in the Member State in which he or she is to be resettled and may therefore potentially be rejected. Subsidiary protection status should not be granted because the expedited procedure arises due to urgent situations, e.g. an urgent need for medical care. The conditions for fully granting refugee status should be verified under both procedures.</p> <p><i>Jointly addressed with point 2.1.2.</i></p> <p>2.1.2. The European Economic and Social Committee supports the measures set out in</p>	<p>The European Commission notes that asylum applications of persons resettled within the expedited resettlement procedure are not per se inadmissible and that the conditions for granting refugee status are governed by the Qualification Directive⁴⁶ independent of whether the person was resettled within an expedited resettlement procedure or not. The European Commission also notes that the revocation of, ending of or refusal to renew subsidiary protection of a person resettled within the framework of the Union Resettlement Framework Regulation and the revocation of, ending of or refusal to renew subsidiary protection of a person who obtained that status following an application for asylum, are both</p>

⁴⁴ COM(2016) 467 final.

<p>the Action Plan on the integration of third country nationals of 7 June 2016⁴⁵ aimed at the early, effective and successful integration of resettled persons. However, these measures are at odds with subsidiary protection status, as Member States must re-examine a person's protection status, which might lead to this person's refugee status not being recognised. This means that a person in need of international protection risks being removed or returned to the third country or country of origin.</p>	<p>governed by the same provisions of the Qualification Directive. The Commission considers that the existing rules are therefore sufficient to address the European Economic and Social Committee's concerns.</p>
<p>2.9.1. The European Economic and Social Committee recommends that, beyond just consultation, the Commission's annual resettlement plan should be drawn up in conjunction with the High-Level Committee, and its implementation should be mandatory. This Committee should be jointly chaired by the European Commission and Parliament, working in close cooperation with civil society. As the voice of civil society, the European Economic and Social Committee should also be represented as a member of the High-Level Committee, or at the very least as a permanent participant with observer or advisory status.</p> <p><i>Jointly addressed with point 1.12.</i></p> <p>1.12. The European Economic and Social Committee expects to be involved in the High-Level Resettlement Committee that is to be set up.</p>	<p>The European Commission notes that the proposal for the Union Resettlement Framework Regulation already foresees that the European Commission should take into account the discussions within the High-Level Resettlement Committee when making a proposal for the annual Union resettlement plan, a Council implementing act in accordance with Article 291(2) TFEU. The Commission proposal does not require any amendment in this respect.</p> <p>Any formal role of the High-Level Resettlement Committee in the adoption of the proposal for the annual Union resettlement plan would be contrary to the TFEU that reserves the legislative powers to the Institutions.</p> <p>Given the nature of the issues to be addressed by the High-Level Resettlement Committee and having in mind the principle of institutional balance as set out in the TFEU, the</p>

⁴⁶ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, OJ L 337, 20.12.2011.

⁴⁵ COM(2016) 377 final.

	<p>European Commission does not find it appropriate that the Commission and the European Parliament co-chair the Committee. The Commission will take into account the suggestion on the involvement of the European Economic and Social Committee and civil society in the High-Level Resettlement Committee in the context of interinstitutional negotiations.</p>
<p>2.9.2. The European Economic and Social Committee calls for a Union Agency for Asylum, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration to be permanent members of the High-Level Committee.</p> <p><i>Jointly addressed with point 1.13.</i></p> <p>1.13. The European Economic and Social Committee also calls for the Office of the United Nations High Commissioner for Refugees to be permanently involved in the High-Level Resettlement Committee. Broadly speaking, the Commission proposal is not clear as to how, and by means of what procedures, people in need of international protection are to be identified (by the Office of the United Nations High Commissioner for Refugees or by the Member States), nor what role the European Union Agency for Asylum will play in these procedures.</p>	<p>The European Commission will take into account the suggestion in the context of interinstitutional negotiations. The European Commission notes that any amendment of its proposal would need to respect the limits of the mandates of the Office of the United Nations High Commissioner for Refugees or International Organization for Migration.</p>
<p>3.1.2. The European Economic and Social Committee calls on the European Union and Member States to fulfil the relocation and resettlement commitments previously made in the Council Decisions of July and September 2015, to pay more attention to the limited capacity of a Member State such as Greece to take in people, and to step up their efforts to establish a solidarity-based</p>	<p>The European Commission supports a swift adoption of the proposed Union Resettlement Framework Regulation by the co-legislators and welcomes the progress made in the implementation of the resettlement Conclusions of 2015. In 2015 and 2016 Member States received 2.4 million asylum applications from third-country</p>

Union Resettlement Framework and a Common European Asylum System. In the light of the 65.3 million people seeking international protection worldwide (Office of the United Nations High Commissioner for Refugees' figures), the European Economic and Social Committee recommends demonstrating greater commitment and resettling far more than 20 000 persons in need of protection per year.

nationals and granted international protection to more than 900 000 people over the same period. Increased resettlement efforts of the Member States should therefore also be seen in this context. The European Commission would also like to refer to its response to point 2.6.1 and to point 2.6.2.

The European Commission's proposals to reform the Common European Asylum System also aim at establishing a fair sharing of responsibility based on solidarity, and the European Commission hopes for the swift adoption of these legislative proposals.

<p>N°11 Decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast) COM(2016) 411 final - EESC 2016/5280 - SOC/549 522nd Plenary Session - January 2017 Rapporteur: Mr Christian BÄUMLER (GR11-DE) DG JUST – Commissioner JOUROVÁ</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>The opinion voices strong support in all main areas in which the Commission proposes changes (parental responsibility).</p>	<p>The European Commission is grateful for the overall support to the proposal and endorsement of specific measures to improve efficiency of the proceedings such as abolition of <i>exequatur</i>, improvement of the actual enforcement of judgments or simplification of the placement decision and measures to speed up return of the child in case of parental child abduction between European Union Member States.</p>
<p>The European Economic and Social Committee considers that the scope of application of the Regulation needs to be clarified. It is not clear from the Commission’s proposal whether new forms of marriage and divorce are covered by the Regulation.</p>	<p>The European Commission proposed changes only for parental responsibility matters. It did not envisage changes for matrimonial matters as the assessment of the Regulation showed that it works largely satisfactorily in that respect. In particular, solid data to have a clear overview of the scale of any possible problems in the area of matrimonial matters is not available. The European Commission will continue to work closely with Member States and endeavour to collect more data should there be a possible revision of the provisions dealing with matrimonial matters at a later stage. In any event, this instrument does not cover the</p>

	institution of marriage; therefore its definition cannot be included therein.
<p>The European Economic and Social Committee considers that there is a need for regulation in cases where one parent does not come from the European Union.</p>	<p>The Regulation applies to all courts in one of the Member States notwithstanding the nationality of the parents and the child (European Union or third country nationals) and their habitual residence. The provisions supplementing the 1980 Hague Child Abduction Convention, however, only apply to child abductions between two European Union Member States because they establish a mutual cooperation mechanism which this Regulation cannot impose on non-European Union Member States.</p>
<p>The European Economic and Social Committee believes that minimum standards for the hearing of a child could help to avoid refusal of recognition. Examples include the minimum age at which a child can be the subject of a hearing, but not procedural questions that go beyond this, such as who is to question the child. This ought to continue to be a matter for the Member States.</p>	<p>The proposal leaves Member States' rules and practices on how to hear a child untouched, but requires mutual recognition between the legal systems. This means that an obligation to give the child who is capable of forming his or her own views an opportunity to express these views is made explicit in the Regulation. Notably a distinction is made, as it is the case in the respective Article of the Charter of Fundamental Rights, between which a child needs to be given the opportunity to be heard on the one hand (i.e. a child capable of forming/expressing his or her own views) and what weight the judge shall give to the child's views on the other hand (which depends on the age and maturity of the child).</p> <p>The European Commission is of the opinion that an age limit (be it 14 years or lower) for the right to be heard would run contrary to the United Nations Convention on the Rights of</p>

	<p>the Child principles because under Article 12 of that Convention (ratified by all European Union Member States), any child capable of forming his or her own views shall enjoy the right to express those views freely in all matters affecting the child, regardless of his or her age.</p>
<p>The European Economic and Social Committee welcomes the fact that the Commission proposal stipulates that the placement of the child in a foster family or institutional care in another Member State shall in every case be conditional on the host country's consent. The European Economic and Social Committee also recommends that accommodating the child within his or her family should be a priority; if this is not possible or not in line with the best interest of the child, alternative foster family or community-based care should be provided.</p>	<p>The proposal establishes a procedure for a compulsory consent to be applied to all cross-border placements which is flanked by a time limit of eight weeks for the requested Member State to respond to the request.</p> <p>The Regulation being an instrument of cross-border judicial cooperation cannot "prescribe" which protection measure – either placement of a child with a family or with an institution – should have priority since each case needs to be assessed separately, based on its merits. Therefore, it is a matter of national substantive law to give guidance to a judge.</p> <p>Nonetheless, the proposal (Recital 51) recalls that any long-term placement of a child abroad should be in accordance with Article 24(3) of the Charter of Fundamental Rights of the European Union (right to maintain personal contact with parents) and with the provisions of the United Nations Convention on the Rights of the Child, notably Articles 8, 9 and 20. In particular, when considering solutions, due regard should be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.</p>

The European Economic and Social Committee considers that it is particularly crucial to conclude bilateral agreements on the return of abducted children with those States which are not party to the 1980 Hague Child Abduction Convention.

The European Commission actively supports the Hague Conference on Private International Law in its efforts to raise the number of third countries accessing the 1980 Hague Abduction Convention which, with 96 Contracting Parties, proved to be a very successful instrument in this area. The Commission informs the European Economic and Social Committee that Regulation (EC) No 664/2009 of the European Parliament and of the Council of 7 July 2009 establishing a procedure for the negotiation and conclusion of agreements between Member States and third countries concerning jurisdiction, recognition and enforcement of judgments and decisions in matrimonial matters, matters of parental responsibility and matters relating to maintenance obligations, and the law applicable to matters relating to maintenance obligations⁴⁷, establishes a procedure in order for Member States to be authorized by the European Commission, under certain conditions, to negotiate and conclude bilateral agreements with third States also on the matter of child abduction.

⁴⁷ OJ L 200, 31.7.2009, pp. 46-51.

<p>N°12 Participation of the Union in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) jointly undertaken by several Member States COM(2016) 662 final – EESC 2017/0045 – REX/481 522nd Plenary Session - January 2017 Rapporteur: Mr Emilio FATOVIC (GRII-IT) DG RTD – Commissioner MOEDAS</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>1.1. In line with a great many previous opinions, the European Economic and Social Committee supports the proposal to participate in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) Programme for the purpose of developing common innovative solutions for making water supplies and food production in the Mediterranean safer and more effective, efficient and sustainable in terms of the environment and costs.</p>	<p>The European Commission welcomes the European Economic and Social Committee opinion reassures the European Economic and Social Committee that this opinion has been taken duly into account in the interinstitutional negotiations .</p>
<p>5.1. The European Economic and Social Committee notes that not all Mediterranean countries are on board the initiative. In principle, any other Member State or third country should be entitled to participate in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) provided they contribute to the funding. It notes, however, that the General Assembly of PRIMA-IS, comprising representatives of national governments, will be required to approve the entry of new third countries unanimously. Depending on the political and social conditions prevailing in the applicant third country, the European Economic and Social Committee would advise the European Union to take a more inclusive stance by avoiding unanimous</p>	<p>The European Commission fully shares the concern of the European Economic and Social Committee to keep the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) initiative open and is working in the interinstitutional process on defining a transparent and inclusive procedure and conditions necessary for joining the initiative. Recently, four new Participating States, Algeria, Croatia, Slovenia and Turkey have announced their intention to join.</p> <p>The European Commission recognises the importance of addressing a broad range of Technology Readiness Levels in the Partnership for Research and Innovation in the Mediterranean Area</p>

<p>voting, as this could be tantamount to some states exercising a veto over others. It should be replaced by a qualified majority vote.</p> <p>It also advocates including in the programme's implementing activities a broad range of Technology Readiness Levels covering all stages of scientific production.</p>	<p>(PRIMA) implementation. The European Commission is of the opinion that appropriate solutions were found during the interinstitutional negotiations on this issue.</p>
<p>1.9., 5.2. The European Economic and Social Committee calls for the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) to be genuinely cross-cutting in relation to all other European Union policies and initiatives, whether up and running or still in the pipeline, so as to maximise its own impact. It draws particular attention to the need to proceed in tandem with the package on the circular economy. This will play a crucial role in the sustainable use of water and in sustainable agricultural and food production (e.g. land use and fertilisers).</p>	<p>The European Commission fully agrees to the European Economic and Social Committee opinion on the necessity of a cross-cutting approach for the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) in view of maximising the impacts. The European Commission will encourage synergies with related policies and initiatives, including sustainability and circular economy perspectives.</p>
<p>1.8., 5.2.1. The European Economic and Social Committee believes that the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) initiative is a reminder of the urgent need for a <i>Soil Framework Directive</i> that takes account of the differences between the various Member States, something that is imperative to ensure that innovation and research work is as well-defined and targeted as possible.</p>	<p>While no legislative link between the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) and the Soil Framework Initiative is envisaged, the European Commission takes note of the suggestions expressed by the European Economic and Social Committee.</p>
<p>5.3. The European Economic and Social Committee advocates a multilevel approach with the active involvement of organised civil society. This could play a key role not just for achieving and disseminating specific objectives, but also more generally for</p>	<p>The European Commission fully agrees with the European Economic and Social Committee on the importance of active involvement of organised civil society. Already during the Impact Assessment, accompanying the</p>

<p>democratisation and bolstering human rights protection in a number of third countries. It therefore hopes that civil society will be able to participate directly, in the form of a consultative committee, including the General Assembly of PRIMA-IS, in order to strengthen governance and help to jointly ascertain and monitor the programme's economic and social impact.</p>	<p>European Commission proposal for the Partnership for Research and Innovation in the Mediterranean Area (PRIMA), all the stakeholders were invited to express their views on the initiative.</p> <p>The European Commission will promote developing a regular dialogue with representatives of civil society throughout the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) implementation.</p>
<p>1.11., 5.4. In the event of it being impossible to finance one or more projects out of national funds through the national funding bodies because the national allocation has been used up, the European Economic and Social Committee proposes that these projects be funded with the support of General Assembly of PRIMA-IS. European Union funding for this purpose may not exceed 20% of the European Union's overall contribution and, should the additional funding be insufficient, the next project on the list will be selected. This will be essential for maintaining the high quality of projects completed.</p>	<p>The insufficient funding for excellent national proposals financed by national contributions is indeed a concern of many Member States.</p> <p>The European Commission is of the opinion that an appropriate mechanism was found, during the interinstitutional process, in order to address this issue within the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) initiative.</p>
<p>1.12., 5.5. The European Economic and Social Committee welcomes the possibility of bodies from Member States that have not joined the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) being eligible for funding where they have competences that the countries that have joined do not. In such circumstances, their financial contribution should not be more than 50% of eligible costs for "research and innovation</p>	<p>The European Commission supports the European Economic and Social Committee's opinion on keeping the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) initiative open to entities from Member States that have not joined the Partnership for Research and Innovation in the Mediterranean Area (PRIMA), and is of the opinion that appropriate solutions in the conditions</p>

<p>activities" and should be between 35% and 50% for eligible costs for "innovation activities". This will help to maintain a high level among projects carried out with a European Union perspective and at the same time support countries intending to join and finance the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) Programme.</p>	<p>for joining the initiative by such entities were found during the interinstitutional process.</p>
<p>5.6. The European Economic and Social Committee reiterates the need to address the issue of water in a comprehensive manner, taking account of the environmental, economic and social perspective and covering the entire water cycle, including artificial stages made possible by new technologies, in the interests of sustainable development. The European Union needs to develop a fairer approach to water abstraction, one that meets the requirements of competing economic and energy sectors, the need to conserve fresh-water ecosystems and the obligation to uphold a fundamental citizens' right.</p>	<p>In the Impact Assessment accompanying the European Commission proposal, and in the proposal itself, the importance of covering the entire water cycle was already highlighted. The European Commission shares the European Economic and Social Committee opinion of the importance of a global approach for the Partnership for Research and Innovation in the Mediterranean Area (PRIMA), integrating the environmental, economic and social perspective.</p>
<p>5.7. The European Economic and Social Committee notes that one of the main problems in the Mediterranean, particularly on the African side, is the loss of traditional, sustainable agricultural techniques arising from the brain drain (mostly involving young people). It would recommend that studies and research with high added value under Horizon 2020 explore financially accessible and easily transferable processes with a significant social impact, so as to preserve this knowledge and promote economic growth and employment.</p>	<p>The European Commission recognises the need for supporting traditional sustainable agricultural knowledge and will encourage the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) consortium to reflect on it in the subsequent Annual Work Plans.</p>