

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

EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

PLENARY SESSIONS OF MARCH AND APRIL 2016

N°	Title	References	Plenary Month
SG			
1. DG ECFIN co-lead	Steps towards completing Economic and Monetary Union Communication from the Commission to the European Parliament, the Council and the European Central Bank on Steps towards completing Economic and Monetary Union Commission Decision (EU) No 2015/1937 of 21 October 2015 establishing an independent advisory European Fiscal Board Rapporteur: Carmelo CEDRONE (GR II – IT)	COM(2015) 600 final C(2015) 8000 final EESC-2015-06709-00-02-PA-TRA ECO/394	March
2. DG ENER co-lead	State of the Energy Union 2015 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank – State of the Energy Union 2015 Rapporteur: Stéphane BUFFETAUT (GR I - FR)	COM(2015) 572 final EESC-2015-06766-00-01-AS-TRA TEN/580	April
SRSS			
3.	Structural Reform Support Programme Proposal for a Regulation of the European Parliament and of the Council on the establishment of the Structural Reform Support Programme for the period 2017 to 2020 and amending Regulations (EU) No 1303/2013 and (EU) No 1305/2013 Rapporteur: Ioannis VARDAKASTANIS (GR III – EL)	COM(2015) 701 final - 2015/0263 COD EESC-2016-00122-00-01-PA-TRA ECO/398	March

DG MOVE			
4. DG MARE associated	European Maritime Safety Agency Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency Rapporteur: Jan SIMONS (GRI – NL)	COM(2015) 667 final - 2015/0313 COD EESC-2016-00622-00-00-PA-TRA TEN/586	March
DG GROW			
5.	Upgrading the Single Market Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Upgrading the Single Market: more opportunities for people and business Rapporteur: Antonello PEZZINI (GRI – IT)	COM(2015) 550 final EESC-2015-05324-00-00-PA-TRA INT/773	March
6.	Public procurement/asylum crisis (communication) Communication from the Commission to the European Parliament and the Council on Public Procurement rules in connection with the current asylum crisis Rapporteur: Erik SVENSSON (GRI - SE)	COM(2015) 454 final EESC-2016-00076-00-00-00-AS-TRA INT/776	April
7.	Control of the acquisition and possession of weapons Proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons Rapporteur: Paulo BARROS VALE (GRI - PT)	COM(2015) 750 final – 2015/0269 COD EESC-2015-06789-00-00-AS-TRA INT/777	April

DG FISMA			
8.	Prospectus Regulation Regulation of the European Parliament and of the Council on the prospectus to be published when securities are offered to the public or admitted to trading Rapporteur: Milena ANGELOVA (GRI – BG)	COM(2015) 583 final - 2015/0268 COD EESC-2015-05834-00-01-APA-TRA ECO/388	March
9.	European Deposit Insurance Scheme Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 806/2014 in order to establish a European Deposit Insurance Scheme Rapporteur: Daniel MAREELS (GRI – BE)	COM(2015) 586 final - 2015/0270 COD EESC-2015-06357-00-00-PA-TRA ECO/393	March
10.	Exemptions for commodity dealers Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 575/2013 as regards exemptions for commodity dealers Rapporteur: John WALKER (GRI - UK)	COM(2015) 648 final – 2015/0295 (COD) EESC-2016-00642-00-00-AS-TRA INT/782	April
11.	Retail financial services and insurance Green Paper on retail financial services - Better products, more choice, and greater opportunities for consumers and businesses Rapporteur: Milena ANGELOVA (GRI - BG)	COM(2015) 630 final EESC-2015-06603-00-00-AS-TRA INT/772	April

DG HOME			
12.	<p>European Agenda on Security</p> <p>Communication from the Commission to the European Parliament and the Council implementing the European Agenda on Security: EU action plan against illicit trafficking in and use of firearms and explosives</p> <p>Proposal for a Directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism</p> <p>Rapporteur: Cristian PÎRVULESCU (GRIII – RO)</p>	<p>COM(2015) 624 final</p> <p>COM(2015) 625 final - 2015/0281 COD</p> <p>EESC-2016-00019-00-00-PA-TRA</p> <p>SOC/528</p>	March
DG ECFIN			
13.	<p>Euro area economic policy</p> <p>Recommendation for a Council Recommendation on the economic policy of the euro area</p> <p>Rapporteur: Michael IKRATH (GRI – AT) Corapporteur: Anne DEMELENNE (GRII – BE)</p>	<p>COM(2015) 692 final</p> <p>EESC-2015-06712-00-00-PA-TRA</p> <p>ECO/397</p>	March
14 DG ECFIN co-lead	<p>Euro area external representation</p> <p>Communication from the Commission to the European Parliament, the Council and the European Central Bank - A roadmap for moving towards a more consistent external representation of the euro area in international fora</p> <p>Proposal for a Council Decision laying down measures in view of progressively establishing unified representation of the euro area in the International Monetary Fund</p> <p>Rapporteur: Petr ZAHRAVNÍK (GRI – CZ)</p>	<p>COM(2015) 602 final</p> <p>COM(2015) 603 final - 2015/0250 (NLE)</p> <p>EESC-2015-05877-00-00-PA-TRA</p> <p>ECO/392</p>	March

15.	Establishment of national competitiveness boards within the euro area Recommendation for a Council Recommendation on the establishment of National Competitiveness Boards within the Euro Area Rapporteur: Thomas DELAPINA (GRII – AT) Corapporteur: David CROUGHAN (GRI – IE)	COM(2015) 601 final EESC-2015-06711-00-00-PA-TRA ECO/395	March
SJ			
16.	Company law Proposal for a Directive of the European Parliament and of the Council relating to certain aspects of company law (codification) Rapporteur: Jorge PEGADO LIZ (GRIII - PT) Corapporteur: Roger BARKER (GRI - UK) Corapporteur: Christophe LEFÈVRE (GRII - FR)	COM(2015) 616 final – 2015/0283 (COD) EESC-2016-00895-00-01-AS-TRA INT/780	April
DG CNECT			
17.	Modernisation of copyright rules Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Towards a modern, more European copyright framework Rapporteur: Denis MEYNENT (GRII - FR)	COM(2015) 626 final EESC-2016-00030-00-03-AS-TRA INT/774	April
18.	Portability of online content services Proposal for a Regulation of the European Parliament and of the Council on ensuring the cross-border portability of online content services in the internal market Rapporteur: Bernardo HERNÁNDEZ BATALLER (GRIII - ES)	COM(2015) 627 final – 2015/0284 (COD) EESC-2016-00719-00-00-00-AS-TRA INT/781	April

DG TRADE			
19.	International Procurement Instrument Amended proposal for a Regulation of the European Parliament and of the Council on the access of third-country goods and services to the Union's internal market in public procurement and procedures supporting negotiations on access of Union goods and services to the public procurement markets of third countries Rapporteur: Mário SOARES (GRII - PT)	COM(2016) 34 final – 2016/0060 (COD) EESC-2016-01578-00-00-AS-TRA REX/465	April
20.	Trade for All Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Trade for All – Towards a more responsible trade and investment policy Rapporteur: Jonathan PEEL (GRI - UK)	COM(2015) 497 final EESC-2015-02717-00-00-AS-TRA REX/449	April
DG EMPL			
21.	Fairer labour mobility within the EU Rapporteur: Laura GONZÁLEZ DE TXABARRI ETXANIZ (GRII - ES) Corapporteur: Dorthe ANDERSEN (GRI - DK)	EESC-2016-00258-00-02-AS-TRA SOC/531 Exploratory opinion requested by the Dutch presidency	April
22.	Integration of refugees in the EU Rapporteur: Christa SCHWENG (GRI - AT) Corapporteur: Panagiotis GKOFAS (GRIII - EL)	EESC-2016-00262-00-00-AS-TRA SOC/532 Exploratory opinion requested by the Dutch presidency	April

DG TAXUD			
23.	<p>Anti-tax-avoidance package</p> <p>Proposal for a Council Directive laying down rules against tax avoidance practices that directly affect the functioning of the internal market</p> <p>Proposal for a Council Directive amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation</p> <p>Rapporteur: Petru SORIN DANDEA (GRII - RO) Corapporteur: Roger BARKER (GRI - UK)</p>	<p>COM(2016) 26 final – 2016/0011 (CNS)</p> <p>COM(2016) 25 final – 2016/0010 (CNS)</p> <p>EESC-2016-01284-00-01-AS-TRA</p> <p>ECO/405</p>	April
DG ENV			
24. SG D3 co-lead	<p>Circular economy package</p> <p>Proposal for a directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste</p> <p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Closing the loop - An EU action plan for the circular economy</p> <p>Proposal for a directive of the European Parliament and of the Council amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment</p> <p>Proposal for a directive of the European Parliament and of the Council amending Directive 1999/31/EC on the landfill of waste</p> <p>Proposal for a directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste</p> <p>Rapporteur: Cillian LOHAN (GRIII - IE)</p>	<p>COM(2015) 595 final – 2015/0275 (COD)</p> <p>COM(2015) 614 final</p> <p>COM(2015) 593 final – 2015/0272 (COD)</p> <p>COM(2015) 594 final – 2015/0274 (COD)</p> <p>COM(2015) 596 final – 2015/0276 (COD)</p> <p>EESC-2016-00042-00-00- AS -TRA</p> <p>NAT/676</p>	April

DG JUST			
25.	Digital contract rights Proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the supply of digital content Proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the online and other distance sales of goods Rapporteur: Jorge PEGADO LIZ (GR III - PT)	COM(2015) 634 final – 2015/0287 COD COM(2015) 635 final – 2015/0287 COD 2015/0288 COD EESC-2015-06292-00-00-AS-TRA INT/775	April
DG ENER			
26. EEAS associated	External dimension of the EU's energy policy Rapporteur: Vitas MAČIULIS (GR III - LT)	EESC-2016-00083-00-00-AS-TRA REX/459 Exploratory opinion requested by the Dutch presidency	April

<p>N°1 Steps towards completing Economic and Monetary Union COM(2015) 600 final, C(2015) 8000 final – EESC 2015/6709 - ECO/394 515th Plenary Session - March 2016 Rapporteur: Mr Carmelo CEDRONE (GRIT-IT) SG – Vice-President DOMBROVSKIS</p>	
Points of the EESC opinion considered essential	Commission position
<p>3.3.1. The approach pursued throughout the crisis is upheld here – to the extent that one has the impression of having read the Communication many times before. The EESC has already given its views on the same points on many occasions, making proposals different from those put forward by the Commission and the Member States. The EESC considers that, on these and other issues, the Commission must exercise its power of initiative to the full and with greater conviction.</p>	<p>The Communication on Steps towards completing Economic and Monetary Union¹ and its accompanying proposals take forward all key elements of Stage 1 of the process to deepen EMU, as outlined in the Five Presidents' Report. The Report proposes an ambitious yet pragmatic roadmap for completing the EMU. Translating the Five Presidents' Report into action requires a shared sense of purpose among the euro area Member States and EU institutions, while keeping the process open to all EU Member States.</p>
<p>3.3.2. The same applies to the major social repercussions arising from unemployment in many euro area countries, an issue which, like competitiveness and economic and political governance, should be a priority for EMU. There are no specific proposals and no proposal for a solidarity mechanism, and it is unclear what is meant by the "European pillar of social rights" (maybe the rights already in place in</p>	<p>The Commission has already taken several steps to enhance the focus on employment and social issues in the context of the European Semester and the process of completing EMU. This includes a stronger focus on social aspects in the country reports, the country-specific recommendations and in the Macroeconomic Imbalances Procedure. Greater attention is also</p>

¹ COM(2015) 600 final.

individual countries?).	given to the social fairness of macroeconomic adjustment programmes. The involvement of social partners, both at national and EU level, in the Semester process is increased. Convergence towards best practice in the employment and social policy is promoted. The Commission also put forward its proposals for a European pillar of social rights on 8 March 2016 ¹ . The consultation phase is ongoing.
3.3.3. Regarding the Semester, the Communication keeps to the status quo without making any real changes, to the method or anything else. The EESC had hoped for changes to macroconditionality and a stronger Interparliamentary Conference. Without such changes, Member State budgets may well remain outside the scope of any democratic supervision.	The European Semester has become an important vehicle for delivering reforms at national and EU level. The process has been continuously improved, to capitalise on its strengths and to address its weaknesses. Some further adjustments, as presented in the Commission's Communication on Steps towards completing EMU ² , can bring additional benefits. This notably includes better integrating the euro area and national dimensions, a stronger focus on employment and social performance, promoting convergence by benchmarking and pursuing best practice, and the support to reforms from European Structural and Investment Funds and technical assistance. At the same time, several steps are outlined in the Communication to strengthen the (inter)parliamentary oversight of the Semester process.

¹ COM(2016) 127 final.

² COM(2015) 600 final.

<p>3.3.4. There is a reference to an EMU budget when talking about EMU stabilisation, but in reality this is the sum of national budgets or the national budgets themselves, which is quite different from a real euro area budget. Nor is there any mention of existing sovereign debt or a possible common sovereign debt, if necessary, or of a European tax to cover the costs of immigration, refugees and security.</p>	<p>The Commission would like to refer to the Five Presidents' Report, in which the option of a fiscal stabilisation function for the euro area is mentioned as a project for Stage 2 of completing EMU and under the conditions of stronger convergence and further pooling of decision-making on national budgets. The exact design of such a euro area stabilisation function requires more in-depth work. The Commission will soon establish an expert group that will also investigate this issue.</p>
<p>3.4.4. The superficial approach to the democratic legitimacy of the Semester, other EMU policies or the other mechanisms proposed is symptomatic. It is half-hearted, given the position of the various countries, paying lip service to democracy. This is perhaps the weakest aspect of the entire proposal, at least as it stands at present, pending stage two, which must be built on requests for contributions and support from civil society and the political level.</p>	<p>Effective democratic legitimacy and accountability are crucial for strengthening the ownership of the process towards completing EMU. The Communication on Steps towards completing EMU¹ mentions several initiatives in that respect. This includes for example a deeper and more permanent dialogue with the Member States, creating better conditions for stronger parliamentary oversight, both at national and European level, and encouraging stronger inter-parliamentary cooperation. It also includes some steps to facilitate stronger involvement of social partners and other stakeholders.</p>
<p>3.3.7. The preparation of stage two (completing EMU), which is a priority and fundamental for making the rest of the proposals credible, is based on the presentation of a white paper, previous</p>	<p>Regarding the proposals for Stage 2 of the completing EMU process, the Commission has launched a consultation process, which is broad-based, transparent and inclusive and</p>

¹ COM(2015) 600 final.

<p>hearings and public dialogues, without any explanation of how they should be organised and excluding the partners represented in the EESC. This is an insufficient basis. The national and European parliaments, for instance, should be involved.</p>	<p>allows all stakeholders, including social partners and citizens, to give their views. The Commission will also soon establish an Expert Group to explore the legal, economic and political preconditions that will inform the more long-term proposals as outlined in the Five Presidents' Report. The implementation of Stage 1, the outcome of the consultation and the work of the Expert Group should contribute to shaping a consensus for more fundamental steps ahead.</p>
<p>4.1. The Commission decision fails to justify the establishment of [the European Fiscal Board], tasked with providing an evaluation of the implementation of the EU's fiscal framework, in particular as regards the horizontal consistency of decisions touching on budgetary surveillance; its establishment duplicates the role and responsibilities already performed by the Commission regarding the new tasks assigned by the European model of governance.</p>	<p>The European Fiscal Board will contribute in an advisory function to multilateral surveillance in the euro area. The Board should provide an evaluation of the implementation of the EU fiscal framework, in particular regarding the horizontal consistency of the decisions and implementation of budgetary surveillance and cases of particularly serious non-compliance with the rules. Moreover, the Board should also contribute to a more informed discussion of the overall implications of budgetary policies at euro area and national level, with a view to achieving an appropriate fiscal stance for the euro area. Finally, the Board will cooperate with the national fiscal councils to promote common understanding of the EU fiscal framework and best practices.</p>

<p>N°2 State of the Energy Union COM(2015) 572 final – EESC 2015/6766 – TEN/580 516th Plenary Session – April 2016 Rapporteur: Mr Stéphane BUFFETAUT (GRI-FR) SG – Vice-President ŠEFČOVIČ</p>	
Points of the EESC opinion considered essential	Commission position
<p>1.7. [...] The EESC believes that the social dimension of the Energy Union is given insufficient attention and that this aspect should be among the criteria for evaluating the Energy Union. The Union should have a positive impact on job creation, competitiveness and innovation but could affect certain sectors, resulting in the need for social assistance and training. These measures must be preventative in order to make sure that the workers concerned do not lose their jobs and that the training measures set up anticipate future developments in the energy sector. The social dimension should therefore be included among the evaluation criteria in the next annual report. Similarly, it is vital to consider the economic repercussions of the choices involved in the energy transition, particularly because the social fallout is closely linked to those economic repercussions.</p>	<p>The Commission agrees with the importance of taking social considerations into account when designing the detailed deliverables of the Energy Union. In this vein, the Energy Union Framework Strategy (COM(2015) 80 final) sets out a vision of an Energy Union “with citizens at its core”. It envisages an Energy Union in which citizens have a stake in the energy transition, where they play an active part in markets, and where vulnerable consumers are protected, as also pointed out in the Communication adopted in 2015, "Delivering a New Deal for Energy Consumers" (COM(2015) 339 final). The Commission intends to further address the issue when coming up with a new electricity market design later in 2016, and will continue improving the data material in order to better address consumer and social issues in its annual monitoring report as well as in the upcoming energy prices and costs report.</p> <p>In parallel, the Commission is currently assessing different initiatives to better link up the Energy Union with the New</p>

	Skills Agenda for Europe.
<p>1.8. As regards energy efficiency, the European Commission considers that this is an energy source in its own right. The EESC strongly discourages this wording which promotes confusion and is scientifically inaccurate: no primary energy source can ever be replaced by energy savings. This comment by no means undermines the fact that energy efficiency is extremely important for the future of the European energy system. Improving energy efficiency in all areas in which energy is used can prove to be a significant means of reducing costs for the European economy.</p> <p>[See also point 3.6.]</p>	<p>When talking about treating energy efficiency as an energy source in its own right, the Commission is referring to the importance of giving energy efficiency/ savings a value. In addition, when planning an energy system, energy efficiency measures should be taken into account from the outset (and not as an afterthought). This should ultimately lead to a reduced energy demand and thereby also to a reduced need for investments in new (large) power generation.</p>
<p>1.9. In addition to the social partners, the EESC would like to see civil society involved in the annual report process. This European process is profoundly relevant to consumer associations, representative family associations, business representatives, farmers, environmental associations, scientists and researchers – civil society in fact. This is why the EESC advocates setting up a European energy dialogue, which would enable civil society to be more closely involved in discussing and establishing the EU's energy policy. This dialogue could be structured around the preparation of the annual report on the state of the Energy Union and focus on key points selected for the purpose of assessing its implementation.</p>	<p>The Commission fully acknowledges the importance of the civil society dialogue in order to implement the Energy Union. The importance given to this dialogue was also shown during the Energy Union Tour of Vice-President Šefčovič in 2015/2016. As regards the European energy dialogue, the Commission commented on this already as regards previous opinions.</p>
<p>1.10. As regards the statistical data, the EESC would point out that some of them are fairly old or even non-existent. Efforts</p>	<p>The Commission fully acknowledged in the Staff Working Document accompanying the State of the Energy</p>

<p>must therefore be made to obtain more up-to-date data from the Member States, as it will otherwise be difficult to monitor the effects of implementing the Energy Union.</p>	<p>Union 2015 on the monitoring of progress (SWD(2015) 243 final) that data gaps exist. In the context of the ongoing rationalisation of planning and reporting obligations, more work has to be done in view of shorter delays between the provision of data by Member States and their use in Commission publications. At the same time, the administrative burden for the Member States needs to be reduced.</p>
<p>3.9. It should be pointed out that the Commission acknowledges that consumers – individuals, families and businesses – want more transparency regarding energy prices and costs which, moreover, must be evaluated in comparison with the situation of our main competitors. The EESC strongly supports and has often called for such a transparent, simple approach. Nonetheless, in a time of rising energy poverty, the need for a universal energy service and for specific indicators on the potential role of services of general economic interest in this respect must be reaffirmed. [...]</p>	<p>The Commission will publish a new report on energy prices and costs later in 2016 and will do so biennially thereafter. This should provide more transparency as regards energy prices and costs.</p> <p>As regards energy poverty and the related issues, see comment on point 1.7.</p>
<p>3.13.1. With regard to decarbonisation, the Commission considers that the EU economy is the most carbon-efficient major economy in the world based on the fact that between 1990 and 2014 the EU's overall GDP grew by 46% while total greenhouse gas emissions decreased by 23%. However, the effects of the crisis which has hit the entire world and Europe in particular, along with persistent economic sluggishness and the deindustrialisation of the EU, still need to be factored into these figures which may be less flattering than they would appear.</p>	<p>The Commission performs on a regular basis <i>ex-post</i> evaluation of climate policies and publishes them on its website (http://ec.europa.eu/clima/policies/strategies/progress/index_en.htm). Evaluations confirm that innovation, including progress on renewable energy and energy efficiency, is the main driver behind the emission reductions in recent years, while the shift between economic sectors has had a marginal effect.</p>

<p>3.18. [...] the Commission is developing its strategy for the implementation of the Energy Union. It calls for a reliable and transparent governance process. However, the Commission adds that this process must be anchored in legislation, but the EESC considers that a policy cannot be boiled down to legislative procedures or administrative planning.</p>	<p>The Commission fully acknowledges the importance of setting in place a new political process for the attainment of the objectives of the Energy Union. In this vein the forthcoming legislative initiative on the Governance of the Energy Union will be instrumental to define a robust legal framework that provides stability for investors while ensuring the attainment of the goals of the Energy Union, including the agreed 2030 EU-level targets for energy and climate. The legal nature of the initiative will be important to guarantee the timely establishment and implementation of sound and ambitious Integrated National Energy and Climate Plans.</p>
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<p>N°3 Structural Reform Support Programme COM(2015) 701 final – EESC 2016/0122 - ECO/398 515th Plenary Session - March 2016 Rapporteur: Mr Ioannis VARDAKASTANIS (GR11–EL) SG/SRSS – Vice-President DOMBROVSKIS</p>	
Points of the EESC opinion considered essential	Commission position
<p>1.2. The EESC regrets that the total budget allocated to this fund falls far short of what is needed for the macroeconomic policy reforms in the EU; (...) regrets that the funding for the SRSP comes from existing ESIF (European Structural and Investment Funds) resources, and calls for a balance to be struck between the financial needs in the area of technical assistance in the ESIF and the financial needs in the area of technical support for the SRSP. The EESC calls for future reforms of the EU Multiannual Financial Framework to create a self-supporting structural reform support programme.</p>	<p>With respect to budget proposed for the Programme, the Commission took into account its experience in providing technical assistance to Greece and Cyprus, and the analysis of potential reform needs for other Member States in the context of economic governance processes, in particular as resulting from the Country Specific Recommendations (CSRs). The Commission believes that the proposed funding for the SRPS is adequate and the Programme envisages a smooth rising budget profile.</p> <p>The Structural Reform Support Programme (SRSP) will be financed out of redeployment of the appropriations for the provision of technical assistance at the initiative of the Commission under the European Structural and Investment Funds (ESIF). The appropriations for technical assistance available for the Member States under the respective allocations of the ESIF remain unchanged and untouched. The Commission would like to reassure the EESC that the funding of the SRSP through the redeployment of a limited</p>

	<p>part of these ESIF resources does not put the funding of technical assistance actions within ESIF at risk, since the Commission has verified that the coverage of expected needs in the next years for technical assistance centrally managed by the Commission will not be adversely affected, also bearing in mind the substantial increase of the resources for technical assistance under the ESIF in the 2014-2020 programming period.</p>
<p>1.3. (...) the EESC strongly recommends that the following conditions be guaranteed:</p> <ul style="list-style-type: none"> - Member States' contributions to the structural reforms pertaining to the SRSP are considered under the "structural reform clause" of the Stability and Growth Pact; (...) - the SRSP remains voluntary for Member States and does not involve compulsory, stigmatising procedures. 	<p>The SRSP will be financed from funding for technical assistance at the initiative of the Commission for the ESIF. The SRSP will not be financed by new contributions from Member States nor from the Member States' national allocations for Cohesion Policy (except in the case where a Member State chooses to provide a voluntary contribution to the SRSP under Article 25 of the ESIF Common Provisions Regulation).</p> <p>The conditions under which Member States can benefit from the so-called "structural reform clause" are set out in Articles 5 and 9 of Regulation (EC) No 1466/97. The operationalization of the clause is set out in the "Commonly agreed position on Flexibility within the Stability and Growth Pact (SGP)" endorsed by the ECOFIN Council on 12 February 2016.</p> <p>The SRSP proposal provides for Member States to request support from the Commission under the SRSP on a voluntary basis.</p>

<p>1.4. The EESC calls strongly for the inclusion of social partners and civil society in the SRSP, ensuring (that):</p> <ul style="list-style-type: none"> - (...) identification and initiation of the support includes broader consultation of the social partners and civil society, in line with national regulations; - (...) social and civil partners to be included in the design and monitoring of reform policy programmes at all levels (...); - the eligible actions include capacity building for social and civil society players involved in policy reform programmes. 	<p>The Commission supports the involvement of social partners and civil society in the preparation and implementation of reforms. In fact, the engagement of social partners and civil society in the reform process is often a key factor to the success of reforms. Such involvement should be achieved in accordance with the institutional framework and processes, as well as the legal set-up in place in each Member State.</p>
<p>1.5. (...) in view of the division of powers and responsibilities applying in each Member State and the Country Specific Recommendations often addressed to local and regional authorities, the programme must be open to local and regional authorities, which must be directly involved in putting together the structural reform project in question.</p>	<p>The SRSP proposal provides that the request for support may be submitted to the Commission by a Member State, i.e. by the central government authorities. This is done in order to allow an adequate steer, overview and coordination of the request for support (also in the ensuing implementing phase) by the potential beneficiary Member State as a whole.</p> <p>This means that authorities at regional and local levels should feed their needs upstream to the central government authorities, who will be the interlocutors of the Commission for the purpose of the SRSP. This needs to be implemented in accordance with the institutional and legal set-up of each Member State.</p> <p>Regions and local authorities can be recipients of support under the SRSP</p>

	<p>since several support actions can or will (also) benefit the regional or local levels.</p>
<p>1.6. (...) the list of indicators seems to be insufficient, requiring both updating and incorporation of the existing indicators from the ESIF.</p>	<p>The SRSP indicators are in line with other Commission programmes of similar type and size, such as Fiscalis 2020 and Customs 2020 and place emphasis on the results to be achieved.</p> <p>The Programme's objectives are linked to specific indicators and results on the ground. The SRSP includes output and result indicators, to be fixed in relation to the triggering events for requesting support under the programme (e.g. CSRs, economic adjustment programme, reforms initiated by the Member States). In addition, there will be qualitative result indicators, compiled through detailed feedback from the national authorities that receive support, as well as feedback from support providers by policy domain and the Member State concerned on the impact and/or results of the support.</p>
<p>1.7. (...) the Member States can extend the "Specific objectives and scope of the Programme" to other policy areas, such as combating poverty, human rights, transport policies, ICT and the implementation of sustainable development goals.</p>	<p>The Programme will provide support according to the specific needs of Member States. These needs can vary considerably among the Member States, while challenges and priorities can also change over time. Therefore, it is important to have a flexible programme that can provide support on the ground with a country-specific focus in an efficient and effective manner. The SRSP will be able to provide support on a broad spectrum of policy areas as long as the policy</p>

	objectives are in line with the Programme's general and specific objectives.
1.8. (...) the SRSP could make use of the current existing monitoring mechanisms for the ESIF, in order to ensure higher quality monitoring and evaluation, better coordination with the ESIF and the best value for money from the control mechanisms already in operation.	The monitoring and evaluation of the SRSP will be fully in line with the Financial Regulation. The programme will be administered as a "direct management" programme. Therefore, it would not be appropriate to use the ESIF monitoring mechanisms since they are designed for a much bigger budget administered under "shared management".
1.9. (... the) funds transferred to the new programme comply with the participatory requirements for social partners and civil society (...).	The Commission supports the involvement of social partners and civil society in the preparation and implementation of reforms. In fact, the engagement of social partners and civil society in the reform process is often a key factor in the success of reforms. Such involvement should be achieved in accordance with the institutional framework and processes, as well as the legal set-up in place in each Member State (see comment under point 1.4).

<p>N°4 Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency COM(2015) 667 final – EESC 2016/0622 - TEN/586 515th Plenary Session - March 2016 Rapporteur: Mr Jan SIMONS (GRI-NL) DG MOVE – Commissioner BULC</p>	
Points of the EESC opinion considered essential	Commission position
1.4. The EESC welcomes the proposal to expand the activities of EMSA, an agency that in recent years has made a real contribution to improving maritime safety and preventing and tackling pollution by ships; however, it has serious doubts as to whether EMSA has the human and financial resources to perform these additional activities properly.	The Commission notes the positive opinion of the Committee towards the work of the Agency and the proposal to expand its activities; it draws the EESC's attention to the legislative financial statement which accompanies the proposal and foresees an additional EUR 87 million to the Agency subsidy over four years as well as 17 new posts. The Commission considers that this is a significant increase of resources which will allow the Agency to perform the additional activities properly.
1.5. It is concerning that small boats made of rubber or wood cannot, or cannot easily, be detected on satellite images. The Commission believes that this limitation can be overcome using remotely piloted aircraft systems (RPAS, also referred to as drones). The Committee endorses this because it enables full surveillance, among other things in order to avoid the loss of human life.	The Commission welcomes the support of the EESC for the use of modern technologies such as Remotely Piloted Aircraft Systems (RPAS) to enrich the maritime picture and enhance EU maritime surveillance capabilities which will serve multiple purposes and help to address the most pressing challenges of border management and search and rescue.
1.7. In the EESC's view, closer cooperation and information exchange between the three EU agencies in question, and between them	The Commission welcomes the support of the EESC for the pragmatic approach relying on the operational

<p>and the national bodies carrying out coastguard functions, should result in an efficient and effective coastguard system. However, the EESC calls for a decision to be taken quickly: the urgency of the problems allows no delay.</p> <p>4.3. The EESC is in favour of expanding EMSA's activities, because EMSA is an organisation that, in recent years, has proved successful in guaranteeing a high level of maritime safety and security and has played a significant role in tackling pollution by ships.</p>	<p>capacities of the EU agencies to foster better cross-border and cross-sector cooperation amongst a very diverse and fragmented coast guard community in Europe. The co-legislator has now formally adopted on 14 September 2016 the revision of the mandates of the three agencies as part of the migration package.</p> <p>The Commission concurs with the EESC that the Agency has achieved excellent results in past years and has fulfilled its mandate of assisting the Commission and Member States to ensure a high level of maritime safety, security and prevention of pollution caused by ships.</p>
<p>4.4. Expanding EMSA's activities should result in improvements to the dissemination of real-time maritime surveillance data between the three EU agencies and national coastguard authorities, in the use of RPASs (drones) for surveillance of the EU's external maritime borders, in the availability of data collected by satellite, in better communication services in support of joint operations, and in much more focus on and investment in education and training.</p>	<p>The Commission welcomes the EESC's understanding of the scope and added-value of the additional activities proposed for the Agency building on its core task in the area of information sharing, maritime surveillance, training and capacity-building. The additional resources will be particularly essential to cover the costs of satellite AIS and satellite communication and to offer cost-efficient multipurpose RPAS services for the use of Member State Coast Guard bodies.</p>
<p>4.5. The EESC wonders why the Commission devotes a section to the fact that the European Space Agency (ESA) will stop providing Satellite Automatic Identification System services (SAT-AIS data) free of charge, without also referring to the financial sections of its proposal, in which funds are allocated for this purpose as</p>	<p>The Commission's intention was to emphasise the challenges of SAT-AIS financing and the absolute necessity to find alternative ways of pursuing the provision of data to the Agency so that the maritime picture which sustains the integrated maritime services provided by the Agency remains available.</p>

from 2017, while 2016 is expected to be covered via the Copernicus programme. The EESC trusts that the latter plan will be confirmed.	
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<p>N°5 Upgrading the Single Market COM(2015) 550 - EESC 2015/5324 - INT773 515th Plenary Session - March 2016 Rapporteur: Mr Antonello PEZZINI (GRI-IT) DG GROW – Commissioner BIENKOWSKA</p>	
Points of the EESC opinion considered essential	Commission position
The EESC has repeatedly stated that the single market is a centrepiece of European integration, with the potential to deliver directly-felt benefits and to generate sustainable growth for Europe's economies.	The Commission appreciates the Committee's support, over many years, for the single market programme.
<p>The EESC calls for green economy sectors to be given an important place in the implementation of the single market, promoting sustainable market models for production and consumption, by continuing to implement the principles of the circular economy and to tackle climate change by studying new indicators.</p> <p>With regard to the energy market, the EESC considers it necessary to step up efforts in the gas and electricity supply sector, and to apply the subsidiarity principle to energy storage distribution between different Member States.</p>	<p>The Commission welcomes this recommendation, which is related to work underway in its circular economy initiative¹.</p> <p>Top priorities of the Energy Union strategy adopted in February 2015 are to ensure a better functioning of the internal energy market, a strengthened energy security and an effective monitoring of energy prices and costs.</p>
The European Regional Development Funds and the European Social Fund should increasingly focus on the single market and on the social inclusion of European citizens	The Commission welcomes the Committee's focus on the single market dimension of these funds.

¹http://ec.europa.eu/environment/circular-economy/index_en.htm.

and workers.	
<p>The Worker Mobility Package should be geared towards removing all obstacles to the free movement of workers, while maintaining high levels of security. To this end, the EESC advocates closer coordination between social security systems, with the introduction of welfare bodies whose functions are recognised at European level. The EESC believes it is essential for the Treaty to be implemented in full with regard to workers' rights to information and consultation, and calls for greater worker involvement in business governance.</p>	<p>The Commission's upcoming package proposals on labour mobility announced in the Work Programme 2016 will aim at a balanced approach that maximises the benefits of labour mobility while minimising its unwanted effects. The objective is to have a deeper, better functioning and fairer European labour market.</p> <p>In this context, the Commission intends to propose a revision of the current rules on the coordination of social security systems to ensure that these rules continue being fit-for-purpose, clear and fair, and enable Member States to better prevent and fight fraud or abuse, while ensuring that free movement of workers is not hampered.</p>
<p>The EESC believes that consumers must be seen as active players in the single market and urges the Commission to play a more active role in coordinating EU law in this area and to improve dispute settlement mechanisms. Greater efforts are needed to increase product safety and boost market surveillance, especially with regard to scams in the digital market. To this end the Committee awaits the development of a rational collective redress mechanism that works at national and transnational level.</p>	<p>The Commission welcomes this recommendation and would like to highlight the following:</p> <p>Public enforcement mechanisms are also important to ensure consumer law is enforced, thus reducing the occurrence of disputes between traders and consumers. In this respect, and in the cross-border context, the Commission's proposal for a revised Consumer Protection Cooperation Regulation, adopted on 25 May 2016, as part of the Commission's e-commerce package, contains the following measures: exchange of market surveillance information among authorities which is strengthened and will allow consumer and trade associations as well as European</p>

	<p>Consumer Centres to signal illegal practices taking place in the Single Market. Authorities should have stronger powers to block websites containing scams and to research the identity of rogue traders, and they will also be in position to ensure that consumers that were harmed can receive compensation.</p> <p>A new framework for Alternative Dispute Resolution (ADR) of contractual consumer disputes was established in 2013 with the adoption of the Directive 2013/11/EU on consumer ADR. The Directive ensures that consumers and traders have access to quality ADR entities in virtually all economic sectors (both on- and off-line). The Commission is currently examining the national implementing measures Member States have communicated and is monitoring closely the implementation at national level.</p> <p>The Commission has furthermore developed a multilingual Online Dispute Resolution platform that provides consumers with an additional tool to resolve contractual disputes over online transactions. The platform was launched in 2016 and the Commission's priority now is to improve its uptake by consumers and traders (e.g. through communication activities).</p> <p>As regards product safety and market surveillance, the Commission regrets that its proposals for new Regulations on consumer product safety and market</p>
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	<p>surveillance remain blocked in the Council which prevents consumers, businesses and authorities to reap the benefits that the proposed package would bring.</p> <p>On collective redress mechanisms, the Commission would like to refer to the Recommendation of 11 June 2013 that establishes common principles for injunctive and compensatory collective redress mechanisms. The implementation of the Recommendation will be evaluated in 2017 and the Commission will decide on this basis about the need and form of possible future action at EU level.</p>
<p>The EESC believes that retail financial services should be improved in all countries and advocates the launch of one-stop shops and networks of information points in different countries, linked up to a central European system.</p>	<p>The Commission welcomes this recommendation, which is related to work underway in the Capital Markets Union initiative¹.</p>
<p>Social and collaborative entrepreneurship is crucial to social cohesion, in order to guarantee Europeans more efficient and sustainable economic growth.</p> <p>To this end, the EESC can contribute to the Commission's reflection and has already proposed a permanent structure² where the various aspects can be explored further.</p>	<p>The Commission Communication on the collaborative economy was adopted on 2 June 2016. It provides guidance on how the Services Directive, the E-Commerce Directive as well as the EU consumer law apply to this new business model. It will also give an insight into new best practices developing in Member States. In addition, the revised Guidance on the Unfair Commercial Practices Directive provides clarifications on how to apply</p>

¹ http://ec.europa.eu/finance/capital-markets-union/index_en.htm.

² OJ C 177, 11.6.2014, p. 1.

	this Directive in the collaborative economy.
European businesses, particularly SMEs, and micro-businesses especially, need a strong, dynamic single market, and the EESC agrees on the need for a legislative proposal on business insolvency and early restructuring and supports the proposal for a second chance for entrepreneurs. Importance should be attached in the proposal to protecting workers and consumers and the need to secure proper safeguards for them.	The Commission thanks the Committee for supporting European businesses and particularly SMEs and microenterprises, as well as for recognising that a stronger single market is an important means to strengthen their competitiveness. A more performant insolvency framework should help save viable businesses in financial distress from a possible liquidation by reinforcing pre-insolvency procedures and facilitating early restructuring. Preventing bankruptcy as well as efficient dealing with cases where bankruptcy cannot be avoided should best serve the purpose of protecting workers and consumers.
The EESC believes that more must be done among businesses and public authorities to promote the principle of mutual recognition of non-harmonised goods.	The Commission welcomes the Committee's support for more and better mutual recognition. Awareness-raising campaigns, targeting both national authorities and businesses, will be one of the main elements of the Action Plan on mutual recognition, expected in 2017.
The EESC highlights the need to reduce and eliminate administrative barriers that limit the development of businesses and that weigh principally upon SMEs and micro-businesses. The additional, superfluous requirements introduced by Member States should be removed if they run counter to a directive or its objectives; better monitoring of consistency is required from the Commission. The EESC emphasises that the specific conditions for independent	The Commission welcomes the Committee's support for reducing disproportionate administrative burden affecting SMEs, including micro-enterprises and independent professionals, in line with the commitments set out in the Better Regulation Agenda. The interinstitutional agreement (IIA) on Better Law-Making strengthens transparency concerning EU law

professionals should be retained, with more online cooperation between Member States' authorities.	transposition.
It is important to improve the effectiveness of the Services Directive and its notification procedures by preventing forms of protectionism and further obstacles to the free movement of services, adopting a sector-by-sector approach to identifying discrepancies and obstacles, and the zero tolerance principle must be adopted by means of targeted infringement procedures in proven cases of non-compliance with the Directive.	The Commission welcomes the Committee's support for its agenda on services notification: its initiative in this field is due later in 2016. The Commission also notes the support from the European Court of Auditors in its findings published in March 2016. ¹
The EESC calls for a better application of the Posted Workers Directive (96/71/EC) and the 2014 Enforcement Directive.	On 8 March 2016, the Commission presented a targeted revision of the rules on posting of workers ² , with the aim of facilitating the provision of services across borders within a climate of fair competition and respect for the rights of posted workers, who are employed in one Member State and sent to work temporarily in another by their employer. More specifically, the initiative aims at ensuring fair wage conditions and a level playing field between posting and local companies in the host country. Several national parliaments have expressed concerns related to the subsidiarity of the proposal; this has reached the threshold for a yellow card under the subsidiarity protocol; the Commission will accordingly review its position.

¹ <http://www.eca.europa.eu/en/Pages/DocItem.aspx?did=35556>.

² <http://ec.europa.eu/social/main.jsp?langId=en&catId=471&newsId=2488&furtherNews=yes>.

<p>It seems important and appropriate for emphasis to be placed on recognition of vocational and academic qualifications, supporting the introduction of mutual recognition, by means of a process of harmonisation that guarantees equal access.</p> <p>To this end, it is important to extend the European Professional Card to new professions.</p>	<p>The Commission welcomes this recommendation, and is in line with its longer term policies.</p> <p>It is important however, to ensure first that the European Professional Card (EPC)¹ works properly concerning the first five professions for which it is available from 18 January 2016.</p> <p>Accordingly, the Commission is working currently together with Member States and stakeholders to closely monitor the first experiences of the EPC procedure.</p> <p>After gaining practical experience with its functioning and consulting the stakeholders, the EPC may be extended to other mobile professions meeting the criteria set out in the Professional Qualifications Directive². However, there is no set date for such an extension.</p>
<p>It is also essential that European-level standardisation be supported through a bottom-up system in which the social partners, consumers and environmental associations are permanently involved.</p>	<p>The Commission welcomes this recommendation, which is in line with the objectives of the Joint Initiative for Standardisation.</p>
<p>The EESC calls for the launch of a campaign to promote the direct involvement of the public, young people in particular, to be part of what European citizenship means to each individual. It should be accompanied by the launch of a Smartphone</p>	<p>The Commission welcomes this recommendation, which is in line with the objectives of the EU Open for Business campaign 2016. The aim of this campaign is to inform SMEs about the opportunities offered by the Single</p>

¹http://ec.europa.eu/growth/single-market/services/free-movement-professionals/policy/european-professional-card/index_en.htm.

²http://ec.europa.eu/growth/single-market/services/free-movement-professionals/qualifications-recognition/index_en.htm.

<p>application and an interactive online EU portal in all languages, with personal contributions, to ensure its full and proper functioning and to tackle the problem of asymmetric information vis à vis the public. The EESC also calls for the creation of a crafts and apprenticeship Erasmus within the European Single Market, which will enable young craftsmen and women, new professionals and apprentices to experience the unity of the European internal market and to exchange experiences and expertise.</p>	<p>Market. The Smartphone application and the interactive online EU portal in all languages would however duplicate the service already provided by Your Europe¹ portal and SOLVIT².</p> <p>The Commission also welcomes the Committee's support to the work underway in the Erasmus for Young Entrepreneurs Programme³, which counts already along with success stories in the skilled craft sector.</p>
<p>The EESC also considers it important to launch a promotional campaign outside the EU, with the active involvement of the European External Action Service, on the European single market – a unique opportunity for secure and sound partnerships, involving over 500 million people.</p>	<p>The Commission takes note of the recommendation, which might be taken into consideration in the mid-term review of the Single Market Strategy.</p>
<p>The EESC has repeatedly stressed its firm belief that measures need to be taken to release the potential of the Single Market for the benefit of businesses, workers, consumers, citizens and other stakeholders in areas such as services, access to financing, simplifying red tape for SMEs while respecting the protection of workers, consumers and the environment, updating and enhancing technical and regulatory standards, e-commerce, the single digital market and mobility.</p> <p>In this regard, the Committee considers it essential to enable every single citizen,</p>	<p>As it has been already mentioned above, the Commission welcomes the recommendations of the Committee which are in line with the communication strategy underway (EU Open for Business campaign) and existing EU exchange programmes within the Single Market (Erasmus for Young Entrepreneurs).</p> <p>The Commission also takes note of the EESC recommendation for communication campaigns focused on communicating the Single Market outside the EU and on the common</p>

¹ <http://europa.eu/youreurope/>

² <http://ec.europa.eu/solvit/>

³ <http://www.erasmus-entrepreneurs.eu/>

<p>particularly young people, to take full ownership of the value of the European Single Market through the launch of:</p> <ul style="list-style-type: none"> - a campaign to involve Europeans directly, entitled 'The European Single Market is mine and I won't tolerate failure', accompanied by a Smartphone App and an interactive online EU portal, available in all languages, so as to provide for optimal and full operability and tackle the problem of asymmetric information with and for the citizen; - the creation of a crafts and apprenticeship Erasmus within the European Single Market, which will enable young craftsmen and women, new professionals and apprentices to experience the unity of the European internal market and to exchange experiences and expertise; - a campaign for a European single market, to boost the informed presence of Europe as a whole on the global markets, especially in Asia and America, with the active involvement of the European External Action Service; - a campaign which should also cover the common conditions specific to sensitive service sectors in a coherent European framework. 	<p>conditions specific to sensitive service sectors.</p>
<p>The EESC believes that before proceeding with any new legislative initiatives, priority should be given to: mechanisms for enforcing existing rules, by setting up a dynamic system for collecting information,</p>	<p>The Commission welcomes this recommendation, which is in line with its current rules on better regulation rules, as set out in the May 2015 Communication "Better Regulation for</p>

<p>and better impact assessment, both to identify infringements and to frame new measures in order to make the single market more effective. At the same time, it should be considered to what extent the intended aims can be achieved through deregulation (forecast).</p>	<p>better results - An EU Agenda" COM(2015) 215 final¹.</p> <p>Chapter 4 of the Single Market Strategy, 'Ensuring Practical Delivery', pays particular attention to optimising mechanisms for enforcing existing rules, introducing, <i>inter alia</i>, the principle of a smart enforcement strategy, and a market information tool allowing it to collect reliable information directly from selected market players, with a view to safeguarding and improving the functioning of the Single Market.</p>
<p>The EESC believes that a quality-based selection of consumer protection rules should be made, to ensure proportionality, transparency, efficiency and real European added value.</p>	<p>The Commission welcomes the Committee's priorities in the field of consumer protection rules. The Commission has started, in January 2016, a comprehensive Fitness Check of the key horizontal EU consumer and marketing law directives, with a view to assess their effectiveness, efficiency, coherence, relevance and EU added value.</p>
<p>The EESC considers it a priority to reaffirm mutual recognition clauses, by analysing individual cases, in order to foster and boost the free flow of goods and services.</p> <p>To this end, rules should be set out, some of which could in certain cases be included in a 29th regime, with reference to Member States' best practice.</p>	<p>The Commission welcomes the Committee's recommendation on mutual recognition clauses. As underlined in the Inception Impact assessment on 'Achieving more and better mutual recognition for the Single Market for Goods²', a clearer mutual recognition clause to be inserted in national technical rules is essential for rendering mutual recognition easier to apply.</p>

¹http://ec.europa.eu/smart-regulation/better_regulation/documents/com_2015_215_en.pdf.

² http://ec.europa.eu/smart-regulation/roadmaps/index_en.htm.

<p>The EESC supports the development of services in production sectors, by means of steps that provide new business models for the joint supply of goods and services. Improving the transposition of the Services Directive and establishing a clearer, shared formulation for the implementing rules could ensure that applications are compliant with technical and regulatory quality standards.</p>	<p>The Commission welcomes the Committee's support for its agenda on services, and stresses the important role that its initiative on a services passport, due in 2016, will have in this regard. On 3 May 2016, the Commission launched a public consultation¹ with a particular focus on business services and on construction services, given the low degree of integration of these services segments, inviting stakeholders to give their views by 26 July 2016.</p>
<p>The EESC considers it to be essential to step up infringement procedures to secure a culture of compliance with EU legislation and the proper transposition thereof into national settings. Member States should embrace this culture of compliance, including through strict centralised monitoring of application of legislation, faster European infringement procedures where necessary, and greater cooperation and partnership between the European Commission and national authorities.</p>	<p>The Commission welcomes this recommendation regarding securing a culture of compliance and deepening its partnership with Member States in order to improve the monitoring and application of Single Market legislation, as this is fully in line with its Single Market Strategy</p>
<p>The EESC believes that initiatives to support SMEs, start-ups, innovation and digital applications should feature more prominently in the proposed roadmap as they are essential for growth and boosting employment in the EU. It is in this context that the possibility of a second chance for entrepreneurs should be envisaged.</p>	<p>The Commission welcomes the Committee's support for SMEs, start-ups, innovation and digitalisation. Actions targeted at these areas represent key elements of the Single Market Strategy and of the Digital Single Market Strategy, which directly address two of the ten political priorities of the Juncker Commission: 'a deeper and fairer internal market' and</p>

¹ http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8796.

	<p>'a connected digital single market'.</p> <p>A big obstacle for young people taking up an entrepreneurial activity is the fear of failure and the consequences of bankruptcy. The Commission will prepare a proposal to ensure that honest entrepreneurs who have faced bankruptcy quickly get a second chance. The Commission has also initiated a call for proposals for the creation of a 'European Network for Early Warning and for Support to Enterprises and Second Starters'.</p>
<p>The EESC supports the Commission as it makes every effort to ensure that the new Directives on public procurement¹ are transposed in a timely and effective manner by the Member States, since they account for some 20% of the Union's GDP.</p>	<p>The Commission welcomes the Committee's support in ensuring that the new Directives are transposed as soon as possible.</p>
<p>The EESC urges the European Commission to promote the social economy, for instance by establishing a plan, and to remove the obstacles that hinder social enterprises in their work and prevent them from tapping into the full potential of the Single Market.</p>	<p>The Commission is currently working with the GECES (<i>Groupe d'experts de la Commission sur l'entrepreneuriat social</i>²) on different options.</p> <p>The GECES is currently examining ideas to be given to the development of an adequate financial ecosystem capable of providing effective support for social economy and social innovation.</p>
<p>Consumers and citizens:</p> <ul style="list-style-type: none"> - Insurance for goods, services and liabilities should operate freely in all 	<p>The Commission takes note of these specific points, which go beyond the remit of the 2015 Single Market</p>

¹ Directives 23/24/25 2014.

² http://ec.europa.eu/growth/sectors/social-economy/enterprises/expert-groups/index_en.htm.

<p>Member States;</p> <ul style="list-style-type: none"> - moreover, no common electronic system, shared by Member States has been established to harmonise and simplify motorway tolls for private and commercial vehicles; - the vehicle inspection system has not been harmonised or made accessible to Europeans in every Member State; - electric plugs – which are increasingly useful to Europeans – have yet to be standardised; - clothing and footwear sizes also differ between too many Member States; - the EESC advocates widespread awareness-raising campaigns for consumers on the benefits of taking firm action to further develop common single market standards; - the EESC calls on the Commission to present a proposal to harmonise public information on furniture. 	<p>Strategy.</p> <p>These points may be taken into consideration in the mid-term review of the Single Market Strategy, which is due by the end of 2017.</p> <p>This mid-term review will take stock of progress on the implementation of the Strategy and, on the basis of comprehensive economic analysis, consider whether additional action is needed to meet its objective of a deeper and fairer EU Single Market.</p>
<p>People with disabilities, representing 15% of the population of Europe, are affected by further obstacles preventing them from benefiting from the freedoms guaranteed by the Single Market. The EESC welcomes the European Commission's recent presentation of the European Accessibility Act, aimed at making goods and services more accessible.</p>	<p>The Commission welcomes the Committee's support for the European Accessibility Act¹, which is currently under examination in the EU legislator.</p>

¹ http://europa.eu/rapid/press-release_IP-15-6147_en.htm.

<p>European consumers are becoming increasingly aware that the Member State governments – often under pressure from powerful economic interests – are continuing to erect both direct and indirect barriers to the free movement of persons, goods, services and capital.</p>	<p>The Commission is aware of and shares the EESC's concerns regarding the detrimental effects such barriers have on the Single Market. Concerning professional services, the Commission has conducted a wide ranging review into regulatory barriers and, as announced in the Single Market Strategy, will be following this up with further initiatives to combat burdensome and unnecessary regulation.</p> <p>Recommendations stemming from this work will be based in part upon the objective analysis of information gathered during this review as well as through endorsing a more robust and standardised assessment of proportionality when introducing or reviewing regulation in professional service provision.</p>
<p>The professions:</p> <p>The EESC endorses the need to establish a common set of rules for the professions, effective in all European countries, and believes that the European Professional Card should be extended to all possible categories with due regard for the provisions of the European directive on professional qualifications.</p>	<p>The Commission agrees with the EESC's view that encouraging communalities between the Member States would improve the regulatory landscape for professionals.</p> <p>The Commission is addressing this question through initiatives announced in the Single Market Strategy, such as country and/or profession specific guidelines for improvement and a more systematic compliance with proportionality when designing professional regulation.</p> <p>The Commission also welcomes the EESC's support and interest on the EPC and would welcome the</p>

	<p>opportunity to discuss this issue also in the context of the European Week of Regions and Cities (EWRC) initiative in October 2016.</p>
<p>Patents:</p> <p>Mechanisms for protecting intellectual property are deficient, especially with regard to SMEs. There is also uncertainty regarding the coexistence of the European unitary patent and national patents and supplementary national protection certificates.</p> <p>The EESC agrees that there is a need to set up a unified court to guarantee a single jurisdiction for cases on patents.</p> <p>The EESC supports the Commission's proposal to transfer the process of granting a unitary SPC title to EU level.</p>	<p>The Commission is preparing a Communication addressing the coexistence of the future unitary patent with national patents and Supplementary Protection Certificates (SPCs), which will bring certainty to users of the future patent system.</p> <p>As foreseen in the Single Market Strategy, the Commission is looking at the merits a possible EU title and the need for an SPC manufacturing waiver for non-EU countries. An update of the scope of the EU patent research exemption is also being explored.</p>
<p>Public procurement</p> <p>As regards public procurement, the EESC is keen to see the establishment of a data collection system and new analytical tools that can detect problems and irregularities.</p> <p>It could be very helpful to set up European public contracts registers, in order to detect anomalies in the procurement process.</p> <p>The EESC agrees that it would be worthwhile setting up a voluntary ex ante evaluation mechanism for aspects related to the procurement procedure for certain large-scale infrastructure projects.</p>	<p>The Commission welcomes the Committee's support for its efforts to improve the governance of public procurement through better data including encouraging contract registers in the Member States and through improved remedies systems, as well as to set up a voluntary ex ante assessment mechanism for public procurement aspect of certain large infrastructure projects.</p>
<p>Solvit:</p> <p>The EESC calls on the Commission to</p>	<p>In the Single Market Strategy adopted on 28 October 2015, the Commission has committed to strengthening</p>

<p>extend the powers and influence of Solvit, in order to ensure that the Member States – in recent times seriously affected by resurgent nationalism – comply with Single Market rules.</p> <p>The EESC notes that support for implementing the Single Market is still weak and there are too many national measures creating distortion and preventing its full implementation.</p>	<p>SOLVIT and using it as a tool for better enforcement and compliance in the Single Market.</p> <p>In line with the call from the Competitiveness Council in its conclusions from 29 February 2016, the Commission is now working, together with the Member States, on a number of concrete actions to further strengthen the SOLVIT network. The main strands of action are: (1) strengthening SOLVIT's role in complaint handling; (2) intensifying the cooperation between the Commission and national SOLVIT centres; and (3) further boosting the quality of the service. The ongoing work on the Digital Single Gateway which aims at setting up a single, seamless tool where comprehensive information for businesses and citizens will be easily available, will also contribute to a better functioning of the Single Market.</p>
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<p>N°6 Public Procurement rules in connection with the current asylum crisis COM(2015) 454 final - EESC 2016/0076 - INT/776 516th Plenary Session - April 2016 Rapporteur: Mr Erik SVENSSON (GRI-SE) DG GROW– Commissioner BIENKOWSKA</p>	
Points of the EESC opinion considered essential	Commission position
3.1. The EESC takes careful note of the Commission's Communication and agrees with its basic stance that Member States must be able to respond swiftly to the most immediate needs of asylum seekers.	The Commission thanks the EESC for its agreement on the initiative to publish a Communication on the subject.
3.3. The EESC considers it very appropriate and efficient on the Commission's part to clarify at this stage its views regarding the applicability of the current rules, since many countries – although to varying degrees – have received an unprecedented number of asylum seekers and the contracting authorities, both national and regional, are under severe pressure.	The Commission thanks the EESC for its support.
<p>1.1. The EESC would nevertheless stress that it is important:</p> <ul style="list-style-type: none"> - to ensure a high degree of transparency and take extra care in documenting the procedure; - to refrain from making inappropriate use of this legislative flexibility; - to endeavour to opt for solutions that facilitate subsequent integration and additional support; 	The Commission agrees with the EESC emphasis on the necessity of transparency and documentation; and supports the call to Member States to use the facilities provided by the public procurement directives with care.

<p>- that contracts awarded in an emergency are of short duration.</p>	
<p>1.9. The EESC requests the Commission to clarify in the Communication the question of public procurement in connection with the present refugee crisis, or else issue an additional Communication.</p>	<p>The Commission takes note of this wish for clarification. It will clarify wherever appropriate, and has done so since the adoption of the Communication, that it is not limited to the needs of asylum seekers, but covers all urgent needs, also those of refugees. The Communication covers in essence all procedures where a particular urgency exists.</p>

<p>N°7 Proposal for a Directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons COM(2015) 750 final – EESC 2015/6789 - INT/777 516th Plenary Session - April 2016 Rapporteur: Mr Paulo BARROS VALE (GRI-PT) DG GROW – Commissioner BIENKOWSKA</p>	
Points of the EESC opinion considered essential	Commission position
The EESC believes that special arrangements for applying the Directive should be envisaged in the case of collections held in museums whose activities are recognised as being of importance by the Member States, provided that safety and public order are not jeopardised. Such arrangements would impose strict rules regarding the display, registration, storage and handling of weapons, but would prevent the destruction of Category A firearms of significant historical value.	<p>The Commission is open to further considering, in the course of the ordinary legislative procedure, options which could preserve the possibility for museums to possess all categories of firearms under strict conditions without compromising on security.</p> <p>However, as concerns collectors, the Commission believes that such private institutions/individuals should not possess Category A weapons.</p>
The EESC believes that, despite provisions that only dealers and brokers will be allowed to trade in certain weapons and ammunition online, only face-to-face transactions should be authorised in order to ensure strict control by the relevant authorities.	The Commission considers that a strict control is necessary in case of online sale. It will work with the co-legislators to find the best protection against abuse.
Alarm and signal weapons, salute and acoustic weapons as well as replicas are now to be classified under Category C as subject to declaration. Although this is already the case under the laws of some countries, the EESC is not sure that it is	Acoustic weapons have caused serious security issues and they have been identified by studies as being easily convertible into real weapons. Legally bought acoustic weapons were used also in the January 2015 terrorist

<p>appropriate since, in addition to the fact that the UN Protocol does not classify them as firearms, in those countries whose legislation does not yet make it mandatory to declare them, this will entail significant administrative costs for a type of weapon that does not seem to present a particularly significant public safety risk.</p>	<p>attacks in Paris. The Commission studies have also pointed out problems with alarm weapons which have been converted into real weapons. For the above-mentioned reasons, the Commission believes that there is a need to create an obligation of declaration to ensure traceability.</p>
<p>Semi-automatic firearms for civilian use which "resemble weapons with automatic mechanisms" are also classified as prohibited. The term "resemble" is not sufficiently objective since clear criteria must first be established as to what types of "resemblance" would warrant these weapons being classified as prohibited firearms.</p>	<p>Discussions with the co-legislators have indeed indicated that the term "resemble" may not define in a sufficiently precise way which firearms are concerned. The Commission is open to examining any suggestion from the Council and/or the European Parliament which would offer more clarity whilst not jeopardising public security.</p>

<p>N°8 Proposal for a Regulation of the European Parliament and of the Council on the prospectus to be published when securities are offered to the public or admitted to trading COM(2015) 583 final - EESC 2015/5834 - ECO/388 515th Plenary Session – March 2016 Rapporteur: Ms Milena ANGELOVA (GRI-BG) DG FISMA – Vice-President DOMBROVSKIS</p>	
Points of the EESC opinion considered essential	Commission position
<p>3.7. The EESC welcomes the fact that the Commission has – even at the proposal stage – expressed its intention to assess the Regulation's impact after its entry into force and, more specifically, that it has set out the parameters for this. However, the Committee feels that five years is too long to wait for such an important evaluation and urges that this period be appreciably reduced – to two years after the Regulation enters into application. Moreover, a qualitative evaluation should be complemented, including analyses on the potential improvement of firms, the promotion of the capital markets and the evaluation of gold-plated practices by Member States.</p>	<p>The Commission believes that an evaluation after two years will provide less useful information than after five years. Past experiences have shown that market participants and competent authorities need approximately one to two years to adjust to the new legislative framework. This will be even more so the case, as the Regulation applies directly whilst until now national law transposing the current Directive applies.</p>
<p>4.10. The EESC suggests including also proposals aimed at greater standardisation of procedures through ESMA introducing uniform rules for all Member States regarding time limits and dealing with shortcomings in prospectus requirements.</p> <p>4.12.5 The EESC recommends reducing the timeframe for the approval of prospectuses of and shortening the time allowed for a</p>	<p>The Commission believes that the empowerment according to Article 19(10) of the Regulation to adopt delegated acts specifying the procedures for the scrutiny of completeness, comprehensibility and consistency and the approval of the prospectus will allow the Commission to take care of the necessary procedural convergence. Furthermore, ESMA's</p>

<p>reply from the regulator when amendments are made, which should be shorter than the initially proposed times. It should also be possible to submit only corrected parts of the prospectus in response to comments and to reduce the number of paper copies by introducing an electronic variant of the prospectus and its annexes.</p>	<p>important role regarding supervisory convergence is explicitly acknowledged in Article 19(11) of the Regulation, as well as for peer reviews in paragraph (12).</p> <p>The Regulation provides for an electronic version of prospectuses and electronic communication channels as far as possible. Potential investors are however free to ask for a paper copy of the prospectus free of charge in order not to discriminate persons without internet access.</p>
<p>5.1.1. A threshold of EUR 500 000 is introduced for offers of securities, with no prospectus required if the value of the issue is less than this amount. In the latter instance, Member States can at their own discretion provide for issuers to make "appropriate forms of disclosure". The EESC recommends that the content of these "appropriate forms" should be established in advance to forestall any possible unequal treatment of these issuers in different EU Member States and that they are simpler than the prospectus.</p>	<p>The Commission would like to affirm that the scope of the Regulation was carefully set in order to allow for the necessary breathing space for crowdfunding and other very small issuances. Since the scope of the Regulation sets in at EUR 500 000 and amounts below are outside of scope, the Commission observes that from a legal point of view the Regulation cannot set mandatory rules for potential Member States' disclosure requirements below EUR 500 000. Recital (12) recalls that Member States should refrain from imposing at national level disclosure requirements which would constitute a disproportionate or unnecessary burden in relation to such offers and thus increase fragmentation of the internal market.</p>
<p>5.1.2. The EESC invites the Commission to analyse whether the Member States' possibility to exempt issuance between EUR 500 000 and EUR 10 000 000 could</p>	<p>The Commission would like to affirm that the scope of the Regulation was carefully set in order to allow for Member States to set their threshold at</p>

<p>possibly be detrimental especially for SMEs in the perspective of the CMU. The Committee invites the Commission to rethink, in the light of the conclusions of such an analysis, whether this exemption should be kept or is better dropped.</p>	<p>the appropriate level according to the size of their capital markets and other factors they deem important. All SMEs will be eligible for the alleviated SME prospectus according to Article 15 of the Regulation. Those SMEs which are not obliged to draw up a prospectus because they are below the level of the relevant Member State can always choose to produce a voluntary prospectus according to Article 4 of the Regulation to benefit from the passporting regime.</p>
<p>4.12. The EESC proposes some improvements of the annexes and specifically that the registration document should distinguish between risks for the company and those for its business (Annex II, II.C.,p.5), securities notes should only include securities risks (Annex III, III.C., p.8) and not include information on directors, managers etc. contained in the registration document, and the statute of issuer may be a separate reference document, with shorter approval periods for irregular issuers and for regulators responses in case of amendments while it calls on the Commission to provide reasonable time to allow a smooth implementation of the regulation.</p>	<p>The Commission would like to acknowledge that these points are currently subject to discussions in Council and the European Parliament and will be tackled during trilogues.</p>

<p>N°9 Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 806/2014 in order to establish a European Deposit Insurance Scheme (EDIS) COM(2015) 586 final – EESC 2015/6357 – ECO/393 515th Plenary Session – March 2016 Rapporteur: Mr Daniel MAREELS (GRI-BE) DG FISMA – Vice-President DOMBROVSKIS</p>	
Points of the EESC opinion considered essential	Commission position
The EESC supports moving towards an EDIS to break the link between banks and sovereigns and protect depositors in case of large local shocks. This is to be done in parallel with risk reduction measures.	The Commission welcomes the EESC support and agrees on the need to progress both on EDIS and risk reduction measures in the banking sector.
The EESC requires the Commission to provide an impact assessment for EDIS.	<p>The 2010 Impact Assessment leading to Directive 2014/49/EU (Deposit Guarantee Scheme Directive - DGSD) is a good basis because the EDIS proposal does not change the overall target level of the Fund (0.8% of covered deposits).</p> <p>However, the Commission is providing further targeted analysis on a number of items in the context of the negotiations to allow co-legislators to reach an informed decision.</p>
The EESC emphasises that the EDIS should be cost neutral.	The EDIS proposal is intended to be cost neutral and the Commission is further working with co-legislators towards cost-neutrality of the overall system.
The EESC emphasises the need for a level playing field within and outside the	The Commission agrees to the purpose and will work with co-legislators towards reaching that objective to the

Banking Union.	furthest extent possible.
The role of institutional protection schemes (IPSs) in the context of failure prevention should be fully acknowledged within EDIS.	<p>The EDIS proposal does not affect the possibility for IPS to continue carrying out their failure prevention functions under the DGSD from a legal standpoint.</p> <p>Furthermore, the Commission proposal envisages a delegated act whereby contributions to EDIS would be determined on the basis of covered deposits of an institution but also of its risk of actually needing to resort to EDIS. If institutions which are part of an IPS are found to be less risky for EDIS given the failure prevention function of the IPS, this would be taken into account when determining their contributions to EDIS.</p>

<p>N°10 Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 575/2013 as regards exemptions for commodity dealers</p> <p>COM(2015) 648 final - EESC 2015/0642 - INT/782</p> <p>516th Plenary Session - April 2016</p> <p>Rapporteur: Mr John WALKER (GRI-UK)</p> <p>DG FISMA – Vice-President DOMBROVSKIS</p>	
Points of the EESC opinion considered essential	Commission position
<p>The EESC regrets that the Commission has not been able to meet the deadlines it set itself, referred to in paragraph 2.4. However, it considers that prudential requirements should be established by detailed analysis and review. The exemptions presently available to Commodity Brokers should not be removed simply because an arbitrary deadline has been missed.</p>	<p>The deadline was set by the legislators and it is the Commission's view that this deadline was very short in the first place.</p> <p>The European Banking Authority (EBA) is currently working on the Investment Firm Review and the Commission is awaiting its advice.</p> <p>The Commission is committed to ensuring a robust outcome.</p>

<p>N°11 Green Paper on retail financial services – Better products, more choice, and greater opportunities for consumers and businesses COM(2015) 630 final - EESC 2015/6603 - INT/772 516th Plenary Session - April 2016 Rapporteur: Ms Milena ANGELOVA (GRI-BG) DG FISMA – Vice-President DOMBROVSKIS</p>	
Points of the EESC opinion considered essential	Commission position
Points 1.1., 1.2., 1.3., 1.4., 1.5. The EESC endorses the Commission' general approach in the Green Paper aiming to facilitate the emergence of a true Single Market for retail financial services, reducing the current market fragmentation, stimulating both the demand and the supply side, giving more opportunities to consumers to compare products.	The Commission welcomes the positive support offered by the EESC to the present initiative.
1.6. The EESC further invites the Commission to be ambitious in its follow-up actions.	The Commission services are working on a draft Action Plan on Retail Financial Services following the public consultation.
1.7. The EESC calls for prioritisation and differentiated timeframes for follow-up actions	The Commission shares the view of the EESC that any follow-up actions will need to be prioritised including in terms of delivery horizons. The Commission takes note of the recommendation of the EESC to address first simpler products, such as payment services, 29 th regimes for some products e.g. life insurance, savings accounts and motor insurance (bonus/malus). The Commission will also take account of better regulation principles in any follow-up actions.
1.8. The EESC, besides the increasing	Whilst recognising the importance of

<p>digitalisation of the retail financial sector, is of the view that financial education and financial advice are two important factors for more cross-border demand of products.</p>	<p>financial education, this matter is primarily of the competence of the Member States. Financial advice has been regulated in sectors where mostly needed (notably investment and insurance through the Markets in Financial Instruments Directive (MIFID) and the Insurance Distribution Directive (IDD)). The retail distribution review foreseen by the Action Plan on the Capital Market Union will contribute to the question of whether a more holistic approach of this issue might be warranted.</p>
<p>1.9. The EESC finds it imperative to make every effort to avoid re-opening Directives (such as PSD2 or MCD) that have just been adopted.</p>	<p>The Commission largely concurs with the EESC opinion in this respect.</p>

<p>N°12 Implementing the European Agenda on Security: EU action plan against illicit trafficking in and use of firearms and explosives COM(2015) 624 final, COM(2016) 625 final - EESC 2016/0019 - SOC/528 515th Plenary Session - March 2016 Rapporteur: Mr Cristian PÎRVULESCU (GRIII-RO) DG HOME - Commissioner AVRAMOPOULOS</p>	
Points of the EESC opinion considered essential	Commission position
<p>1.3. The EESC stresses and urges that the principle of proportionality – which is absolutely fundamental to any state governed by the rule of law – must be respected by all state authorities and courts. In order to prevent misinterpretation or abuse of the necessary security measures, the EESC, in accordance with Resolution 1566 of the UN Security Council, notes that an accusation of terrorism can only be made when threats or acts used to cause death or serious bodily injury, hostage-taking or serious infrastructure damage are intended to provoke a state of terror, intimidate a population or coerce a government.</p>	<p>The proposal highlights the need to respect and implement the Directive in accordance with the principle of proportionality (recitals 19 and 20).</p> <p>Under the proposal for a Directive, Member States should criminalise terrorist offences as these are defined in Article 3. This definition stems from Framework Decision 2002/475/JHA on combating terrorism. It is similar to the conduct described in UNSCR 1566 which calls upon countries to criminalise such conduct, without being exhaustive.</p> <p>In addition, Member States are required to criminalise certain offences related to terrorist activities. This includes the criminalisation of travel for terrorist purposes, as well as the organisation and facilitation of such travel, as required by UN Security Council Resolution 2178(2014) and the Council of Europe Additional Protocol on the prevention of terrorism signed by the EU in October 2015.</p>
<p>1.5. The EESC considers that it is dangerous for any democracy to legislate against</p>	<p>In order to prevent terrorist attacks from occurring, it is necessary to</p>

anticipated crimes (criminalising offences or crimes which have not yet been committed). Article 3(2)(i) of the proposal must be removed to avoid confusion between justice and security. Similarly, Article 15 of the proposal for a directive does not guarantee public freedom or the presumption of innocence. The EESC is also concerned about the issue of proving intention and considers that all the cases listed in Articles 5 to 13 must be submitted to a judge so that the charges can be confirmed.

criminalise offences related to terrorist activities, such as the training, recruitment and financing of terrorism. These preparatory offences are of a very serious nature as they have the potential to lead to the commission of terrorist offences and enable terrorists and terrorist groups to maintain and further develop their criminal activities. International instruments, adopted by the Council of Europe, the UN and the Financial Action Task Force (FATF) require the criminalisation of this conduct. Most of these offences are already part of the Framework Decision 2002/475/JHA on combating terrorism.

Article 15 of the proposed Directive reflects the requirements resulting from these international instruments (e.g. the FATF Recommendation No 5 requires the criminalisation without a need to prove a link to a specific terrorist offence, and the Council of Europe Convention of 2005 on the prevention of terrorism as well as the additional protocol require the criminalisation of conduct even if the terrorist act is not yet committed).

Article 3(2)(i) of the proposal criminalises the threat to commit a terrorist offence. This provision is already in force since the counter terrorism Directive of 2002.

In applying the proposed Directive, Member States will have to respect the presumption of innocence, as laid down in the Charter of Fundamental

	<p>Rights and Directive 2016/343/EU on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings.</p> <p>Pursuant to recital 13, the notion of intention must apply to all the elements constituting the offences in the proposal. The intentional nature of an act or omission may be inferred from objective, factual circumstances. The prosecution bears the onus of proving the intention of the accused person, who can only be convicted upon a decision by a judge.</p>
<p>1.9. The EESC supports the clarifications to the legislation on the victims of terrorism. The victims of terrorism must be supported swiftly and efficiently, both immediately after the event and in the medium and long term. We also need to gain a deeper understanding of the social, economic and psychological effects of terrorist attacks on communities, individuals and industries. The EESC urges the European Commission to look into these aspects and to propose the necessary measures based on the resulting findings. The recent attacks can affect industries such as tourism and transport, and the European and national institutions have a responsibility to develop support programmes. The EESC points out that preventing and combating terrorism has a price tag, and the EU must consider providing financial support for Member State action in this area.</p>	<p>The Commission welcomes the Committee's supporting opinion about the proposed provisions on victims of terrorism. In particular, the Commission shares the view that victims of terrorism must be supported immediately after, and in the medium and long term in a swift and sufficient manner. The Commission believes that the proposed provisions will lead to ensuring such support without imposing a disproportionate burden on Member States.</p>

<p>3.2.1.4. At the same time, the EESC is concerned at the capacity and varying degrees of willingness of Member States to safeguard fundamental rights and ensure that the provisions of the Constitutions and international treaties are upheld in practice. The establishment of a state of emergency in France following the terrorist attacks at the end of 2015 enabled the state to introduce a number of measures questioned by civil society organisations from the point of view of fundamental rights¹. The EESC urges national authorities to carry out their remit proportionately and efficiently and to avoid measures which will have unintended effects. Terrorism can only be prevented and combated by respecting the rule of law, fundamental rights and international treaties. The EESC considers that some form of continuous monitoring of Member State action on terrorism is needed, and therefore asks the European Commission to consider establishing procedures to identify and remedy any inappropriate measures. One option would be to use the mechanism for checking compliance with the rule of law (established by the European Commission) which identifies misconduct and stipulates procedures for correcting it.</p>	<p>The European Union, as much as its Member States, must comply with the principle of the rule of law and respect fundamental rights when fulfilling its tasks foreseen by the Treaties.</p> <p>Concerning the specific example of the establishment of a state of emergency in France, the measures of the French law do not appear to constitute an implementation of EU law, as required by Article 51(1) of the Charter. In matters falling outside EU law, it is for Member States to ensure that fundamental rights are effectively respected and protected in accordance with their national legislation and international human rights obligations (including the obligations deriving from the European Convention on Human Rights).</p> <p>The Commission follows very closely the implementation of EU law in the field of counter terrorism in all Member States and stands ready to use its powers under the Treaties to ensure its proper implementation if necessary.</p>
<p>3.2.1.5. With a view to efficient coordination of action to prevent and combat terrorism and deal with the effects of terrorism, and a uniform approach including compliance with fundamental rights, the</p>	<p>Pursuant to Article 4.2. TEU, national security remains the sole responsibility of each Member State.</p> <p>Europol is the EU agency for law</p>

¹ See report on *France: Abuses under State of Emergency. Halt Warrantless Search and House Arrest*, Human Rights Watch (HRW), 3 February 2016 and the report on *Devant l'urgence, que deviennent les principes de l'Etat de droit?* (Dominique Guibert), European Association for the Defense of Human Rights (AEDH).

<p>EESC asks the Commission and the other European institutions to consider establishing a European anti-terrorism agency.</p>	<p>enforcement cooperation. The new Regulation¹ adopted in 2016 will improve its ability to support Member States in the fight against terrorism and organised crime.</p> <p>In January 2016, Europol launched the European Counter Terrorism Centre (ECTC). The ECTC should become a central information hub for law enforcement counterterrorism units in the EU, providing analytical and operational support for investigations and contributing to a coordinated reaction in the event of major terrorist attacks.</p> <p>As announced in the aforementioned Communication on delivering the European Agenda on Security², the Commission will bring forward proposals to further strengthen the ECTC. In its Communication of 14 September 2016³, the Commission announced that the present capabilities of the ECTC will be upgraded in four directions: Europol's access to EU databases, Strengthening the internal governance of the ECTC, Maximising the benefits of cooperation and Additional financial and human resources.</p> <p>Already in 2016, the Commission proposed an amending budget to increase the staff of the ECTC. It also</p>
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¹ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol).

² COM(2016) 230 final.

³ COM(2016) 602 final.

	<p>encourages Member States to systematically engage with ECTC and share relevant information.</p> <p>Other instruments are available at EU level to facilitate information exchange and cooperation among counterterrorism units, such as the Schengen Information System or the Prüm Framework.</p>
<p>3.2.2.1. With regard to the definition of terrorist offences (Title II, Article 3), there is a danger that terrorism and related acts may be defined much too broadly.</p> <p>3.2.2.2. For instance, Article 3(2)(d) states that "causing extensive destruction (...) to an infrastructure facility, including an information system" could be considered terrorism. It is unclear whether hacking could be considered a terrorist act. There have been cases where such action aims to disseminate documents of public interest, and even if obtaining and publicising such documents is a criminal act, it does not fall under the standard definition of terrorism.</p>	<p>The offences in the proposed Directive are drafted in a clear and precise manner so as to be able to ascertain which conduct constitutes a criminal offence and to foresee what the consequences of this conduct may be. As explained above, the provisions on terrorist offences (Article 3) apply since 2002. Member States have transposed these provisions into national legislation years ago and apply them since. The Commission has systematically assessed and evaluated this implementation and is not aware of any court decision - European or national- questioning the clarity or scope of these offences.</p> <p>Neither the illegal access to information systems (hacking), nor the dissemination of information obtained by such access is covered by Article 3(2)(d) of the proposed Directive, because such acts do not cause extensive destruction to an information system, as required by that provision. Furthermore, the acts described in Article 3 only are to be considered as terrorist offences as they are carried out with the aim to intimidate a population,</p>

	destabilise a society or unduly compel a government.
3.2.2.3. Article 3(2)(i) states that "threatening to commit" a terrorist act is equivalent to committing one. This point is extremely problematic, particularly where the proportionality principle is not upheld. A threat cannot equate to commission, because it is a potential act and not an act which has been committed. The EESC proposes that Article 3(2)(i) of the proposal for a directive be removed.	The proposal considers "threatening to commit a terrorist act" as a terrorist offence. This provision is already in force since 2002. The proposal does not equate this offence to other terrorist offences. In fact, the proposal requires Member States to implement the criminalisation under this Directive in a manner proportional to the nature and circumstances of the offence (recital 20).
3.2.2.4. With regard to "public provocation to commit a terrorist offence" (Title III, Article 5), the offence is not defined clearly. As freedom of the press and freedom of speech are guaranteed, it is unclear when informing the public of a terrorist attack ceases to be information and becomes provocation. Similarly, with the rise of social media platforms, where each user also generates content, it is extremely difficult to track and identify correctly what constitutes information as opposed to provocation.	This offence is identical to the provision in Framework Decision 2002/475/JHA, as amended in 2008 in order to transpose the Council of Europe Convention on the prevention of terrorism into EU law. It requires that the perpetrator advocates the commission of a terrorist offence and that this causes a danger that one or more of such offences may be committed. Informing the public of a terrorist attack does not meet any of these two requirements.
3.2.2.5. With regard to criminalising travelling abroad for terrorism (Title III, Article 9), the definition of "for terrorism" is extremely unclear. The situation is quite clear when someone organises an attack or takes part in training, but it is far from clear when someone takes part in an uprising, armed rebellion or civil war as in Syria or Libya. Does participation in a quasi-	The offence of Article 9 has the title "travelling abroad for terrorism". This is defined as travelling to another country for the purpose of the commission of or contribution to a terrorist offence referred to in Article 3, the participation in the activities of a terrorist group referred to in Article 4 or the providing or receiving of training

<p>conventional war constitute travelling abroad for terrorism¹? There may be other cases of European combatants fighting alongside insurgent groups which are classified as terrorist groups by the national governments of the country in which they are fighting or by third governments.</p>	<p>for terrorism referred to in Articles 7 and 8.</p> <p>The offence includes those that travel to participate in the activities of a terrorist group. What is considered a terrorist group is not dependent on a national government of the country where the armed conflict takes place. The proposal (Article 2) instead defines this in an autonomous way by the purpose of the group to commit terrorist offences.</p> <p>The Directive does not govern actions by armed forces during an armed conflict. They are regulated by international humanitarian law within the meaning of those terms under that law, and, inasmuch as they are governed by other rules of international law, actions by the armed forces of a state in the exercise of their official duties. Hostilities that qualify as a terrorist offence under the proposed Directive, such as those targeting the civilian population to strike terror, are also prohibited under international law as war crimes.</p>
<p>3.2.2.6. One related issue is that it is extremely difficult to determine whether a group is "terrorist" in nature. Analytical and institutional issues come into play. The EU has its own system for listing and delisting</p>	<p>As explained above, the definition of a terrorist group is not taken from a national government of the country where the armed conflict takes place. It also does not depend on the EU list for</p>

¹ An interesting case in point would be European combatants fighting in Syria alongside Kurdish soldiers who are opposing Daesh, a group which is at the heart of religiously-inspired global terrorism. One Dutch national, a former soldier in the national army, is being investigated by the Netherlands authorities having been charged with murder after fighting in Syria alongside the Kurdish forces (YPG). Following the transposition of the Directive into Netherlands legislation, it is unclear whether the legal framework for similar acts will be changed.

terrorist organisations, particularly those on the autonomous list operated separately from the UN list ¹ . National practice and definition of a terrorist organisation may differ from European practice, and in this case coordination between Member States and EU institutions, particularly those which are competent in this regard (such as Europol) is necessary.	the purpose of freezing of assets. The proposal (Article 2) instead defines this in an autonomous way by the purpose of the group to commit terrorist offences.
3.2.2.7. With regard to Articles 12 to 14, it is not clear why these offences should be criminalised separately from criminalisation under the penal codes applicable in the Member States. The terrorist intent of these offences may be identified as an aggravating factor which, under the proportionality principle, weighs heavily during sentencing.	The proposed Directive does not require Member States to criminalise the offences in Article 12 to 14 separately. These offences have been in force since 2002.
3.2.2.8. With regard to relationship to terrorist offences (Article 15), it is problematic that, for an offence mentioned under Article 4 and Title III to be punishable, there is no need for a terrorist offence to have been actually committed. How can terrorist intent be established? – that is to say, whether a specific act is part of a chain leading to a committed act rather than isolated acts? This could be detrimental to fundamental rights.	For the participation in the activities of a terrorist group, the offender should know that this participation –such as supplying information or weapons - will contribute to the criminal activities of the group. For the person to be held liable for this offence, it is not necessary that the terrorist group actually succeeds in carrying out a terrorist attack.
3.2.2.9. The EESC questions the relevance of the proposal in Article 17 on penalties for natural persons, which calls on Member States to establish criminal penalties "which may entail extradition".	The proposed Directive requires Member States to set sanctions of a sufficient level to ensure the possibility of extradition (or "surrender" between EU Member States), which requires

¹ *EU Terrorist Listing: An Overview about Listing and Delisting Procedures*, Martin Wahlisch, Berghof Peace Support, 2010.

	that the offence in question is subject to a maximum penalty of not less than one year of imprisonment. Article 17 of the proposal corresponds to identical provisions contained in the Framework Decision 2002/475/JHA.
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<p>N°13 Economic policy of the euro area COM(2015) 692 final - EESC 2015/6712 - ECO/397 515th Plenary Session - March 2016 Rapporteur: Mr Michael IKRATH (GRI-AT) Corapporteur: Ms Anne DEMELENNE (GRII-BE) DG ECFIN - Commissioner MOSCOVICI</p>	
Points of the EESC opinion considered essential	Commission position
<p>1.11. An evaluation is urgently required to discover the opportunities that the new models of banking (such as Islamic banking) might offer for corporate financing in the EU. In this context, the EESC stresses the need for the planned creation of an EU venture capital fund.</p>	<p>With a view to supporting sustainable sources of finance for the economy, the Commission has presented the Action Plan on Building a Capital Markets Union (CMU). The CMU also aims to promote innovative forms of business financing whilst safeguarding investor protection and financial stability. The Commission will shortly propose measures to stimulate the European venture capital markets, including a revision of the venture capital legislation and work on a venture capital ‘fund of funds’.</p>
<p>1.5. In contrast to the recommendation of the Commission, the focus of fiscal policy should be designed to be more expansionist than neutral.</p> <p>1.6. The EESC believes that a neutral fiscal stance, although preferable to continued fiscal austerity, is not appropriate under the current circumstances. The EESC recommends a fiscal stimulus focusing on public investment.</p>	<p>The Commission analysis shows the fiscal policy stance in the euro area is expected to become slightly expansionary in 2016. Overall, when assessed against the constraint of the long-term sustainability and the need to support the economic recovery, in particular to shift from external to domestic sources of growth, the expected aggregate fiscal policy stance in the euro area this year can be assessed as broadly appropriate in the context of persistently very low inflation. At the same time, some</p>

	Member States do not always fully make use of the available fiscal space, while some other Member States would need to step up efforts to reduce deficit and debt levels.
3.2. The EESC regrets that the social partners and civil society at large were not consulted on the design of the draft euro area economic recommendations and that national processes are not yet adjusted to this new semester process.	The Commission values highly the involvement of the social partners in the European Semester process and has been encouraging and facilitating their involvement. In the Commission's view, consultation of the EESC serves the purpose of consultation of the social partners at the European level, which has also been deemed as the most appropriate means of consultation, given the aggregate euro area focus of the euro area recommendations.
3.5. In view of the EU Multiannual Financial Framework (MFF) 2014-2020 mid-term review and in preparing the reflection on the MFF post-2020, the EESC suggests that the euro area must have a dedicated budget. In the same vein, the euro area must have – as a first step towards an economic government – its own finance minister with dedicated own-resources system guided by the principle of simplicity, transparency, equity and democratic accountability.	The Five Presidents' Report, which was published in June 2015, maps the way ahead to complete the EMU by 2025 at the latest. It includes a proposal to set up a macroeconomic stabilisation function for the euro area, and a euro area treasury. The precise details of the function and of the treasury are still to be discussed. The ongoing public debate and the work of an expert group on EMU to be set up later in 2016 will feed into a White Paper that the Commission intends to publish in Spring 2017 on the fundamental steps ahead.
4.2.3. To solve the European competitiveness and sustainability problem, the EESC recommends establishing a Digital Holding following the model of the very successful Airbus Group.	The Commission agrees on the importance of coupling substantial EU effort in the digital sector with new financing models comprising the combination of financing from different

<p>4.2.5. To design and develop the details of a comparable model, the EESC suggests the short-term creation of an interdisciplinary project group. This group should include representatives of the Commission (Commissioner Oettinger) and the EU Parliament (ITRE Committee) and be run with the involvement of the EESC.</p>	<p>sources and ad hoc implementing rules. This intention has been flagged also in other contexts: for example the Important Project of Common European Interest (IPCEI) on High-Performance Computing and Big Data, as endorsed by the June European Council, requires combined support of the EU, Member States and industry.</p> <p>The Commission is currently exploring possible modes of implementation; this will involve consultation mechanisms with other relevant parties.</p>
<p>4.4.1. The EESC calls for the creation of a European insolvency law.</p>	<p>The CMU Action Plan (COM(2015) 486) announces that the Commission will propose a legislative initiative on business insolvency. The initiative will seek to address the most important barriers to the free flow of capital, building on national regimes that work well. In addition, the Commission is working to improve data availability and quality. Finally, the Commission is contributing to the Eurogroup's thematic discussions to reform Member State's insolvency regimes in line with common principles.</p>
<p>4.4.6. The EESC recommends the establishment of a Glass-Steagall Act in the European Union, as other financial markets (such as the USA and the BRICS countries) are discussing to re-install it to improve the stability of the banking sector.</p>	<p>In 2014 the Commission adopted a proposal for a regulation on structural measures improving the resilience of EU credit institutions (COM(2014) 43 final). This is intended to create a safer, sounder, more transparent and responsible financial system that works for the economy and society as a whole. The draft regulation is now waiting for the co-legislators to start the trilogues. In addition, the Capital</p>

	<p>Markets Union will build resilience in the financial system by diversifying available funding sources and enabling more robust forms of risk sharing.</p>
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<p>N°14 Euro area external representation COM(2015) 602 final, COM(2015) 603 final - EESC 2015/5877 – ECO/392 515th Plenary Session – March 2016 Rapporteur: Mr Petr ZAHRADNIK (GRI-CZ) DG ECFIN – Commissioner MOSCOVICI</p>	
Points of the EESC opinion considered essential	Commission position
<p>In points 1.1.-1.5. and 1.7.-1.8., the EESC concludes that the euro area needs to step up its external representation; the EESC endorses the rationale behind the two Commission documents; agrees with making the euro areas external representation in the IMF the priority; broadly agrees with the ultimate goal of a single chair at the IMF by 2025; agrees with the main elements of the three-phase scenario to gain a single chair at the IMF by 2025; and endorses the creation of a post for a representative responsible for the interests of the euro area.</p>	<p>The Commission welcomes these conclusions and positions as they support the Commission proposals.</p>
<p>In point 1.6. the EESC thinks that the proposed euro area representation in the IMF involves matters that in reality and in substance are not restricted to just the area itself, but are also extremely relevant to the whole of the EU and all its Member States.</p>	<p>The International Monetary Fund (IMF) is a monetary institution linked to currencies; in our case the Euro. Core IMF decisions are of relevance for the euro area, be it linked to monetary or economic policies. This is why the Commission focused on the euro area perspective. As written in the Communication, this reinforced euro area representation must nonetheless maintain, and where possible further strengthen, coordination also with the non-euro area Member States, in order to preserve the integrity of the single</p>

	market and the Union as a whole.
In point 1.10. (and broadly in point 3.9.), the EESC recommends including an economic analysis and a brief statement on the expected benefits and impact following its implementation.	<p>The economic rationale behind the decision is that the weight of the EU in the global economy will decline dramatically over the next 20-50 years due to structural demographic and economic shifts. We therefore need to be pre-emptive about our external economic representation and secure a strong voice for the euro area as soon as possible so that euro area views are presented consistently at the IMF.</p> <p>In addition, our international partners also want to understand what our economic policies are and we have a responsibility to inform them because of the spillovers from our policies (fiscal, structural, monetary).</p> <p>After careful consideration and due procedure, the Commission concluded that an Impact Assessment would not be necessary for this initiative, in accordance with the proportionality principle and in line with past practice.</p>
In point 4.3. the EESC would find it useful to also look at EU and euro area representation in other relevant fora.	As written in the Communication, the Commission will work towards further improving coordination in all international fora. It will look, in particular, at areas where the EMU is being deepened further. The Commission will work with Member States to establish, within the coming months, enhanced mechanisms to coordinate positions for the Financial Stability Board, and as appropriate, for other relevant standard-setting bodies, as regards the euro area and wherever

	possible, for the Union as a whole.
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<p>N°15 Establishment of national competitiveness boards within the euro area COM(2015) 601 final – EESC 2015/6711 – ECO/395 515th Plenary Session – March 2016 Rapporteur: Mr Thomas DELAPINA (GRII-AT) Corapporteur: Mr David CROUGHAN (GRI-IE) DG ECFIN – Commissioner MOSCOVICI</p>	
Points of the EESC opinion considered essential	Commission position
<p>The EESC recommended in point 1.3. that an updated definition of competitiveness ("competitiveness 2.0") be used in future, taking into account "the ability of a country to deliver the beyond-GDP goals for its citizens". The EESC also called for the bodies to be referred to as "boards for competitiveness, social cohesion and sustainability" rather than competitiveness boards.</p>	<p>The Commission agrees that a broad approach towards competitiveness is appropriate. The concept should not be understood in a narrow way limited to relative developments of cost and non-cost factors but, as reflected in the finally agreed text, diagnosis and analysis of productivity and competitiveness developments, including long-term drivers and enablers. The proposal supports social objectives. Raising productivity and improving the adjustment capacity will foster long-term growth. It will also prevent the emergence of large macroeconomic imbalances and mitigate the risks of macro-financial stability issues that may eventually lead to disorderly and harmful corrections with negative social consequences as witnessed by the crises.</p>
<p>In point 1.4.1., the EESC agrees with the Commission approach which allows Member States to design their national boards, either by setting up new institutions or adapting the mandate of existing bodies, and calls for a mapping exercise of existing</p>	<p>The Commission agrees with the value added of an extensive mapping of existing institutions. Therefore, the Commission has initiated a mapping exercise of existing bodies working on issues related to the foreseen scope of</p>

<p>national institutions analysing competitiveness.</p>	<p>analysis of NCBs. To this end, a questionnaire has been circulated to members of the Economic Policy Committee. The Commission is currently collecting the replies and analysing the Member State responses.</p>
<p>In point 1.4.2., the EESC requests concrete proposals on how to safeguard board independence, unbiasedness, non—binding nature of opinions, and non-interference with the wage setting process, the role of the social partners, and national wage setting systems.</p>	<p>In its recommendation, the Commission provided direction that the boards should have structural and functional independence, seek a variety of views, from social partners in particular, and provide information for the benefit of social partners engaging in the national wage formation process, while, as clearly reflected in the finally agreed text, fully respecting national practices and institutions for wage formation.</p> <p>Each Member State will designate and empower its national board based on national practices and needs.</p>
<p>In point 4.3., the EESC called for democratically accountable bodies to be duly involved in the questions of nomination and ratification of board members, of powers, of drawing up work programmes, of delivering reports and accounts, etc. for the boards. In point 4.4., the EESC requests clarification of the criteria for independence and for the representation of balanced unbiased expertise on the boards.</p>	<p>The Commission recommendation provides direction and guidance on independence and standards for the selection and operation of the boards. The boards should be underpinned by national legal provisions ensuring a high degree of functional autonomy and accountability. However, individual Member States will provide a statutory regime grounded in national laws, regulations or binding administrative provisions to fully define how its board will operate.</p>
<p>In point 4.5., the EESC seeks clarification by the Commission to be explicit as to the non-binding nature of the recommendations</p>	<p>The boards are being established to foster greater ownership of the economic reform process at the</p>

made by the competitiveness boards and assurances of their non-interference in the wage setting process.	national level. As reflected in the finally agreed text, it is intended that the boards will fulfil an analytical role, adding high quality assessments into the economic policy debate increasing transparency and making trade-offs more explicit. There is no intention for the boards to have any binding powers, interfere or play a role beyond providing information in the wage setting process.
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<p>N°16 Proposal for a Directive of the European Parliament and of the Council relating to certain aspects of company law (codification) COM(2015) 616 final – EESC 2016/0895 – INT/780 516th Plenary Session – April 2016 Rapporteur: Mr Jorge PEGADO LIZ (GRIII - PT) SJ – President JUNKER</p>	
Points of the EESC opinion considered essential	Commission position
<p>1.2., 4.2. In recitals 48, 62, 65, 66 and 80, the Commission should confirm whether the references to particular legislative texts actually correspond to the most recent measures adopted in the respective areas (e.g. the reference to the Market Abuse Directive in recital 48 should be replaced by a reference to the Market Abuse Regulation (Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC);</p>	<p>The Commission can confirm that the EESC's observation will be taken into account.</p>
<p>1.3. The EESC recommends that the correlation table that appears in Annex IV be drawn up with two entries, enabling the new articles to be compared with the old articles, not just the old ones with the new ones</p>	<p>The Annex IV is a standard annex for codification.</p>
<p>1.4., 4.4. The EESC would also have wished for a more ambitious exercise that aimed to codify aspects that are still spread across other legislative instruments, particularly those referred to in the following directives:</p>	<p>The Commission has considered carefully the directives subject to this horizontal codification in order to have relative "stable" acts and with</p>

Directive 2010/76/EU, Directive 2007/36/EC, Directive 2001/86/EC, Directive 2009/102/EC, 84/253/EEC, 83/349/EEC, 78/660/EEC.	Directive 2004/25/EC, Directive Eighth Council Directive Seventh Council Directive Fourth Council Directive	compatible scope.
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<p>N°17 Modernisation of copyright rules COM(2015) 626 final – EESC 2016/0030 - INT/774 516th Plenary Session - April 2016 Rapporteur: Mr Denis MEYNENT (GRII-FR) DG CNECT - Commissioner OETTINGER</p>	
Points of the EESC opinion considered essential	Commission position
<p>4.9. The EESC calls for a new legal context to promote the creation of copyright-protected work and, simultaneously, to enhance the contribution of new types of licence and new business models to building the European single market, while preserving freedom of contract and the right of authors and creators to reap the full benefit of their works. These new models can be developed alongside the models set out in the WIPO treaties. This issue should be an integral part of the digital strategy announced by the Commission in May 2015 and of the plan to modernise copyright examined here.</p>	<p>As indicated in the Communication of 14 September 2016, "Promoting a fair, efficient and competitive European copyright-based economy in the Digital Single Market"¹, the Commission is encouraging the development of practical tools to bring more European works into the single market, including the development of licensing hubs and a larger use of standard identifiers of works. The ultimate objective is to stimulate the circulation of content across the EU. As regards existing copyright rules, the Commission believes that Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market will bring substantial benefits, including by easing the multi-territorial licensing by collective management organisations of authors' rights in musical works for online use and, importantly, by</p>

¹ COM(2016) 592 final.

	increasing transparency vis-à-vis users.
<p>4.10. Exceptions represent another barrier. The EESC urges Member States to ratify the Marrakesh Treaty, which stipulates an exception for blind or visually impaired people, as soon as possible. The EU has signed this treaty, but only the individual Member States can ratify it so that it can enter into force. The EESC recommends that the Commission follow the opinion of the European Parliament of 9 July 2015 and urge the Member States to promptly ratify this important treaty, which was very difficult to negotiate due to the conservative viewpoints of certain stakeholders. The Committee also urges the European Council to make every effort to speed up the ratification process.</p>	<p>In the context of the copyright modernisation package adopted on 14 September 2016, the Commission has proposed a Directive and a Regulation to implement the Marrakesh Treaty in the EU copyright legal framework. Regarding the state of play of the ratification of the Marrakesh Treaty in the EU, the Commission's proposal for EU ratification (proposal for a Council decision) of October 2014 has been submitted to the Council, which has not yet adopted it. In July 2015, the Commission submitted a request to the Court of Justice of the European Union to deliver an opinion on the nature of the EU's competence for the conclusion of the Treaty.</p>
<p>5.2. The EESC notes with interest that the Commission clearly states that EU copyright rules need to be adapted, so that all market players and citizens can seize the opportunities of this new environment, and that a more European legal framework is needed to overcome fragmentation and frictions within a functioning single market. The Committee endorses this aim, but notes that governments are defending the territoriality of copyright by saying that it is the only way to ensure that creative ventures are funded. Other ways exist and should be explored; the door should not be shut before the alternatives have at least been objectively assessed.</p>	<p>The Commission is proposing a gradual approach to removing obstacles to cross-border access to content and to the circulation of works. Further to the proposal for a Regulation on the "portability" of online content services, the Commission presented on 14 September 2016 a proposal for a Regulation on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes¹. The proposed Regulation notably aims at facilitating the clearance of rights for broadcasters in the online environment</p>

¹ COM(2016)594

	and for certain retransmission services, through mechanisms inspired by the "Satellite and Cable Directive" ¹ . Such mechanisms are expected to improve the cross-border distribution of television and radio programmes, without jeopardising the territoriality of copyright. The Commission's proposal is supported by an Impact Assessment ² which carefully examines the impacts of different policy options. It also relies on the outcome of the public consultation on the Satellite and Cable Directive and on the evaluation of that Directive ³ .
5.6. The EESC is of the view that a united European position on private copying is possible and desirable. It will support action by the Commission in this regard, which should be taken as quickly as possible because national differences are a significant obstacle to the single market of electronic goods, while new media continue to emerge. Consistency is crucial for the free movement of goods incorporating such media. The distribution of revenue from levies on media should take into account that most of these media are not intended for copying copyright-protected works. Logically, therefore, a large proportion of this revenue should be directed towards	As indicated in the Communication of 9 December 2015 "Towards a modern, more European copyright framework" ⁴ , the Commission will assess the need for action in this area, to ensure that, when Member States impose levies for private copying to compensate rightholders, their different systems work well in the single market and do not raise barriers to the free movement of goods and services.

¹ Council Directive 93/83/EEC of 27 September 1993.

² SWD(2016)301

³ SWD(2016)308

⁴ COM(2015) 626 final

<p>funding artistic creation and the promotion of cultural diversity – as is already the case in some countries – and towards public goods such as education and research.</p>	
<p>5.9. Copyright remains a fundamentally important way to protect authors and those involved in disseminating works and performances via interconnected digital networks. Copyright must evolve to adapt to very rapid technological changes and innovations in distribution and services. This modernisation should happen in such a way as to safeguard the rights of creators and performers, to ensure they are fairly remunerated for their creative endeavours, to guarantee that they can reap the benefit of the commercial success of their works, and to keep protection and funding of works robust. In particular, the legal status of online platform services in terms of copyright must be reviewed. Although they are today the primary portal through which users access online content, platform services claim to be mere technical intermediaries and thus refuse to remunerate content creators. This undermines the efficiency of the market, distorts competition and drives down the overall value of online cultural content.</p>	<p>The proposal for a Directive on copyright in the Digital Single Market¹ adopted by the Commission on 14 September 2016 includes new rules aimed at ensuring a well-functioning copyright market place. The objective is to make sure that the EU copyright rules enable the fair sharing of the benefits generated by the online uses of creative works. In that context, new rules have been proposed to increase transparency and balance in the system that governs the remuneration of authors and performers in the EU.</p>

¹ COM(2016)593

<p>N°18 Proposal for a regulation of the European Parliament and of the Council on ensuring the cross-border portability of online content services in the internal market</p> <p>COM(2015) 627 final – EESC 2016/0719 – INT/781</p> <p>516th Plenary Session - April 2016</p> <p>Rapporteur: Mr Bernardo HERNÁNDEZ BATALLER (GRIII-ES)</p> <p>DG CNECT - Commissioner OETTINGER</p>	
Points of the EESC opinion considered essential	Commission position
<p>1.3. The need to clarify the definition of "Member State of Residence". A non-exhaustive list of indicators should be provided to establish residence.</p>	<p>The Commission agrees that the concept of the "Member State of Residence" is key to the proposed Regulation. The proposal leaves it to the parties to agree on the verification means but the Commission will carefully analyse the Council's text regarding enumeration of verification means.</p>
<p>1.4. The proposed Regulation should apply to those services provided free of charge where the Member State of residence of a subscriber can be verified without incurring additional costs for the provider.</p>	<p>The Commission is of the view that providers of online content services which are not provided against payment of money should only be subject to the proposed Regulation if the service providers verify the Member State of residence of their subscribers. As such, services do not normally verify the Member State of residence of their subscribers. The Commission believes that inclusion of these services in the scope of application of the proposed Regulation regardless of the ability to conduct such verification could lead to disproportionate costs. On the other hand, the exclusion of these services from the scope of the Regulation would</p>

	<p>mean that these services would not be able to benefit from the legal mechanism provided for in this Regulation and enabling providers of online content services to offer their services on a portable basis across the Union even when they decide to invest in means for allowing the verification of their subscriber's Member State of residence.</p>
<p>1.5. The proposed Regulation should explicitly state that any loss or deterioration in delivery affecting the range of services available, accessibility on devices and the number of users would constitute non-compliance. Minimum quality of access should be ensured. Merely informing users about the standard of quality to expect cannot be considered sufficient.</p>	<p>According to Article 3(1) of the proposed Regulation, the provider of an online content service is under an obligation to enable a subscriber who is temporarily present in a Member State to access and use the online content service. This means (as also explained in recital 18) that such a provider is under an obligation to provide access to the same content on the same range and number of devices, for the same number of users and with the same range of functionalities as those offered in the subscriber's Member State of residence. Any deliberate restriction to the functionality of the service would be contrary to the proposed Regulation. On the other hand, guaranteeing the minimum quality of service in other Member States could result in high costs for service providers and thus ultimately for subscribers and as such would be disproportionate. However, any action by a service provider which would prevent the subscriber from accessing or using the service while temporarily present in a Member State (including with regard to the quality of the service) would amount to a circumvention of the obligation to</p>

	enable cross-border portability and therefore would be contrary to the Regulation.
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<p>N°19 Amended proposal for a Regulation of the European Parliament and of the Council on the access of third-country goods and services to the Union's internal market in public procurement and procedures supporting negotiations on access of Union goods and services to the public procurement markets of third countries COM(2016) 34 final – EESC 2016/1578 – REX/465 516th Plenary Session - April 2016 Rapporteur: Mr Mario SOARES (GR11-PT) DG TRADE - Commissioners MALMSTRÖM</p>	
Points of the EESC opinion considered essential	Commission position
The EESC supports the proposal – as a first step - including the non-application of IPI to GSP+ countries and SMEs.	The Commission welcomes EESC's support.
The EESC suggests to lower the threshold from EUR 5 000 000 to EUR 2 500 000.	The Commission takes note of the suggestion. The reason why the Commission has proposed the threshold of 5 000 000 is that the purpose of the instrument is to target only the bigger contracts.
The EESC requests a more ambitious approach to promote sustainable development, respect for fundamental rights and consumer protection in public procurement procedures in third countries, and requests that these aspects shall also be part of the Commission reporting on implementation of the Regulation.	The EU promotes sustainable development, the respect for fundamental rights and consumer protection in general. This is also reflected in the internal EU legislation in the field of public procurement. The purpose of the International Procurement Instrument (IPI) is to gain leverage in international negotiations aiming at further market opening. In these negotiations, the EU will, as always, promote provisions related to these important aspects. The Commission takes note of and will positively consider the proposal to

	include this particular aspect in the regular reporting.
The EESC suggests that Articles 85 and 86 of Directive 2014/25 shall remain untouched given that they are more ambitious than the provisions of the IPI Regulation.	The Commission has proposed the deletion of these two articles as their functioning is considered to be taken over by the IPI tool.

<p>N°20 Trade for All – Towards a more responsible trade and investment policy COM(2015) 497 final – EESC 2015/2717 - REX/449 516th Plenary Session - April 2016 Rapporteur: Mr Jonathan PEEL (GRI-UK) DG TRADE – Commissioner MALMSTRÖM</p>	
Points of the EESC opinion considered essential	Commission position
<p>1.8.1. The EESC welcomes the commitment in the Communication to provide the same level of transparency for all negotiations as has been reached over TTIP (but not yet for Japan). Regular briefings during each round of negotiations are important for civil society. The EESC was disappointed, due to its institutional role, not to have been formally included in the specific TTIP Advisory Group. This needs to be rectified for future negotiations.</p>	<p>The Commission takes its transparency commitments very seriously and will continue to provide public information, including reader-friendly material, on all ongoing negotiations to all stakeholders, including the EESC. The Commission would also like to point out that the TTIP Advisory Group includes an EESC Member.</p>
<p>1.9. The EESC finds signally disappointing the failure of the Communication to refer to the civil society monitoring mechanisms covering the Trade and Sustainable Development (TSD) chapters in existing EU trade agreements, nor how these might be developed and strengthened. The Committee believes that enforcement mechanisms have to equally apply to the TSD chapters themselves, starting with the Commission proposal for TTIP.</p>	<p>The Commission would like to note the strong emphasis made in the Communication on the implementation of the sustainable development dimension of Free Trade Agreements (FTAs), which should be a core component on the enhanced partnership with Member States, the European Parliament and stakeholders on FTA implementation, as well as dialogue with civil society. As part of this commitment, the Commission encourages and promotes the good work of the established civil society monitoring mechanisms and intends to work with the institutional and civil society partners towards optimal efficiency and effectiveness of these</p>

	<p>mechanisms for the applied as well as future FTAs. The Commission would furthermore highlight that specific enforcement mechanisms for TSD chapters are foreseen in existing (and future) EU trade agreements: they establish clear, mandatory, and time-bound procedures for the resolution of any concern on their implementation. This enforcement mechanism brings together governmental engagement, external assessment by an independent panel of experts, civil society involvement, and international organisations' (such as the International Labour Organization (ILO)) expertise.</p>
<p>1.10. There are other surprising omissions. Despite it being a "Commission Communication", it fails to read across sufficiently to the interconnection with other Directorates General. The EESC has yet to be convinced that the Commission has developed a cross-DG approach to key issues.</p>	<p>The Commission Communication was produced with the joint effort of Cabinet Malmström and DG TRADE and agreed with all other Cabinets and all other interested Directorates-General and services of the Commission, and the EEAS, and was adopted by the College of Commissioners through the collegiate adoption procedure. DG TRADE also works closely with other DGs on a range of regulatory and wider cross-cutting external policy issues in the implementation of this Commission Communication.</p>
<p>1.11. Finally, the EESC urges that sufficient resources be dedicated to implementing "Trade for All" if this ambitious trade and investment policy is to succeed. This should include the role played by EU Missions and Delegations abroad.</p>	<p>The Commission is taking the implementation agenda of the "Trade for All" very seriously. A mid-term review report is foreseen during 2017 in addition to a specific report on the implementation of existing FTAs. Cooperation with EU Missions and Delegations abroad is central to this</p>

	work via the Market Access Partnerships agenda <i>inter alia</i> . The Commission relies on the Co-legislators for the extent of resources at its disposal to this aim.
3.3.5. A clearer understanding of how GSCs operate is timely, notably their impact on the economy and labour market in third countries, in order to promote sustainable development, inclusive growth, human rights and above all the creation of decent jobs. In this regard, the EESC would draw attention to its recent Information Report "Corporate social and societal responsibility" ¹ . It is also preparing a separate opinion on "Decent work in GSCs" in advance of the International Labour Conference in June, and to bolster the promotion of responsible business conduct, a Dutch Presidency priority.	The Commission thanks for the EESC for signalling those reports.
6.1. "Trade for All" will be judged by whether the Commission is able to demonstrate that environmental, labour and other standards are not lowered by trade agreements. It will also need to show that it itself is accountable in its trade and investment negotiations, and can be held to make good its claims of benefits for all. 6.1.1. This can only be achieved by a much deeper involvement of civil society from the start.	The Commission takes both of these points very seriously. Promotion and observance of environment and labour standards are all included in the negotiated FTAs and will be monitored as part of the implementation agenda. Civil society participation is something that the Commission has devoted a lot of attention to in recent years via improved communication and consultation at all stages of the policy making: in line with the principles of the "Better Regulation" agenda, every

¹ Information Report "Corporate social and societal responsibility" (<http://www.eesc.europa.eu/?i=portal.en.rex-opinions.35349>).

	<p>trade agreement is subject to an impact assessment preceding the launch of the negotiations, subject to a sustainability impact assessment during the negotiations, and will be regularly subjected to <i>ex-post</i> evaluations after they have been implemented. All of these evaluations actively seek the input from civil society. In addition, civil society can benefit from transparency measures during the negotiations and is also provided with consultation opportunities through regular civil society dialogues and citizens' dialogues. During the implementation, civil society representatives have monitoring mechanisms (Domestic Advisory Groups (DAGs) and joint fora) to follow and discuss issues of their concern stemming from trade agreements. The Commission looks forward to the EESC inputs in this evaluation process as well and thanks it for its constructive involvement in existing DAGs.</p>
<p>6.2. Following the TTIP controversies, the Communication now fully recognises the need for transparency. The commitment to provide the same level of transparency for all negotiations as provided for TTIP is welcome. The EESC therefore requests the Council to publish the mandate and negotiation texts for the EU-Japan FTA without delay.</p>	<p>The Commission is pleased to note that it has set up in October 2015 a dedicated website for new negotiation texts and documents that are updated with regard to all ongoing negotiations in real time. The Commission welcomes the Committee's support in the call to the Council to publish the negotiating directives.</p>
<p>6.3.2. Starting with the EU-Korea Agreement of 2010, there have been seven</p>	<p>The Commission welcomes this request from the EESC. The practice</p>

EU trade agreements with a prominent TSD chapter. The Committee has since called for TSD chapters to be included in stand-alone Investment Agreements ¹ .	and intention is indeed to include TSD chapters in all stand-alone Investment Agreements.
6.4.2. The EESC further recommends that the mandate of DAGs be widened to cover any issue of interest for civil society, including regulatory cooperation, SME chapters or provisions related to human rights.	The Commission is looking closely at how to ensure the most effective and efficient functioning of the DAGs with reference to the issues of concern to the civil society stemming from trade agreements.

¹ OJ C 268, 14.8.2015, p. 19.

<p>N°21 Fairer labour mobility within the EU (exploratory opinion) EESC 2016/0258 – SOC/531 516th Plenary Session - April 2016 Rapporteur: Mr Laura GONZÁLEZ DE TXABARRI ETXANI (GRI-DK) DG EMPL – Commissioner THYSSEN</p>	
Points of the EESC opinion considered essential	Commission position
<p>The EESC considers that, in the current political context, both the Commission and the Member States must make a special effort to guarantee and promote the free movement of workers in the EU abolishing any discrimination based on nationality, avoiding unjustified restrictions for both workers and businesses, given that they are fundamental freedoms enshrined in the TFEU and one of the most highly valued achievements of the European integration process. The EESC support initiatives which can encourage and promote fair labour mobility within the EU, as expressed also by the Dutch presidency and the Commissions aim to promote mobility.</p>	<p>In order to have a deeper, better functioning and fairer European labour market, President Juncker's Political Guidelines called to "promote labour mobility, especially in fields with persistent vacancies and skills mismatches." He committed at the same time to "ensure that the Posting of Workers Directive is strictly implemented", and to initiate a targeted review of this Directive to ensure that social dumping has no place in the European Union. The Commission's Work Programme for 2016 announced a balanced approach to labour mobility aimed at maximising its benefits while minimising unwanted effects.</p>
<p>In order to avoid such situations, the EESC urges the Commission and the Member States to promote economic policies aimed at boosting growth and productivity and creating high-quality jobs in every Member State with a view to improving the living conditions of all European citizens.</p>	<p>The European Employment Strategy (EES) aims at creating more and better jobs throughout the EU. It now constitutes part of the Europe 2020 growth strategy and it is implemented through the European Semester, an annual process promoting close policy coordination among EU Member States and EU Institutions. In order to renew the process of upward social and economic convergence, the</p>

	Commission's Annual Growth Survey 2016 proposes to focus efforts on re-launching investment, pursuing structural reforms to modernise our economies, and responsible fiscal policies.
The EESC urges the Commission to address, in consultation with the social partners, all necessary issues regarding posted workers to address unfair practices that lead to social dumping. Similarly, any new measures at European level must respect national competences for collective bargaining and the different systems of industrial relations.	<p>On 8 March 2016, the Commission proposed a targeted revision of the Posting of Workers Directive with the aim at promoting the free provision of services within the EU within a fair competition framework. The Commission has been in constant dialogue with all Member States as well as with other stakeholders among which the social partners, during the preparation of this initiative. The proposal does not only respect national competences for collective bargaining and the different systems of industrial relations, but also aims at ensuring that provisions stemming from national collective agreements are better implemented.</p> <p>The proposal sets out that posted workers will benefit from the same universally applicable rules governing remuneration and working conditions as local workers, in all economic sectors. Remuneration will not only include the minimum rates of pay, but also other elements such as bonuses or allowances where applicable, notably when they result from universally applicable collective agreements. Where Member States provide that subcontractors need to grant their workers the same pay as the main contractor, the proposal gives Member</p>

	States the possibility to extend such rules in a non-discriminatory way to undertakings posting workers in their territory. Moreover, the proposal will ensure that national rules on temporary agency work generally apply when agencies established abroad post workers.
Concerning cross-border/frontier workers, the EESC considers that it is necessary to monitor the situation and collect data at EU level, in order to remove possible obstacles and ensure free and fair mobility of these workers.	<p>The annual Employment and Social Developments in Europe report includes general information on mobility and migration in the EU. The labour mobility report also brings more specific data mainly based on Eurostat figures.</p> <p>Regarding administrative data, the Commission is putting in place the Electronic Exchange of Social Security Information (EESSI), an IT system that will help social security bodies across the EU exchange information more rapidly and securely – as required by EU regulations on social security coordination. All communication between national bodies on cross-border social security files will take place using structured electronic documents. These documents will be routed through the EESSI (hosted centrally by the European Commission) to the correct destination in another EU country.</p>
The EESC calls on the Commission, in line with its stated desire to end social dumping and abuses, not to allow other internal market initiatives to facilitate these	The Commission is committed to ensure a fair functioning of the labour market and a level playing field. Where relevant, the planned services passport

practices (including the planned service passport).	initiative and other actions announced by the Single Market Strategy (SMS) ¹ for a <i>deeper and fairer</i> single market will support efforts to fight fraud and abuse. The Commission's initiatives aimed at ensuring a level playing field (e.g. the revision of the Posting of Workers Directive) and the SMS are mutually supportive in this regard.
Labour inspection is required to play a key role in guaranteeing fair mobility. For this to be possible, the EESC calls on the Member States to provide sufficient competencies, staff and resources for national inspectorates and labour-market monitoring authorities, while supporting the improvement of European cross-border labour-market inspection tools including improvement in cross-border enforcement of penalties.	Enhanced cooperation between Member States' relevant authorities and other actors involved as well as improved capacity of Member States' different relevant authorities and actors to tackle undeclared work with regard to its cross-border aspects are objectives of the European Platform to enhance cooperation in tackling undeclared work established by Decision (EU) 2016/344. In executing its mission, the Platform shall, in particular, "facilitate and support different forms of cooperation between Member States by increasing their capacity to tackle cross-border aspects of undeclared work by promoting and facilitating innovative approaches, such as the exchange of staff, use of databases in accordance with applicable national data protection law, and joint activities, and evaluating experiences of such cooperation undertaken by participating Member States".
The EESC supports streamlining the rules	As regards social security coordination,

¹ <http://ec.europa.eu/DocsRoom/documents/14007/attachments/1/translations/en/renditions/native>.

<p>on the coordination of social security systems and cooperation among the Member States for their implementation and underlines the need for any revision of Regulation 883/2004¹ to show due regard for the principle of equal treatment of mobile workers to ensure they do not lose acquired rights or find that they have no rights as a result of moving to another Member State in order to work.</p>	<p>the Commission puts the emphasis on ensuring that the rules are fit-for-purpose, clear and fair, and enable Member States to better prevent and fight fraud or abuse, while ensuring that free movement of workers is not hampered.</p>
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¹ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1/123).

<p>N°22 Integration of refugees in the EU (exploratory opinion) EESC 2016/0262 - SOC/532 516th Plenary Session - April 2016 Rapporteur: Mr Christa SCHWENG (GRI-AT) Corapporteur: Mr Panagiotis GKOFAS (GRIII-EL) DG EMPL – Commissioner THYSSEN</p>	
Points of the EESC opinion considered essential	Commission position
<p>2.1. The EESC is convinced that integration is a necessity for our societies if we want to preserve social cohesion.</p>	<p>While integration is a Member State's competence, the EU has an important role to play in providing support and incentives for actions in the Member States.</p> <p>The Commission is supporting national authorities at different levels as well as stakeholders through policy development and coordination, exchange of knowledge and financial assistance in order to foster the integration of refugees and migrants in European societies.</p> <p>In the last months, Commission services have been working jointly on enhancing the coordination and cooperation across all policy areas relevant to integration. The new framework of actions to support Member States' efforts which was presented in the Commission Communication Action Plan on Integration¹ is a result of this joint work.</p>
<p>2.3. The EESC points out that integration is</p>	<p>The Commission has stressed its</p>

¹ COM(2016) 377 final.

<p>a two way process. Best-practices in integration policies do not only target refugees but include locals as well. Such an approach is critical for the acceptance of the integration measures. Media, local authorities, trade unions, employer organisations and NGOs play an important role in this process. In order to create a positive climate towards refugees in the receiving countries - especially in times of little projected economic growth and tight labour markets in some countries - integration measures and social investments should be provided to the local population and refugees alike, covering the specific needs of each target group.</p>	<p>position to Member States that integration must be seen as a two-way process of mutual understanding, respect and shared responsibility, where efforts of the host societies are supported by efforts of migrants and refugees to uphold common values. The newly established European Social Fund (ESF) Transnational Cooperation Network on Migrants brings together ESF Managing Authorities, social partners and other relevant stakeholders with a view to promote mutual learning and exchange of good practice in the area of migrant integration.</p> <p>The Commission is actively working with all relevant stakeholders to ensure that all integration-relevant funding instruments are used to their maximum potential and in an integrated and strategically coordinated way. It promotes exchange of experiences across actors and funds and strengthening the capacity of the actors involved to ensure a coherent approach. An intensified dialogue and mutual learning is also taking place through the Asylum, Migration and Integration Fund – Internal Security Fund (AMIF-ISF) Committee. Furthermore, the newly established ESF Transnational Cooperation Network on Migration brings together ESF Managing Authorities, social partners and other relevant actors to exchange experiences on how to best use ESF funding (also in the context of synergies with the AMIF) for integration of third country nationals</p> <p>The Commission is also mobilising the</p>
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	<p>Erasmus+ funds earmarked for social inclusion to provide stronger support to the integration of migrants through transnational projects.</p> <p>The Commission is providing social stakeholders, such as youth workers and education actors, with tools to promote civic education and intercultural awareness in schools. Youth and sport projects are also funded in the field.</p> <p>Similarly, the Commission is mobilising the Creative Europe Programme to foster intercultural dialogue in Member States.</p> <p>Moreover, the Commission will continue to encourage Member States, regional and local authorities as well as social partners and non-governmental organisations to make the fullest use of the partnership mechanisms for the implementation of the EU Funds. It is important that Member States give the widest possible opportunities for organisations, especially those with innovative approaches, to participate in calls for proposals under national programmes under these Funds.</p>
<p>2.4. Language training should be provided soon after registration, if a positive decision on the asylum status is to be expected. This training should also include basic information on values, cultures and processes as well as identification of skills and qualifications. Cedefop could assist in developing methods to identify skills acquired in the country of origin.</p>	<p>The Commission has identified that language integration programmes should be provided at the earliest stage possible, both before departure where applicable, and after arrival, in its Action Plan on Integration. The AMIF can assist Member States under the national programmes with preparatory actions. Also capacity building, transnational cooperation and exchange of experience can be channelled through</p>

	<p>so-called Union Actions under the AMIF. The ESF can provide valuable support to the integration of asylum seekers in the Member States by funding integration measures such as training, language courses, counselling, coaching and vocational training. Asylum seekers can receive support from the ESF from the moment they are legally entitled to participate in the labour market. Member States are required to grant this access within a maximum of nine months after asylum seekers have applied for international protection. The Commission welcomes that some Member States have sped up the access. But even before having access to the labour market, Member States may grant asylum seekers access to vocational training, if the national law allows it.</p> <p>The Commission is also using its policy coordination tools to assist Member States in implementing effective language teaching projects in education centres. Two Peer Learning Activities were held in the first half of 2016 in this respect: one in Sweden on welcome classes; and one in Germany on language teaching and the integration of unaccompanied minors.</p> <p>In addition, the New Skills Agenda for Europe¹ aims to more rapidly integrate third country nationals through:</p> <p>(1) a “Skills Profile Tool for Third</p>
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¹ COM(2016) 381/2 final.

	<p>Country Nationals” which will assist host countries to identify and document skills, qualifications and experience of newly-arrived migrants;</p> <p>(2) work with national authorities to support recognition of migrants' and refugees' skills and qualifications, support the training of staff in reception facilities to speed up recognition procedures, and promote the sharing of information and best practice on understanding and recognition of skills and qualifications;</p> <p>(3) the availability of 100 000 licenses for online language learning for newly arrived migrants and refugees, through Erasmus + online linguistic support.</p>
<p>2.5. The EESC recommends that special attention is paid to minors, particularly the unaccompanied, who are often traumatised and need socio-pedagogical support. A rapid integration into the school system or guidance on the professional training opportunities shall be provided.</p>	<p>The Commission is particularly concerned by the challenges faced by children in migration, particularly unaccompanied minors.</p> <p>The EU legislation on asylum, immigration and trafficking in human beings include specific provisions on the protection of the interests of unaccompanied minors (UAMs), including ensuring adequate protection by applying reception measures and providing procedural guarantees until a durable solution is found. According to Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, Member States must guarantee access to the education system for minors and language courses to enable them to attend ordinary school.</p>

	<p>The Commission is also exploring how to provide strengthened support for migrant and refugee children.</p> <p>Concerning funding, UAMs are included in the 2014-2020 strategic framework under AMIF Specific and National Objectives regarding Asylum, Reception but also in the context of Resettlement and Integration.</p> <p>The Commission is also using its policy coordination tools to assist Member States in tackling the integration of unaccompanied minors in the education systems. A Peer Learning Activity on this topic was held in Germany this year.</p>
2.6. The EESC stresses that refugees must have access to information about rights and obligations in the host society in general and on the labour market in particular. Refugees must be treated equally with locals on the labour market, in order to prevent unfair competition as well as social and wage-dumping.	<p>The Commission is strongly committed to ensuring that the non-discrimination Directives are effectively implemented to foster a more inclusive labour market and society. In addition to the limited scope and financial means under the AMIF, the European Social Fund can provide valuable support towards the integration into the labour market of migrants who have legal access to the labour market. Measures foreseen can include, for example, language courses, skills identification and vocational training.</p>
2.10. Further efforts in terms of investment to boost economic growth and employment are needed, inter alia through the Juncker Plan, to achieve lasting success in integrating refugees. Additional investment in integration measures and social investments should be provided to the local population and refugees alike, covering the	<p>Regarding the contribution of EU funds to integration, as highlighted in the Action Plan on the integration of third country nationals, the Commission aims to strengthen EU financial support to Member States for the integration of third country nationals under the AMIF in the context of the</p>

specific needs of each target group. The EESC has noted the potential positive effects of a financial transaction tax for public finances, by securing a fairer contribution from the financial sector. Due to the exceptional circumstances, and in line with the Stability and Growth Pact, the additional costs of hosting refugees should not be, after the thorough examination, recognised in the public deficits of the Member States. Investment in integration measures is costly in the short and middle term, but should be seen as an investment in people, which will pay off in the long term. If integration is successful it will lead to social cohesion, economic growth and job creation. The resources of the AMIF, as well as the ESF, should therefore be increased as appropriate, particularly in those Member States that have exceeded their refugee quotas, in order to achieve better co-financing of measures to integrate refugees.

2017 draft budget.

Moreover, the Commission is actively working with all relevant actors to ensure that all EU funding instruments are used to their maximum potential and in an integrated and strategically coordinated way. It promotes exchange of experiences across concerned policy areas and funds and strengthening the capacity of the actors involved to ensure a coherent approach and better results on the ground. An intensified dialogue and mutual learning is already taking place through the AMIF-ISF Committee and on a bilateral basis with interested Member States. Another example is the newly established ESF Transnational Cooperation Network on Migrants. It brings together ESF Managing Authorities, social partners and other relevant actors to exchange experiences on how to best use ESF funding for integration of third country nationals, also in the context of synergies with the AMIF.

The Commission will continue deepening its strategic dialogue with individual Member States through dedicated joint meetings (AMIF/ISF and the European Structural & Investment Funds (ESIF)) and by providing tailored guidance to maximise the use of the available funding and to explore additional possibilities under existing programmes.

<p>N°23 Proposal for a Council Directive amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation</p> <p>COM(2016) 25 final, COM(2016) 26 final – EESC 2016/1284 – ECO/405</p> <p>516th Plenary Session - April 2016</p> <p>Rapporteur: Mr Petru SORIN DANDEA (GR11-RO)</p> <p>Corapporteur: Mr Roger BARKER (GR1-UK)</p> <p>DG TAXUD – Commissioner MOSCOVICI</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>The EESC welcomes the Commission's initiative which proposes to implement the rules set out in the OECD's BEPS action plan uniformly across the Member States.</p>	<p>The Commission welcomes the European Economic and Social Committee's broad support.</p>
<p>The Anti-Tax Avoidance Directive</p>	
<p>The EESC considers that financial corporations should not be excluded from the scope of the anti-tax avoidance Directive.</p>	<p>Financial institutions are only temporarily excluded from the scope of the interest limitations rules. There is no intention to grant a permanent benefit to financial undertakings by excluding them from this limitation.</p> <p>However, these sectors present special features which require a more customised approach. In particular, interest is not taken as passive income/expense.</p> <p>As the Organisation for Economic Co-operation and Development (OECD) discussions on this issue are ongoing, the design of rules for these sectors has been deferred to a later stage.</p>

<p>The EESC recommends that the switch-over clause should be applied directly to all taxpayers who have generated income in jurisdictions acknowledged to be tax havens.</p>	<p>The switch-over clause proposed by the Commission has a rather broad scope given that it is targeted at certain types of foreign income (for example, profit distributions, proceeds from the disposal of shares, profits from permanent establishments) which are tax exempt in the Union and originate in third countries</p> <p>The switch-over clause has been removed from the final compromise proposal agreed by the ECOFIN Council on 20 June 2016.</p>
<p>Given that aggressive tax planning is largely carried out by large multinational corporations, the EESC considers that the anti-tax-avoidance directive should not apply to SMEs.</p>	<p>The ambition of the Commission's work is to tackle unfair tax practices and improve the EU's corporate tax environment. The proposal, therefore, aims at preventing aggressive tax planning practices, irrespective of the size of the company which commits them.</p>
<p>The EESC urges the Commission to finish drawing up the list of countries or regions which refuse to apply good governance standards. The list should be flanked with penalties.</p>	<p>A pre-assessment of all non-EU tax jurisdictions from a good governance perspective was presented to the Council Code of Conduct Group on Business Taxation on 14 September 2016. The final decision on whether a tax jurisdiction will be included in the common EU list or not will be taken following a dialogue with the relevant jurisdictions. The Code of Conduct Group, together with the Commission services, are currently working on the possibility of introducing sanctions and other coordinated defensive measures at EU level.</p>

<p>The EESC recommends that the Commission and the Member States set a shorter deadline for implementing these rules which implement the commitments made during the negotiations on the OECD's BEPS process uniformly across the EU.</p>	<p>The final Presidency compromise text agreed by the ECOFIN Council on 20 June 2016 stipulates that the provisions are applicable as from 1 January 2019 (1 January 2020 for exit taxation). Many Member States put forward claims for sufficient time to transpose the proposal, given its complexity, into national law and that therefore a shorter deadline for its implementation is not feasible.</p>
<p>Given the potential impact on the investment climate in Europe, the EESC would have welcomed an impact assessment in the draft directive, as is standard practice in proposals where substantive changes are proposed.</p>	<p>As many Member States are planning to introduce new anti-abuse rules in the near future in line with their Base Erosion and Profit Shifting (BEPS) commitments, the Commission needed to act quickly to ensure that Member States implement anti-abuse measures in a coordinated manner in order to strengthen Member States' collective stance against profit shifting while upholding Treaty Freedom.</p> <p>In addition, Member States have already analysed and discussed most of the proposed rules in depth already in the Council and at the OECD.</p> <p>The analysis included in the Staff Working Document is based on these consultations and a study on aggressive tax planning, which provides a solid evidence-base for the proposal</p>
<p>Directive amending the Directive on administrative cooperation</p>	
<p>Given that aggressive tax planning is largely carried out by large multinational corporations, the EESC considers that the anti-tax-avoidance Directive and the Directive on</p>	<p>The Proposal amending the Directive on administrative cooperation requires Parent companies to provide annually and for each tax jurisdiction in which they do business the amount of revenue,</p>

<p>administrative cooperation should not apply to SMEs.</p>	<p>profit before income tax and income tax paid and accrued, their number of employees, stated capital, retained earnings and tangible assets in each tax jurisdiction. The Commission agrees that the reporting obligation should not apply to SMEs. For this reason, according to the Commission proposal, the reporting obligation only applies to Parent companies of Groups with annual consolidated group revenue equal to or exceeding EUR 750 million or an amount in local currency approximately equivalent to EUR 750 million as of January 2015.</p>
<p>Given the requests from civil society organisations for greater transparency with regard to the taxation of multinational corporations, the EESC recommends that the Commission include in the provisions of the Directive on administrative cooperation the requirement that Member States disclose the reports on financial results which will be subject to the automatic exchange of information.</p>	<p>The Commission's position is that the public availability of the Country-by-Country reports is addressed in the Commission proposal adopted on 12 April 2016 to amend the Accounting Directive (Directive 2013/34/EU). The public availability of the Country-by-Country reports should therefore be discussed in the context of the Commission proposal of 12 April 2016, which is based on co-decision.</p> <p>The current proposal of the Commission deals only with the exchange of information between EU tax authorities.</p>
<p>The EESC recommends that the Commission and the Member States set a shorter deadline for implementing these rules which implement the commitments made during the negotiations on the OECD's BEPS process uniformly across the EU.</p>	<p>The Proposal provides that the provisions are applicable as from 1 January 2017. The Commission considers that Member States need sufficient time to transpose the proposal, which has been adopted by Council on 25 May 2016, into national law and that therefore a shorter deadline for its</p>

	implementation is not feasible.
<p>Given the potential impact on the investment climate in Europe, the EESC would have welcomed an impact assessment in the draft directive, as is standard practice in proposals where substantive changes are proposed.</p>	<p>Many Member States, in their capacity as OECD Members, have, in some areas very urgently, embarked on the transposition of the output of the BEPS project into their national laws. Considering this, it is critical to make fast progress on agreeing rules for coordinating the implementation of the conclusions on BEPS in the EU. In the light of a great risk of fragmentation of the internal market, which would possibly result from uncoordinated unilateral actions by Member States, the Commission has put forward, in this proposal, solutions for achieving coherence and a certain degree of uniformity in implementing the BEPS Action 13 across the EU.</p> <p>The Commission has made every effort to respond simultaneously to both the urgency to act, and the imperative need to avoid that the functioning of the internal market is compromised either by unilateral measures adopted by Member States (whether OECD members or not) acting on their own, or lack of action by other Member States altogether.</p> <p>To provide up-to-date analysis and evidence, a separate Staff Working Document (SWD) accompanying the proposal provides an extensive overview of existing academic work and economic evidence in the field of base erosion and profit shifting. This is based on recent studies, amongst others, by the</p>

	<p>OECD, the European Commission and European Parliament. The SWD highlights the drivers and most commonly identified mechanisms which, according to the OECD reports, are linked to aggressive tax planning. It summarises the conclusions of an in-depth review of key mechanisms for aggressive tax planning on a basis of analysis per Member State, as carried out on behalf of the Commission in 2015. The SWD outlines how implementation of BEPS Action 13 through this proposal complements other initiatives to implement the OECD BEPS reports in the EU and contribute towards a common minimum level of protection against tax avoidance.</p> <p>Against this background, no impact assessment was carried out for this proposal on the following grounds: there is a strong link to the OECD BEPS work in particular with BEPS Action 13; the SWD supplies a significant body of evidence and analysis; stakeholders were extensively involved in consultations on the technical elements of the proposed rules at a previous stage; and, in particular, there is an urgent current demand for coordinated action in the EU on this matter of international political priority.</p>
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<p>N°24 Circular economy package COM(2015) 595 final, COM(2015) 614 final, COM(2015) 593 final, COM(2015) 594 final, COM(2015) 596 final EESC 2016/0042 – NAT/676 516th Plenary Session - April 2016 Rapporteur: Mr Cillian LOHAN (GR11-IE) DG ENV – Commissioner VELLA</p>	
Points of the EESC opinion considered essential	Commission position
<p>1.1. The EESC welcomes the fact that the Commission took on board some of its recommendations on the 2014 Package (the focus on the upstream part of the product lifecycle for example). However, there is room for improvement when it comes to the level of ambition of the package. The targets from the 2014 Package provided greater economic and environmental benefits¹. The EESC recommends reinstating the targets of the 2014 Package on waste treatment, while making sure they can be cost-effectively achieved.</p>	<p>The Commission thanks EESC for its substantial contribution to the Circular Economy Package.</p> <p>The new proposal is set to deliver greater and faster changes on the ground through measures creating positive synergies in the whole value-chain, linking product design, waste management and secondary materials markets. The recycling targets remain ambitious, while taking better into account the starting points of the Member States. For instance, the Commission proposes a 60% interim recycling target for 2025, which is important for re-focusing investments in the medium-term and for building a solid basis to reach higher recycling rates in the future. For 2030, next to a 65% recycling target, the proposal foresees a binding 10% reduction target and a review clause to increase the recycling target. The benefits from</p>

¹ SWD(2015) 259 final.

	the proposed targets are significant as they are based on a new definition of municipal waste and on a stricter calculation method.
1.2. The Commission's proposals do not address sufficiently the social and labour-related benefits and risks of the transition to a circular economy ¹ . It does not provide for the necessary adaptation, through training and education, of the workforce. The most vulnerable sectors and workers need to be identified so that a full complement of support structures can be established for them.	In the Action Plan, the Commission recognised the need for a qualified workforce with specific and sometimes new skills. As indicated by the EESC opinion, this may require the adaptation of training and education systems in Member States. The Commission contributes to this adaptation through the Green Employment Initiative ² and the New Skills Agenda for Europe ³ .
1.3. The EESC welcomes the inclusion of the mandatory reporting on use of adequate economic instruments to drive the achievement of the waste reduction targets but this should be applied in a broader context. The use of economic instruments to drive the transition should be made stronger and more systemic.	The Commission fully agrees on the importance of using economic instruments to promote the transition to a circular economy. The Action Plan encourages Member States to provide incentives and use economic instruments, such as taxation, to ensure that product prices better reflect environmental costs and to ensure coherence with the EU waste hierarchy.
1.4. The EESC is willing to explore the feasibility of an open European platform for the circular economy, bringing together stakeholders and civil society from the public, semi-public or private sectors involved in resource efficiency, hosted by EESC.	The Commission welcomes the proposal of the Committee and is open to discussing how to ensure the maximum synergies with existing EU platforms and events dedicated to circular economy.

¹ OJ C 230, 14.7.2015, p. 99–106.

² COM(2014) 446 final.

³ COM(2016) 381/2 final.

<p>This platform would provide opportunities for exchanging and raising awareness around best practices.</p>	
<p>1.5. Education in all its forms at all levels will form an essential part of the transition to a circular economy. This must include the identification of the training needs of workers who need to be part of an immediate change as well as the longer term action of educating future generations.</p>	<p>The Commission agrees in principle with the Committee and considers that, under the subsidiarity principle, it is the responsibility of Member States to further explore education aspects of circular economy. Regarding the identification of training needs, please see the response to point 1.4.</p>
<p>1.6. The foreseen revision of the Ecodesign Directive must take the full life cycle of the product into account, including: durability, reparability, availability/affordability of spare parts, and unconditional disclosure of repair and service information by manufacturers. The EESC emphasises the need to have the principles of ecodesign applied to all manufacturing sectors. This would facilitate the economically and technically viable recovery of the raw materials and component parts of products as their use was discontinued. The example of electronic goods, especially mobile phones, is commonly used to highlight this.</p>	<p>The Commission does not plan a formal revision of the Ecodesign Directive at this stage but the more systematic integration of circular economy aspects, in particular durability, reparability and recyclability, in the preparation of implementing measures under the Ecodesign Directive. The scope of the Directive, which covers energy-related products, has an important potential to contribute to energy and resource savings through better product design. The Commission will also examine options and actions for a more coherent policy framework of the different strands of work of its product policy in their contribution to the circular economy.</p>
<p>1.7. More comprehensive labelling is required to include life expectancy of products. It is not enough to examine the possibility of the existence of planned obsolescence. The EESC</p>	<p>The systematic consideration of durability aspects in measures prepared under the Ecodesign and Energy Labelling Directives may lead to the labelling recommended by the</p>

<p>reiterates its call on policy-makers to consider a total ban on products with built-in defects designed to end the product's life¹.</p>	<p>Committee, but this has to be considered on a product-by-product basis to achieve balanced and proportionate measures. Regarding planned obsolescence, under EU legislation on Unfair Commercial Practices, a trader who fails to inform the consumer that a product has been designed with a limited lifetime might, according to the specific circumstances of the individual case, be considered to have omitted to provide material information. In addition, an independent testing programme under Horizon 2020 may help identify the extent and variety of practices leading to reduced service life of products and therefore to identify appropriate policy responses.</p>
<p>1.3. Behaviour change can be best achieved through clear price signals, <i>i.e.</i> by offering convenience and competitive pricing to consumers. Products or services which adhere to the principles of circularity should be differentiated in price in a clear way on the basis of availability/scarcity of resources or how the product is designed. These can initially be achieved through Extended Producer Responsibility (EPR) schemes and/or green taxation. The EESC emphasises the importance of viability testing of any new measure.</p>	<p>The Commission recognises the importance of EPR schemes and has proposed minimum requirements to increase their effectiveness and performance. Those requirements should contribute to the incorporation of end-of-life costs into product prices and provide incentives for producers to take better into account recyclability and reusability when designing their products.</p>
<p>1.8. The EESC welcomes the introduction</p>	<p>The proposed general requirements</p>

¹ OJ C 67, 6.3.2014, p. 23–26.

<p>of minimal requirements for EPR schemes; however, it is necessary to further clarify roles and liabilities of the various stakeholders along the chain. The EPR schemes should be mandatory for adoption by Member States.</p>	<p>envisage that EPR schemes define in a clear way the roles and responsibilities of various stakeholders: producers, organisations implementing extended producer responsibility on their behalf, private or public waste operators, and local authorities. Member States may define roles and responsibilities of other actors relevant in their national circumstances.</p> <p>The Commission has not proposed an obligation for Member States to introduce EPR schemes beyond those that are required under EU law, but all EPR schemes required under national law should follow common general requirements.</p>
<p>1.9. Support mechanisms that allow poorer people access to higher quality (and initially higher cost) goods and services need to be developed. These may include a government-backed lending scheme, or a manufacturer-backed financing scheme exclusively applied with lower rates to products with a certain minimum life expectancy, and designed to incorporate all elements of circularity.</p>	<p>Member States may make use of subsidies for the purchase of circular products as long as these do not violate the Community State aid rules or the rules of the single market.</p> <p>It should be noted that EU Ecodesign rules, by increasing the energy efficiency of products placed on the market, indirectly reduce the energy and/or electricity costs for consumers, which may be significant in particular for poorer people.</p>
<p>1.10. Specific policy tools such as deposit return schemes and integrated management systems have been shown to be effective and should be encouraged as part of the package. Reduced rates or exemption on VAT for recycled products as well as reuse and repair activities can incentivise</p>	<p>The Commission has proposed that for the purpose of calculating whether the municipal and packaging recycling targets have been attained, Member States may include products and components prepared for re-use by recognised operators or deposit-refund schemes.</p>

<p>entrepreneurs to be active in this space, and offer consumers a competitively priced product, which will help promote widespread behavioural change. Subsidies should shift to support use of secondary raw materials, and encourage the application of the principles of Ecodesign across all manufacturing sectors.</p>	<p>The Action Plan also encourages Member States to provide incentives and use economic instruments, such as taxation, to ensure that product prices better reflect environmental costs and to ensure coherence with the EU waste hierarchy.</p> <p>Member States may make use of subsidies for recycled products as long as these do not violate the Community State aid rules or the rules of the single market.</p>
<p>1.11. Governments and their institutions should take a lead role in applying Green Public Procurement (GPP) to all purchases of products and services within their power. The greenest option should be chosen by default, with any other option requiring justification.</p>	<p>GPP is a voluntary policy at EU level. The Commission is supporting public authorities to include more environmental requirements in their tenders. To increase the uptake of GPP, the Commission has developed, amongst other activities, common GPP criteria for more than 20 products and services categories. For each product group, the Commission recommends core (“light green”) and comprehensive (“dark green”) criteria, the latter are defined to select the best environmental products available on the market.</p> <p>The Commission is also supporting capacity building of NGOs in order to reinforce their implication in GPP, and is developing specific training for staff in charge of public procurement in public authorities.</p> <p>The reformed public procurement framework, which had to be transposed into national law by April 2016, leaves it however up to the individual public</p>

	<p>authority to decide if they want to buy according to the lowest price or to take other elements into account.</p> <p>To help in this endeavour, the Commission has recently published the 3rd edition of the Buying Green Handbook in April 2016, which provides information on how to do GPP under the new public procurement rules (translated in all official languages).</p>
1.12. Separate collection of waste streams is critical for achieving circularity. The addition of the binding requirement to immediately provide a separate collection for bio waste is welcomed. The requirement in the Directive should be strengthened for all separate collection, so that it becomes mandatory unless a specific exemption is granted where there is a practical feasibility constraint.	The Commission recognises the important role of separate collection in achieving higher recycling rates both in the waste legislative proposals and through its compliance promotion actions. The Commission will examine carefully the implementation of the separate collection obligation under which Member States had to set up, by 2015, separate collection schemes for at least paper, metal, plastic and glass.
1.13. Food waste reduction can only be achieved with the inclusion of milestones along the road to reaching the SDG 2. The development of a mechanism to quantify food loss and waste should be included in the annex with a specific deadline, building on the work already done ¹ .	The action on preventing and reducing food waste contributes to several Sustainable Development Goals (SDG) of the 2030 Agenda for Sustainable Development, particularly SDG 2, SDG 12, SDG 13 and SDG 15 ² , where SDG 12 includes a specific target for food waste prevention (SDG 12.3) ³ .

¹ See for instance the FP7 EU FUSIONS project: <http://www.eu-fusions.org/index.php>.

² SDG 2 (End hunger, achieve food security and improved nutrition and promote sustainable agriculture), SDG 12 (Ensure sustainable consumption and production patterns); SDG 13 (Take urgent action to combat climate change and its impacts); SDG 15 (Protect, restore and promote sustainable use of territorial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss).

³ SDG 12.3: halve per capita food waste at the retail and consumer level by 2030, and reduce food losses along the food production and supply chains.

	<p>The Commission has already committed to set up a monitoring system for food waste along the food supply chain in close cooperation with Member States and stakeholders. The development of a methodology to measure food waste is one of the key deliverables on food waste envisaged in the Action Plan. The first outline of the methodology is planned to be discussed with the Platform of Food Loss and Food Waste which was launched in August. The Platform has 70 Members including Members States and all relevant stakeholders and will have its first meeting on 29 November 2016.</p> <p>The legislative proposal to revise the Waste Framework Directive (2008/98/EC) foresees that the reporting according to this methodology will start as of 2020 (Article 37.2).</p>
1.14. Circular economy concepts cannot develop in isolation. There is a need for an oversight body, such as the Resource Efficiency Platform, with a remit to ensure that other sectoral strategies coming from the Commission are in harmony with the principles of a circular economy.	The Commission intends to ensure the consistency of the different sectoral strategies using existing coordination mechanisms between services and consultation of stakeholders, in line with the Better Regulation principles and institutional prerogatives.
1.15. The Semester process through the Country Specific Recommendations can be used to ensure implementation at Member State level, and ensure prioritisation of a transition to a circular economic model.	The Annual Growth Survey 2016 stated that Member State action is necessary to improve efficiency in the use of resources and bringing forward a much more circular economy. Consequently, circular economy and/or resource efficiency was mentioned in 18 of the 27 Semester country reports.

	<p>The fact that the theme was not mentioned in the 2016 CSRs is the result of weighing the various challenges per country.</p>
<p>4.1.8. The EESC calls for stand-alone, quantitative targets for reuse, separate from those for recycling. The necessary conditions must be created in order to meet these targets.</p>	<p>The Commission has proposed a combined target for recycling and preparing for re-use, which covers waste, products and components. Re-use is also highlighted in the legislative proposals on prevention under Article 9 of the Waste Framework Directive, which foresee that Member States shall encourage the setting up of systems promoting reuse activities and shall use appropriate qualitative or quantitative indicators and targets to monitor and assess the implementation of the waste prevention measures.</p>
<p>4.4.7. The backfilling option must be removed.</p>	<p>The Commission takes note of the position of the EESC on backfilling. The current waste proposals do not foresee changing the 2020 construction and demolition waste target, but Member States do have to report separately on the amount of construction waste used for backfilling operations.</p> <p>The waste proposals envisage considering the setting of targets for waste streams other than municipal waste as part of a review to be carried out by end of 2024.</p>
<p>4.4.9. Water as a resource should be an</p>	<p>The Commission agrees with the</p>

<p>important part of the circular economy¹. The use of closed loops, reducing waste, and removal of pollutants are essential aspects of water resource management in a circular model. Details of how this will be achieved are required.</p>	<p>Committee and has included important actions relating to water reuse including a legislative proposal setting minimum quality requirements for reused water for irrigation and groundwater recharge, together with support and guidance measures.</p> <p>The other aspects of water resource management are also promoted through implementation of water legislation, and through voluntary instruments and support to innovation and investments listed in the Action Plan. In particular, a topic "Water in the context of the circular economy", supporting demonstrations of innovative solutions in this area, has been included under the Horizon 2020 call "Industry 2020 in the circular economy".</p>
<p>4.5.1. In the previous Circular Economy Package, the Commission had announced that it would assess the Resource Efficiency platform's recommendation to introduce a headline target for resource efficiency in the review of the Europe 2020 Strategy. This would be a way to integrate this aspect into key policy sectors. The outcome of these assessments should be published and a usable metric for monitoring development of the circular economy should be</p>	<p>As announced in the 2014 Communication on Circular Economy², the Commission took the recommendations of the European Resource Efficiency Platform on a headline target for resource efficiency into account in the public consultation in the review of the Europe 2020 strategy and published the results in the Communication COM(2015) 100 final, stressing that there was strong support for keeping the current five headline targets of Europe 2020 unchanged.</p>

¹ European Commission, *The Junction of Health, Environment and the Bioeconomy: Foresight and Implications for European Research & Innovation Policies*, 2015, p. 43.

² COM(2014) 398 final.

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<p>N°25 Certain aspects concerning contracts for the supply of digital content and the Proposal for a directive of the European Parliament and of the Council on certain aspects concerning contracts for the online and other distance sales of goods COM(2015) 634 final, COM(2015) 635 final – EESC 2015/6292 – INT/775 516th Plenary Session - April 2016 Rapporteur: Mr Pegado LIZ (GR11-PT) DG JUST – Commissioner JOUROVÁ</p>	
Points of the EESC opinion considered essential	Commission position
COM(2015) 634 final	
With regard to the instrument used, the EESC reiterates its preference for the use of Regulations in areas related to the functioning of the single market (3.2).	The Commission has opted for using Directives instead of Regulations as legal form for its proposals in order to leave more flexibility to Member States. Indeed, a Directive leaves the necessary flexibility to Member States to incorporate the new rules in their current legislation while ensuring the required level of harmonisation of these key legal requirements which hinder the Digital Single Market. A Regulation would require a much more detailed and comprehensive regime than a Directive in order to allow its effects to be directly applicable. As a consequence, this would have considerably more interference into national laws. It might also jeopardise the future-proof character of the instrument, since, contrary to a Directive, it would have to go to a level of detail that would not allow the margin to adapt the implementation of the fully harmonised rules to a technologically and commercially fast-moving market like the one for digital content.

<p>The EESC contests the choice of two Directives instead of one (3.3), but ultimately finds it appropriate to regulate these matters by means of two Directives rather than a single instrument because of the urgency and timeliness of regulating the online sales of digital content (1.5).</p>	<p>One of the major outcomes of the public consultation which informed the two proposals was that the rules on digital content should be as far as possible based on the rules on the sales of goods. The Commission has made every attempt to respect this principle, while at the same time allowing for a certain degree of differentiation when necessary due to the specific nature of digital content.</p>
<p>With regard to the level of harmonisation, the EESC in principle reiterates its preference for minimum harmonisation (3.2), but accepts the Commission's suggestion of targeted full harmonisation for the digital content proposal (1.10).</p>	<p>The Commission appreciates the EESC's support for the targeted full harmonisation approach on the digital content proposal. The Commission is convinced that a targeted full harmonisation of a number of key issues is the appropriate solution for achieving the objective of the Digital Single Market Strategy. Consumers will have a clear set of rights throughout the EU and will thus be more confident in buying goods or accessing digital content cross-border. Businesses will benefit from a single set of contract law rules throughout the EU. They will no longer have to incur costs of adapting their contracts to different Member States' laws when selling in other EU countries.</p>

<p>The EESC believes that the proposal should also harmonise other essential areas, such as the age at which minors can conclude a contract (4.3.1), the definition of categories of specific unfair terms for online contracts for which there is no provision in Directive 93/13/EEC, the practice of "pay now" buttons and the inclusion of a standard clause on co-regulation (3.2.2).</p>	<p>The Commission takes note of the EESC's opinion on this issue. However, the Commission opted for a targeted approach, by harmonising only key national mandatory consumer contract law rules that have been identified as obstacles by stakeholders and Member States. The objective of the Commission is to ensure that the proposed rules achieve a balance by providing legal certainty to consumers and businesses on key points, without unnecessarily interfering with national laws.</p>
<p>The EESC agrees with the need for action at the EU level to introduce specific rights for consumers when accessing digital content. The EESC emphasises the need to ensure the overall synergy between all measures outlined in the Digital Single Market strategy. Finally, the EESC acknowledges the importance of the protection of consumers according to EU data protection legislation with regard to the processing of their personal data (4.3.1).</p>	<p>The Commission welcomes the support of the EESC on these important elements of the proposal. In particular, the Commission welcomes the EESC's view that there is a need for EU action to establish uniform rules on contracts for the supply of digital content to consumers. The supply of digital content has a particularly strong growth potential for the EU. The risk of legal fragmentation needs to be avoided, as some Member States have already legislated, others are doing so and others can be expected to follow if no action is taken at EU level.</p> <p>The Commission fully shares the view that the proposal should be seen in the broader context of the Digital Single Market Strategy. In particular, it forms a consistent package with other initiatives, such as the legislative proposals on geo-blocking, parcel delivery services and enforcement of consumers' rights. Combined with the upcoming VAT simplification proposal and the Commission's Communication on online platforms, these actions complement the digital contracts proposals and address long-standing obstacles to the Digital Single</p>

	<p>Market.</p> <p>The Commission fully shares the EESC's conviction that the proposal needs to be fully consistent with EU data protection legislation. Consequently, the proposal states in an unequivocal manner that the Directive is without prejudice to the protection of individuals with regard to processing of personal data. Moreover, its implementation and application should be made in full compliance with the EU Data protection framework, i.e. Directive 95/46/EC, which will be replaced by the General Data Protection Regulation 2016/679/EU and with Directive 2002/58/EC.</p>
<p>The EESC accepts the fact that the proposal includes digital content against "counter-performance other than money", as long as this is defined in a precise manner (4.3.2.3 point 1).</p>	<p>The Commission welcomes the EESC's acceptance of the inclusion in the scope of the proposal of digital content supplied against consumers' data. The Commission's objective is to ensure that consumers have clear and effective remedies regardless of whether they pay with money or with their data, which have a clear economic value for suppliers. The proposal further clarifies certain conditions; in particular that a contract is included in the scope of the proposal only if the data is actively provided by the consumer in exchange for the digital content.</p>
<p>The EESC finds it necessary to clarify the definition of digital content under the proposal, in particular as regards certain services - such as pay TV, cloud computing or online communication -, platforms and the internet of things (4.3.2.3 points 2, 3, 7 and 8).</p> <p>The EESC also emphasises the need for</p>	<p>The Commission opted for a broad definition of digital content, in order to provide future-proof rules covering all categories of the fast evolving market of digital content. This includes sales-like content such as music files, video games or software, as well as service-like content such as digital TV and cloud computing</p>

<p>clarity on the rules applicable on digital content on a tangible medium and digital content embedded in tangible goods (4.3.2.3 point 6).</p>	<p>storage. It also includes digital content allowing interaction with other users, such as social media and online messenger applications.</p> <p>The proposal applies to digital content on a tangible medium (CD, DVD, CD-ROM etc.), where the tangible medium only serves as a carrier for the digital content. As regards digital content embedded in a tangible good, the Commission opted for a solution that would be future-proof and easily applicable for consumers. Under this solution, the rules on goods would mainly apply to the extent that the digital content incorporated in the good only serves the main functions of the good.</p>
<p>The EESC is concerned about a possible overlap between Article 5 of the proposal, which establishes an obligation for the supplier to supply the digital content immediately, and Article 16(m) of the Consumer Rights Directive (2011/83/EU) which requires the consumer to consent to the immediate supply, thus waiving the 14-day right of withdrawal (4.3.2.5).</p>	<p>The Commission has ensured the consistency and complementarity of the proposal on the supply of digital content with consumer protection Union acts, including Directive 2011/83/EU. Article 5 of the proposal for a Directive on the supply of digital content would therefore not overlap with Article 16(m) of Directive 2011/83/EU, but would apply in parallel. Where the digital content is supplied immediately to the consumer according to Article 5(2) of the proposal, the consumer will not have the right to withdraw from the contract, if he has expressly consented and acknowledged that he shall lose the right of withdrawal, as stipulated in Article 16(m) of Directive 2011/83/EU. If parties do not wish such a result, they can agree differently as Article 5 of the proposal for Directive on the supply of digital content is not mandatory but a default provision.</p>
<p>The EESC believes that the period after</p>	<p>The Commission takes note of the EESC's</p>

<p>which consumers should be able to terminate long-term contracts should be six months, and that this termination should be free of any charge for consumers (4.3.2.11).</p>	<p>suggestions on this point. The Commission is convinced that the right to terminate long term contracts prevents lock-in situations for consumers and allows switching between providers, thereby contributing to higher competitive pressure on prices and innovation and to a healthy market with lower entry barriers. As regards the length of the period after which this right should be established, the Commission believes that the 12-month period represents a good balance between the interests of suppliers and consumers, and is more consistent with other existing EU legislation, such as Directive 2002/22/EC (as amended in 2009) for telecommunication services. The termination possibility for the consumer should in the opinion of the Commission not be free of charge as the termination possibility of long term contracts granted does not pre-suppose an infringement of the contract on the side of the supplier in form of a lack of conformity.</p>
<p>COM(2015) 635 final</p>	
<p>The EESC disagrees with the legal basis chosen by the Commission and proposes article 169 TFEU instead (1.3).</p>	<p>The Commission acknowledges the link between objectives of Article 169 and Article 114 TFEU. However, Article 114 TFEU is the only appropriate legal basis for the proposal which contributes to the faster growth of the Digital Single Market by eliminating contract law-related barriers that hinder online cross-border trade. Article 114 paragraph 3 TFEU requires the Commission already to take as a base for its proposals a high level of consumer protection. As confirmed by Article 169 paragraph 2 (a) TFEU,</p>

	<p>consumer protection objectives under Article 169 should be attained through measures adopted pursuant to Article 114 TFEU. Article 169 paragraph 2 (b) TFEU is not relevant in this context as it only concerns measures which support, supplement and monitor national consumer policies.</p>
<p>The EESC suggests extending the scope of the proposal to include leasing contracts, specific forms of commercial guarantees and certain specific products (4.2.5.1, 4.2.5.2 point 1, 3, 4.2.5.12, 4.2.5.14).</p>	<p>The Commission proposal's aim is to harmonise only these targeted key national mandatory consumer contract law rules which constitute obstacles to cross-border trade.</p>
<p>The EESC proposes a number of modifications to further increase the level of consumer protection, for instance by obliging the seller to maintain an adequate stock of spare parts, establishing a free choice of remedies as well as the suspension of the legal guarantee during repair or replacement (4.2.5.5 point 2, 4.2.5.7 points 1, 4, 5, 6, 4.2.5.8 points 1,2, 4.2.5.9 point 2, 4.2.5.11).</p>	<p>The Commission takes note of the EESC's suggestions. However, the Commission considers it important to keep in mind that the proposals form a balanced package that takes into account both consumers' and businesses' interests. Therefore, it is not desirable to combine all national peaks of consumer protection in one piece of legislation. This would discourage businesses from engaging in the Digital Single Market, and would prevent consumers from enjoying better offers at more competitive prices. The Commission believes that the proposals represent a reasonable balance between targeted full harmonisation that will give legal certainty to consumers and businesses and a very high level of consumer protection.</p>
<p>The EESC advocates for the introduction of a durability criterion when establishing the legal guarantee period (4.2.5.4 point</p>	<p>Promoting durability of consumer goods is a very important objective for the Commission as underlined in the EU</p>

1).	Action Plan for the Circular Economy. In the Commission's view, product-specific Union legislation is the most appropriate approach to introduce durability criteria in relation to specific types or groups of products. Nevertheless, pursuant to its commitments undertaken in the EU Action Plan for the Circular Economy, the proposal contains rules which support product durability. In particular, the extension of the reversal of the burden of proof to two years will create a clear incentive to produce higher quality and more durable products.
The EESC would like to give the parties the possibility to derogate from the obligation to sell goods free from any right of a third party (4.2.5.5).	While in certain cases the proposal allows parties to derogate from its mandatory provisions, it is not the case in relation to the provision concerning third party rights. Derogation from this rule would unreasonably lower consumer protection. Consumers should not face contracts which contain standard terms and conditions allowing the trader to sell a good in infringement of rights of a third party or cases where the use of the good in accordance with the contract would infringe a third party right.
The EESC asks to extend the relevant time for the passing of risk in cases where the goods are intended to be installed by the consumer and the particular complexity of the installation requires more time (4.2.5.6).	In case the goods are intended to be installed by the consumer, the consumer has a reasonable time of maximum 30 days before the installation is considered completed. The Commission considers 30 days as a sufficiently long maximum period for installing goods.
The EESC criticises the approach of giving a reasonable time to the trader to complete the repair or the replacement and suggests a fixed period of 15 days	The choice of a reasonable period for a trader to complete a repair represents a balanced approach, which allows taking into account the nature of the goods and

<p>(4.2.5.7 point 2).</p>	<p>the purpose for which the consumer required the goods. A fixed period might be, depending on the goods, either too short or too long. If the period is too short, the consumer might be pushed to terminate the contract even when that is unnecessary. If it is too long it might become the default period for all goods. In the latter case, the consumer would have to wait for an unnecessarily long period before having the good repaired or replaced.</p>
<p>The EESC believes the consumer should not pay for the use, deterioration or loss of a good in the event that the consumer terminates the contract (4.2.5.10).</p>	<p>The objective of this provision is to make the right to terminate the contract effective while providing at the same time a fair balance between the interests of the parties to the contract. In particular, it aims at avoiding abuse and unjustified enrichment while, at the same time, the consumer is not responsible for a loss or destruction of goods that is caused by the lack of conformity.</p>
<p>The EESC supports harmonisation of the right of redress, including a direct joint liability on the part of the manufacturer and the seller with regard to the consumer (4.2.5.13).</p>	<p>The Commission has opted for a targeted approach that harmonises only the specific areas that have been identified as obstacles to cross-border trade. Furthermore, the proposal only concerns the contractual relationship between the seller and the consumer, and therefore does not extend to the area linked to the business-to-business relations between the seller and the producer. The Commission has therefore decided to leave the matter of regulating the</p>

	<p>producer's direct liability to Member States' national laws¹. In addition, the improved rules on commercial guarantees that have been introduced in the proposal enable consumers to better exercise their rights stemming from commercial guarantees voluntarily offered by producers.</p>
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¹ The proposed Directive is without prejudice to Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products, which establishes the extra-contractual liability of producers for defective products.

<p>N°26 External Dimension of the EU's Energy Policy (exploratory opinion) EESC 2016/0083 - REX/459 516th Plenary Session - April 2016 Rapporteur: Mr Vitas MAČIULIS (GR11-LT) DG ENER – Commissioner ARIAS CAÑETE</p>	
Points of the EESC opinion considered essential	Commission position
1.1.1. Three factors are paramount for the external dimension of energy: diversification, "speaking with one voice" and a properly developed internal energy system.	The Commission believes that these are very important factors but, in line with the Energy Union Strategy, also believes that energy efficiency, decarbonising the economy, and research, innovation and competitiveness all have an equally significant external dimension.
1.3.3. Common environmental and nuclear safety standards in the energy projects being implemented in the EU's neighbouring countries should be an important point of the EU's external energy policy. Energy purchases from countries that fail to comply with these standards should be limited.	The Commission agrees on the importance of the highest environmental and nuclear safety standards being applied for all projects. However, on the issue of possibly restricting energy imports, the applicable trade and internal market rules would need to be respected.
1.4.1. All the necessary parts of energy infrastructure must be established, making it possible to optimise and streamline the import of energy resources into the EU.	The Commission fully supports this recommendation, which is in line with the Energy Union Strategy. Projects of Common Interest (PCIs) and the Connecting Europe Facility (CEF) are designed specifically to address this issue.
1.4.2. The EESC underlines the need to fully integrate the energy networks and systems of all Member States into the EU's internal market and ensure that they are fully synchronised.	The Commission fully supports this recommendation, which is in line with the Energy Union Strategy. PCIs and the CEF are designed specifically to address this issue.
1.5 A forward-looking energy policy, which would help achieve the EU's external	The Commission fully supports this recommendation, which is in line with the

goals, including in the context of the COP21 agreement, should primarily rely on systematic attention to the EU's climate policy goals and international efforts to mitigate climate change, mainly by developing three key factors: renewable energy sources, energy efficiency and research and development.	Energy Union Strategy and the Commission Communication of 2 March 2016, "The Road from Paris: assessing the implications of the Paris Agreement" ¹ .
1.6. Research and development must receive adequate resources, which would lead to increased effectiveness and decreased costs of energy production. International cooperation is clearly also important in this context.	The Commission fully agrees and for this reason, the EUR 2.35 billion budget that was foreseen for the Seventh Framework Programme (FP7) non-nuclear energy budget until 2013 has been more than doubled (to EUR 5.931 billion) under Horizon 2020. In addition, on 1 June 2016, the Commission joined the multilateral Mission Innovation initiative which commits its members to double their public investment in clean energy R&D over five years.
1.7. As energy should be affordable for consumers and supportive of the competitiveness of industry, the EESC calls on the Commission and national governments to give a broad role to civil society, the social partners and consumer organisations. For this reason, the EESC asks for a European Energy Dialogue and a European Energy Forum including all stakeholders. This is crucial for the establishment of an intelligent, efficient and sustainable EU external energy policy.	The Commission takes note of the recommendation and would like to point out that various stakeholders already participate on a regular basis in the "Citizen's Energy Forum" which is held on an annual basis (https://ec.europa.eu/energy/en/events/citizen-s-energy-forum-london).

¹ COM(2016) 110 final.