

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

**EUROPEAN ECONOMIC AND SOCIAL COMMITTEE**

**PLENARY SESSION OF MAY 2016**

N°	Title	References
<b>SG</b>		
1.	<b>REFIT</b> Rapporteur: Denis MEYNENT (GRII-FR)	EESC-2016-00869-00-03-PAC-TRA SC/044
2.	<b>European Sustainable Development Civil Society Forum</b> Rapporteur: Brenda KING (GRI-UK) Co-rapporteur: Roman HAKEN (GRIII-CZ)	EESC-2016-00575-00-00-AS-TRA NAT/678 exploratory opinion requested by the Netherlands presidency
<b>DG MOVE</b>		
3. DG CLIMA associated	<b>The impact of the conclusions of COP21 on European transport policy</b> Rapporteur: Raymond HENCKS (GRII-LU)	EESC-2016-00773-00-00-AS-TRA TEN/582 own-initiative opinion
<b>DG GROW</b>		
4.	<b>Innovation as a driver of new business models</b> Rapporteur: Ariane RODERT (GRIII-SE) Co-rapporteur: Oliver RÖPKE (GRII-AT)	EESC-2016-00078-00-00-AS-TRA INT/778
5.	<b>Sharing economy and self-regulation</b> Rapporteur: Jorge PEGADO LIZ (GRIII-PT)	EESC-2016-00933-00-00-AS-TRA INT/779

6.	<p><b>European standardisation 2016</b></p> <p>Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee – The annual Union work programme for European standardisation for 2016</p> <p>Rapporteur: Patrick LIEBUS (GRI-FR)</p>	<p>COM(2015) 686 final</p> <p>EESC-2016-01070-00-00-AS-TRA</p> <p>INT/783</p>
7.	<p><b>Motor vehicles/systems, components and technical units</b></p> <p>Proposal for a Regulation of the European Parliament and of the Council on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles</p> <p>Rapporteur: Jan SIMONS (GRI-NL)</p>	<p>COM(2016) 31 final – 2016/0014 COD</p> <p>EESC-2016-01357-00-00-AS-TRA</p> <p>INT/789</p>
<b>DG FISMA</b>		
8.	<p><b>Markets in Financial Instruments Directive and Regulation MiFID &amp; MiFIR/ Date</b></p> <p>Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 600/2014 on markets in financial instruments, Regulation (EU) No 596/2014 on market abuse and Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories as regards certain dates</p> <p>Proposal for a Directive of the European Parliament and of the Council amending Directive 2014/65/EU on markets in financial instruments as regards certain dates</p> <p>Rapporteur: Daniel MAREELS (GRI-BE)</p>	<p>COM(2016) 57 final – 2016/0034 COD</p> <p>COM(2016) 56 final – 2016/0033 COD</p> <p>EESC-2016-01921-00-00-AS-TRA</p> <p>INT/790</p>

<b>DG HOME</b>		
9.	<p><b>European Border and Coast Guard</b></p> <p>Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 768/2005 establishing a Community Fisheries Control Agency (Text with EEA relevance)</p> <p>Communication from the Commission to the European Parliament and the Council: A European Border and Coast Guard and effective management of Europe's external borders</p> <p>Proposal for a Regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Decision 2005/267/EC</p> <p>Rapporteur: Giuseppe IULIANO (GR II-IT) Co-rapporteur: Cristian PÎRVULESCU (GR III-RO)</p>	<p>COM(2015) 669 final – 2015/0308 COD</p> <p>COM(2015) 673 final</p> <p>COM(2015) 671 final – COD 2015/0310 COD</p> <p>EESC-2016-00688-00-00-AS-TRA</p> <p>SOC/534</p>
<b>DG CNECT</b>		
10.	<p><b>The use of the 470-790 MHz frequency band in the Union</b></p> <p>Proposal for a Decision of the European Parliament and of the Council on the use of the 470-790 MHz frequency band in the Union</p> <p>Rapporteur: Raymond HENCKS (GR II-LU)</p>	<p>COM(2016) 43 final – 2016/0027 COD</p> <p>EESC-2016-01497-00-01-AS-TRA</p> <p>TEN/587</p>
<b>DG EMPL</b>		
11.	<p><b>The changing nature of employment relationships and its impact on maintaining a decent living wage</b></p> <p>Rapporteur: Kathleen WALKER SHAW (GR II-UK)</p>	<p>EESC-2016-00137-00-00-AS-TRA</p> <p>SOC/533</p> <p>exploratory opinion requested by the Dutch and Slovak presidencies</p>

12.	<p><b>European Accessibility Act</b></p> <p>Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services</p> <p>Rapporteur: Ask LØVBJERG ABILDGAARD (GRIII-DK)</p>	<p>COM(2015) 615 final – 2015/0278 COD</p> <p>EESC-2016-00050-00-00-AS-TRA</p> <p>SOC/527</p>
13.	<p><b>Decent work in global supply chains</b></p> <p>Rapporteur: Emmanuelle Butaud-Stubbs (Gr. I-FR)</p>	<p>EESC-2016-00959-00-00-AS-TRA</p> <p>REX/462</p> <p>own-initiative opinion</p>
<b>DG ENV</b>		
14.	<p><b>Regulation on mercury</b></p> <p>Proposal for a Regulation of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008</p> <p>Rapporteur: Vladimír NOVOTNÝ (GRI-CZ)</p>	<p>COM(2016) 39 final – 2016/0023 COD</p> <p>EESC-2016-01268-00-00-AS-TRA</p> <p>NAT/687</p>
<b>DG NEAR</b>		
15.	<p><b>Review of the European Neighbourhood Policy</b></p> <p>Joint communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Review of the European Neighbourhood Policy</p> <p>Rapporteur: Andrzej ADAMCZYK (GRII-PL) Co-rapporteur: Gintaras MORKIS (GRI-LT)</p>	<p>JOIN(2015) 50 final</p> <p>EESC-2016-00518-00-00-AS-TRA</p> <p>REX/458</p>
EEAS associated		

<b>DG ENER</b>		
16.	<p><b>Contribution of indigenous coal and lignite resources to the EU's energy security</b></p> <p>Rapporteur: Dumitru FORNEA (GRII – RO) Co-rapporteur: Renata EISENVORTOVÁ (CCMI delegate-CZ)</p>	<p>EESC-2015-01360-00-04-AS-TRA</p> <p>CCMI/138</p> <p>own-initiative opinion</p>
<b>DG DEVCO</b>		
17.	<p><b>Future of EU's relations with ACP Group of countries</b></p> <p>Rapporteur: Brenda King (GRI-UK)</p>	<p>EESC-2015-05372-00-00-AS-TRA</p> <p>REX/455</p> <p>Green Paper</p>
<b>DG REGIO</b>		
18.	<p><b>Maximising the contribution of ESI Funds</b></p> <p>Communication from the Commission – Investing in jobs and growth – maximising the contribution of European Structural and Investment Funds</p> <p>Rapporteur: Dimitris DIMITRIADIS (GRI-EL)</p>	<p>COM(2015) 639 final</p> <p>EESC-2016-00351-00-00-AS-TRA</p> <p>ECO/396</p>
<b>DG MARE</b>		
19.	<p><b>Fishing authorisations</b></p> <p>Proposal for a Regulation of the European Parliament and of the Council on the sustainable management of external fishing fleets, repealing Council Regulation (EC) No 1006/2008</p> <p>Rapporteur: Gabriel SARRÓ IPARRAGUIRRE (GRIII-ES)</p>	<p>COM(2015) 636 final – 2015/0289 COD</p> <p>EESC-2015-04398-00-00-AS-TRA</p> <p>NAT/674</p>

**DG AGRI**

20.  DG SANTE assoc	<b>More sustainable food systems</b>  Rapporteur: Mindaugas Maciulevičius (GRIII-LT)	EESC-2016-00232-00-00- AS-TRA  NAT/677  exploratory opinion requested by the Netherlands presidency
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<p><b>N°1      REFIT (exploratory opinion)</b>  <b>EESC 2016/0869 – SC/044</b>  <b>517<sup>th</sup> Plenary Session - May 2016</b>  <b>Rapporteur: Mr Denis MEYNENT</b>  <b>SG – First Vice-President TIMMERMANS</b></p>	
<b>Points of the EESC opinion considered essential</b>	<b>Commission position</b>
<p>1.3. (2.7.4.)</p> <p>Impact assessments of any legislative proposals must be integrated and accord due importance to the economic, social and environmental dimensions, including for SMEs. The Committee calls for the Parliament, the Council and the European Commission to agree on a common methodology on impact assessments, which could also serve as a prompt for the EESC and the Committee of the Regions (CoR).</p>	<p>The Commission has a well-established impact assessment system and methodological guidelines which are widely respected internationally by, for example, the Organisation for Economic Co-operation and Development (OECD). Under the Interinstitutional Agreement for Better Law-making , the Commission is committed to cooperate with the other institutions on a regular basis by exchanging best practice and methodologies related to impact assessments in order to enable each institution to further improve its own methodology and procedures and the coherence of the overall impact assessment work across the institutions.</p>
<p>1.4. (2.8.)</p> <p>Both the public consultation process and the consultation of experts and stakeholders should be as open as possible, but cannot be a substitute for the consultation of social partners and the Committee.</p> <p>2.8.2.</p> <p>The Committee calls for consultation to be performed without prejudice to the structured civil dialogue (Article 11(2))</p>	<p>The Commission fully agrees that stakeholder consultation is always complementary to the institutionalised and Treaty-based consultations of the consultative Committees, which follow specific rules and interinstitutional arrangements.</p> <p>The Commission consultations are performed without prejudice to those dialogues and consultation carried out within specific frameworks including</p>



<p>TEU) and consultations carried out within specific frameworks, such as consultation of the social partners as part of social dialogue (employers' organisations and trade unions) (Article 154 TFEU) or of advisory bodies, such as the European Economic and Social Committee (Article 304 TFEU).</p>	<p>social dialogue to which the Commission remains fully committed.</p>
<p>1.5.</p> <p>The Committee calls on the Commission to include in its scoreboard an annual assessment – both quantitative and qualitative – of the main costs and benefits of REFIT programme measures, including the level and quality of employment, and social, environmental and consumer protection.</p>	<p>As a contribution to its Regulatory Fitness Programme (REFIT), the Commission committed within the Interinstitutional Agreement for Better Law-making to present annually an overview, including an annual burden survey, of the results of the Union's efforts to simplify legislation and avoid overregulation and reduce administrative burdens.</p>
<p>1.6.</p> <p>The decision-making process should remain as smooth and relevant as possible. The bodies and filters set up to check the legitimacy of the process must not undermine political decision-making, which must remain sovereign. There is a need here to stand up to bureaucratisation of the decision-making process.</p>	<p>The new Interinstitutional Agreement between the European Parliament, Council and the Commission sets out when and how Better Regulation tools should be applied in the context of law making. The aim of Better Regulation is to inform decision making, not to hinder it or to be a substitute for political decision-taking.</p>
<p>1.7.</p> <p>The EESC duly notes the introduction of the REFIT Platform, which has been given a mandate to work towards more effective legislation and simpler administrative rules. It stresses that it should be restricted to carrying out a limited review of a number of topics and cannot replace the co-legislators or the mandatory consultation of the Committee – since its work is of a different</p>	<p>Regarding the mandate of the REFIT Platform:</p> <p>The REFIT Platform is a body designed to <i>advise</i> the Commission on how to make EU legislation more efficient and effective, reducing unnecessary regulatory burden. Its tasks are to 1) invite and collect suggestions from all available sources on regulatory and administrative</p>

<p>nature – and the social partners, as provided for by the Treaties.</p> <p>It calls on the Commission to make public the criteria for shortlisting the suggestions addressed to the Platform, to ensure these are balanced and to make clear the follow-up to the Platform's recommendations so that influences can be traced.</p> <p>2.10.2.</p> <p>The EESC notes, however, that the platform must:</p> <ul style="list-style-type: none"> <li>- remain an advisory forum for pooling ideas which cannot alter how the institutions – and especially the co-legislators – operate;</li> <li>- respect the consultation of the Committee and other mandatory consultations provided for in the Treaties, in particular Article 154 TFEU relating to the social partners;</li> <li>- be restricted to carrying out a review of a limited number of topics.</li> </ul> <p>2.10.3.</p> <p>The EESC also expects that:</p> <ul style="list-style-type: none"> <li>- the Platform should not duplicate the consultation processes implemented elsewhere and should not constitute an unnecessary layer of bureaucracy;</li> <li>- the Platform should not interfere in the decision-making process on the grounds that</li> </ul>	<p>burden reduction; 2) assess the merits of the collected suggestions in terms of their potential to reduce regulatory and administrative burden without endangering the achievement of the objectives of the legislation; 3) forward, with any comments, the suggestions considered to merit most attention to the Commission or, in the case of an implementing measure, to the Member State concerned; and 4) respond to each person making a suggestion and to publish the suggestions it receives and the response from the Commission or Member State. The Platform can also be consulted by the Commission on any matter relating to its Better Regulation work and REFIT Programme.</p> <p>The Platform operates in full respect of the Treaties.</p> <p>Regarding the transparency of the work of the Platform and the shortlisting of suggestions:</p> <p>The REFIT Platform applies the general transparency rules set for Commission expert groups. A dedicated website has been set up to publish the work of the REFIT Platform<sup>1</sup>.</p> <p>The REFIT Platform secretariat screens all stakeholder suggestions received by the Commission in order to identify</p>
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<sup>1</sup> [http://ec.europa.eu/smart-regulation/refit/refit-platform/index\\_en.htm](http://ec.europa.eu/smart-regulation/refit/refit-platform/index_en.htm).

the Platform has been consulted, has discussed a particular issue or suggested a particular way to proceed.

## 2.12. Workings of the platform

The EESC calls on the Commission:

- to clarify the methods and criteria for the selection of parties represented in the platform;
- to ensure that all stakeholder representatives have the material resources to enable them to prepare for meetings and to contribute effectively at them;
- to make public the number of suggestions received by the Commission and forwarded to the Platform and the criteria for shortlisting them;
- to make sure that the suggestions are truly representative (Member States, social partners, civil society);
- to provide comprehensive, timely and effective preparatory documents for the members, to allow them to prepare for the meeting in an optimum manner with the aim of contributing effectively to the whole experience;
- to follow up on the recommendations so that the influences can be traced;
- to publish the results obtained as part of the work of the platform.

those suggestions relevant to the mandate of the Platform and those suggestions raising issues outside of the Platform's mandate.

Upon the request of any member, any suggestion that has been classified by the secretariat as not relevant can be taken up by the Platform.

Regarding consultation and decision-taking processes:

The Platform is an advisory forum operating in full respect of the Treaties.

Regarding the workings of the Platform:

The members of the Government Group of the REFIT Platform have been nominated by the Member States. The representatives of the EESC and the Committee of the Regions have been nominated by these Advisory Bodies. The other members of the Stakeholder Group have been appointed by the Commission following a public call for expressions of interest and a selection process conducted according to the rules and criteria set out in the Commission Decision creating the Platform and Commission rules on expert groups.

Regarding the internal organisation of the work of the Platform:

The Platform is an expert group and therefore is free to decide upon the organisation of its work within the framework of the Commission

	<p>Decision creating the Platform and the rules of procedure adopted on the basis of the standard rules of procedure for Commission expert groups. The Secretariat-General of the Commission provides the secretariat to the Platform and supports its members as necessary.</p>
<p>1.8.</p> <p>As regards the representativeness of the REFIT Platform, the EESC thinks that if it were granted two additional seats, this would allow it to fully respect the nature of its mandate and reflect the civil society that it has responsibility to represent. The EESC also notes the absence of pan-European representation of micro, small and medium-sized enterprises in the Platform's "Stakeholder Group" and calls for this to be remedied as soon as possible.</p> <p>2.11.3.</p> <p>The EESC notes the absence of pan-European representation of micro, small and medium-sized enterprises in the Platform's "stakeholder group" and calls for this to be remedied as soon as possible.</p>	<p>The Commission Decision creating the REFIT Platform<sup>1</sup> provides that: <i>"The European Economic and Social Committee and the Committee of the Regions will be represented by one high level expert each"</i>. The EESC has nominated three members who alternate in their participation in the meetings of the Platform.</p> <p>In accordance with the Commission Decision creating the Platform and the rules of the Commission on expert groups, membership of the Stakeholder Group of the Platform ensures a balanced representation of the various sectors, interests and regions of the Union and gender, based on the applications received in response to the Call for Expression of Interest. Six members have experience of business and SME interests (=33%).</p> <p>The Platform has been encouraged to invite input from all parts of society ready to contribute to regulatory efficiency and burden reduction. The 'Lighten the Load – Have your Say' website</p>

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<sup>1</sup> C(2015)3261, recital 6.

	<p>(<a href="http://ec.europa.eu/priorities/democratic-change/better-regulation/feedback/index_en.htm">http://ec.europa.eu/priorities/democratic-change/better-regulation/feedback/index_en.htm</a>) is open to anyone to submit suggestions. Provision is made in the Rules of Procedure for the Platform to invite outside experts to participate in the work of the Platform.</p>
<p>1.9.</p> <p>The EESC, with the advantages of its direct links with the grassroots level, a huge network of national organisations and the expertise of its members, is well-placed to make a major contribution to impact assessments carried out at a European level. It intends to give priority to ex-post and qualitative assessments, in order to be able to determine the impact of legislative action or of a European policy and to pass on the experience of European economic and social partners.</p>	<p>The Commission welcomes EESC contributions to impact assessments. The EESC is informed about the planning of impact assessments through the annual Commission Work Programme exercise.</p>
<p>1.11.</p> <p>The EESC calls for the REFIT Programme exercise to be a two-way street – in other words, one that does not conclude in advance what course regulation should take: validating, extending, complementing, amending or repealing legislation.</p>	<p>The REFIT Programme aims at ensuring that the objectives of EU law are achieved in the most effective and efficient way, with the minimum of costs and burdens to citizens, companies and administrations.</p> <p>In the framework of the REFIT Programme, the Commission takes the initiative on the most appropriate course of action it can take to achieve these objectives. This includes evaluations, legislative proposals, withdrawals, repeals, or soft measures, such as guidelines.</p>
<p>1.12.</p>	<p>The Commission Better Regulation</p>

<p>The EESC could not agree to be a part of any exercise that sought to quantitatively diminish the EU acquis without measuring in advance all the consequences on social, environmental and consumer protection.</p>	<p>agenda intends to make EU law more efficient and effective. Under Article 114.3 TFEU, the Commission will base its proposals to establish and ensure the functioning of the Single Market on a high level of protection of health, safety, the environment and consumers. The REFIT Programme targets achieving the public interests benefits of EU regulation in the most efficient and effective ways possible, with the minimum necessary regulatory burden.</p>
<p>1.13.</p> <p>The EESC supports a more rigorous ex-post assessment of the effects of regulation in the EU policy cycle, with particular reference to the expected impact on growth and employment set out in the impact assessment that accompanies the original legislative proposal. Ex-post evaluations should be conducted in a pluralistic way following a reasonable period of time after the deadline for transposition into national law.</p>	<p>In its Communication of May 2015 on 'Better Regulation for Better Results – An EU Agenda', the Commission adopted a more rigorous approach to ex-post evaluation of the performance of EU interventions under the 'Evaluate First' principle. This development of Commission policy on ex-post evaluation is linked to the other tools used to ensure Better Regulation throughout the regulatory cycle, including impact assessment covering all significant economic, social and environmental impacts. Criteria to ensure open and transparent processes were further developed. The need to ensure sufficient experience of the application of an EU regulatory measure for its impact to be identified with a reasonable degree of certainty has been confirmed.</p> <p>The Commission welcomes all contributions from the EESC to Commission ex-post evaluations of the performance of EU regulation, which can contribute to strengthening those assessments.</p>

	<p>The Commission Better Regulation principles and practices are set out in the Better Regulation Guidelines (<a href="http://ec.europa.eu/smart-regulation/guidelines/docs/swd_br_guidelines_en.pdf">http://ec.europa.eu/smart-regulation/guidelines/docs/swd_br_guidelines_en.pdf</a>).</p>
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<p><b>N°2 A European Sustainable Development Civil Society Forum (exploratory opinion)</b>  <b>EESC 2016/0575 – NAT/678</b>  <b>517<sup>th</sup> Plenary Session - May 2016</b>  <b>Rapporteur: Ms Brenda KING (GRI-UK)</b>  <b>Corapporteur: Mr Roman HAKEN (GRIII-CZ)</b>  <b>SG – First Vice-President TIMMERMANS</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.2. The EESC recommends the creation of a European Sustainable Development Forum (The Forum) in partnership with the Commission and representatives from civil society as a platform involving a broad range of civil society organisations and stakeholders in setting the framework for the implementation of this agenda in the EU, and its ongoing monitoring and review.</p>	<p>The Commission welcomes the establishment by the Economic and Social Committee of a European Sustainable Development Forum, which will provide a platform for all relevant stakeholders to provide input on the work of the EU in the framework of the implementation of the Sustainable Development Goals.</p>
<p>1.4. As one of the driving forces in the preparation of the UN 2030 Agenda, the EU and its Member States should lead by example in putting the 2030 Agenda into practice and setting up the governance framework. The EESC therefore welcomes the Commission's intention to issue a new initiative in 2016, <i>Next steps for a sustainable European future</i>, because of its new and most urgent approach to ensure Europe's economic growth and social and environmental sustainability beyond the 2020 timeframe and to implement Sustainable Development Goals in European</p>	<p>The Commission is committed to taking the work on the implementation of the Sustainable Development Goals in the EU forward. The initiative on next steps for a sustainable European future is included in the Commission's Work Programme for 2016 and is as such a matter of high priority. The Commission will present a concrete initiative in the second half of 2016.</p>



<p>internal and external policies in an integrated manner<sup>1</sup>. The EESC calls on the Commission to give high priority to this initiative, also incorporating a participatory governance framework. It regards this initiative as a necessary step to strengthen the concept of sustainable development throughout Europe by introducing an integrated strategy for a sustainable Europe in a globalised world with a time horizon of at least 2030 which would frame national implementation.</p>	
<p>1.11. The participation of the Commission at a high level is crucial, representatives from the Council of the EU and the Parliament will be invited and cooperation with the Committee of the Regions is anticipated. National Sustainability Councils and National Economic and Social Councils should be represented, along with similar national bodies devoted to making progress in sustainable development.</p>	<p>The Commission attaches great importance to the inclusion of civil society in the domain of sustainable development. The Commission is of the opinion that the effectiveness of the European Sustainable Development Forum is best served as an independent advisory platform established by the EESC regarding all matters related to sustainable development.</p>
<p>5.3.5. On the institutional side the Commission, in particular the Vice-President in charge of Sustainable Development policy coordination, should be present in the meetings and be invited to provide presentations and engage in a dialogue with stakeholders. Representatives of the Council of the EU and the European Parliament should be invited.</p>	<p>The Commission acknowledges the importance of its engagement with civil society on sustainable development. The Commission intends to be represented at meetings of the European Sustainable Development Forum at the appropriate levels and depending on the specific policy topics dealt with.</p>
<p>5.4.3. The preparation of meetings should be managed by a board with a mixed</p>	<p>The Commission is of the opinion that a good preparation of the meetings is of</p>

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<sup>1</sup> COM(2015) 610 final.

composition of representatives from civil society and stakeholder organisations, who will form the majority of board members, as well as representatives of the Commission and EESC. As is the case with the European Migration Forum, board members could be elected by the participants of the Sustainable Development Forum, based on a rotation principle.

the essence. The Commission is prepared to contribute proportionately to the preparation of meetings by providing input on the basis of existing material. For reasons of institutional balance, the Commission is of the opinion that the Committee should coordinate the work of the board tasked with the preparation of meetings.

<p><b>N°3 The Impact of the conclusions of COP21 on European Transport Policy (own-initiative opinion)</b>  <b>EESC 2016/0773 – TEN/582</b>  <b>517<sup>th</sup> Plenary Session - May 2016</b>  <b>Rapporteur: Mr Raymond HENCKS (GRII-LU)</b>  <b>DG MOVE – Commissioner BULC</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>Points 1.4. , 5.2. and 5.3</p> <p>Revising and/or adding new actions and initiatives as part of the review of the White Paper scheduled for 2016.</p>	<p>It was finally decided not to review the White Paper at this time; rather an implementation report (SWD(2016) 226 final) was published in July 2016.</p>
<p>Point 1.4.</p> <p>Some actions in transport to address climate change will be based on national contributions.</p>	<p>The opinion is correct in saying that policies are needed at all levels of governance (global, EU, national and regional/municipal). EU measures alone will not be enough. Complementary national and regional/municipal policies are therefore to be developed and implemented, covering transport and all its sub-sectors. These considerations are clearly reflected in the European Strategy for Low-Emission Mobility (COM(2015) 501 final) adopted by the Commission in July 2017.</p>
<p>Points 1.8. and 7.3.</p> <p>The use of residual and waste products in fuel production should be further promoted, but also biofuels do not obviate the need to develop and promote solutions that aim to replace combustion engines.</p>	<p>The Commission wholeheartedly supports the development of advanced biofuels that do not have unintended effects on food prices or indirectly lead to deforestation and land-use change. The forthcoming amendment to the Renewable Energy Sources Directive will address the question of biofuels beyond 2020. The Commission will</p>

	also reflect on the best possible policies to promote the development and deployment of low-emission vehicles.
<p>Point 3.6.</p> <p>It is suggested to introduce more stringent CO2 emissions for cars and vans post-2020</p>	<p>It is planned to review the legislation fixing CO2 standards for light vehicles (cars and vans) beyond 2020-2021. Impact Assessment work is currently ongoing. A proposal will be forthcoming.</p>
<p>Point 3.6.</p> <p>It is worth encouraging road-charging schemes based on the polluter-pays/user-pays principle, as well as the use of alternative fuels, taking account of the need to deploy appropriate infrastructure.</p>	<p>The Commission supports the use of non-discriminatory road-charging schemes that internalise the external costs of transport. It is taking many actions to promote the deployment of alternative fuels, through EU funds and the Alternative Fuels Infrastructure Directive. Member States have to submit National Plans in November 2016.</p>
<p>Point 4.7.</p> <p>The EU should promote ambitious outcomes in the context of the ongoing negotiations within ICAO &amp; IMO.</p>	<p>The Commission is wholly committed to securing successful outcomes on climate policies - welcoming the October 2016 agreement reached in ICAO on aviation emissions - and IMO.</p>
<p>Point 6.5.</p> <p>The EU has an incoherent patchwork of systems including electronic tolls, vignettes, congestion charges and pay-as-you-go charges calculated by satellite.</p>	<p>Proposals to amend the Eurovignette and EETS Directives are in preparation. Full Impact Assessment on the various options will be carried out.</p>
<p>Point 6.7.</p> <p>The Commission is planning to propose a European system for trucks and private cars by the end of 2016 that would involve uniform rules on toll collection in</p>	<p>A proposal to amend the Eurovignette Directive is in preparation. This will cover Heavy-Duty Vehicles. A full Impact Assessment on the various options will be carried out.</p>

<p>all the EU Member States based solely on the number of kilometres covered.</p>	
<p>Point 7.1.  A sustained R&amp;D effort is required to reconcile the inevitable increase in transport with a reduction in polluting emissions.</p>	<p>Horizon 2020 incorporates such a sustained Research &amp; Development effort relating to transport. Later in 2016 it is further planned to prepare a Strategic Transport Research and Innovation Agenda (STRIA).</p>

<p><b>N°4 Innovation as a driver of new Business Models (exploratory opinion)</b>  <b>EESC 2016/0078 – INT/778</b>  <b>517<sup>th</sup> Plenary Session - May 2016</b>  <b>Rapporteur: Ms Ariane RODERT (GRIII-SE)</b>  <b>Corapporteur: Mr Oliver RÖPKE (GRII-AT)</b>  <b>DG GROW – Commissioner BIENKOWSKA</b></p>	
<b>Points of the EESC opinion considered essential</b>	<b>Commission position</b>
<p>1.9. The EESC therefore calls on the European Commission to develop a policy framework to support these new business models emerging. This by recognising, connecting and promoting central concepts for these enterprise models building on theories like shared value, collective impact, impact measurement, helix partnership and social innovation.</p>	<p>The Commission welcomes this recommendation. Since September 2015, the Commission's Expert Group on Social Entrepreneurship (GECES) has been working on recommendations in this respect. The work is progressing well. Many experts estimate that further actions to stimulate the development of social enterprises are needed because this sector can provide innovative and sustainable solutions to socio-economic challenges. The Commission will evaluate the GECES report expected in October 2016 and, if appropriate, take adequate steps considering the proposed recommendations.</p>
<p>1.6. The EESC urges the Commission to fully integrate the principles of the Social Investment Package and its connection to social innovation when developing the European Pillar of Social Rights, since many of these new business models are a concrete expression of these principles.</p>	<p>The Commission confirms that the work undertaken to develop the European Pillar of Social Rights builds on the principles of the Social Investment Package.</p>
<p>1.7. Member States and the Commission must ensure that social innovation is fully mainstreamed in innovation programmes. EU funding support, such as Horizon 2020,</p>	<p>The Commission welcomes the emphasis put on social innovation in this EESC opinion. The Commission confirms that social innovation is</p>

<p>for social innovation must be fully utilised and should be evaluated based on technical uptake (by each stakeholder) and political impact.</p>	<p>supported by the Horizon 2020 framework programme under the 'Societal Challenges' pillar, and in particular within the work programmes for the Societal Challenge 6 'Europe in a Changing World – Inclusive, Innovative and Reflective Societies'. Social innovation, social enterprises and, more generally, innovative business models are also supported through actions directed at SMEs within Horizon 2020 (such as the SME Instrument) or within COSME.</p>
<p>1.8. The EU must put greater focus on supporting and protecting SMEs, in particular, social economy enterprises, microenterprises and family businesses, and all types of start-ups in innovation policy initiatives to improve the conditions for sustainability and replication/scaling.</p>	<p>Please see response to 1.3. above. Furthermore, a key objective of the Single Market Strategy adopted in October 2015 is precisely to help SMEs and start-ups to grow. A Start-Up Initiative is expected to be launched as a deliverable of this Strategy.</p>
<p>1.9. New innovative business models must be fully considered in policy initiatives directed at the Industrial Revolution 4.0, and related policies such as circular, sharing and functional economy, this by encouraging adaptation of all existing businesses and models, supporting emergence of new and non-conventional forms of enterprises, forming of new relationships and adjusted models of cooperation.</p>	<p>In addition to the above, the Commission would like to mention three initiatives which meet the Committee's recommendation: the Circular Economy package adopted in December 2015, the Digitising European Industry strategy adopted in April 2016, and the European Agenda for the Collaborative Economy adopted in June 2016.</p>
<p>1.10. The EESC calls on the Commission in the upcoming review of the Single Market strategy, due in 2017, to fully incorporate these new business models, and suggest new</p>	<p>See responses to 1.3. And 1.9. above. The rise of new business models is explicitly taken into account in the Communication 'Delivering the Single</p>

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<sup>1</sup> <https://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-361-EN-F1-1.PDF>.

measures in this direction.	Market Agenda' (COM (2016) 361) <sup>1</sup> .
1.11. As for all businesses it is essential that the principles of decent work, the social rights of employees and the role of the social partners in the context of new business models are fully respected.	The Commission confirms that these aspects are covered by the European Pillar of Social Rights under development.



<p><b>N°5      Sharing economy and self-regulation (exploratory opinion)</b>  <b>EESC 2016/0933 – INT/779</b>  <b>517<sup>th</sup> Plenary Session - May 2016</b>  <b>Rapporteur: Mr Jorge PEGADO LIZ (GR11-PT)</b>  <b>DG GROW –Commissioner BIENKOWSKA</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.10. The EESC calls on the Commission to publish without further delay the long overdue "European agenda for the collaborative economy".</p>	<p>On 2 June 2016, the Commission published "A European agenda for the collaborative economy" (COM(2016) 356), accompanied by a Staff Working Document (SWD(2016) 184).</p>
<p>1.8. and 7.6.</p> <p>In view of these circumstances, the EESC once again urges the Commission to undertake a whole raft of indispensable policy measures in order to ensure that the numerous varieties of the sharing economy and the different ways it operates are supported, implemented, and gain credibility and trust at EU level and in the various Member States.</p>	<p>The Communication clarifies how existing EU rules should be applied to the collaborative economy and issues policy recommendations based on good practices in Member States. It aims at promoting the balanced development of the collaborative economy in Europe by reducing regulatory fragmentation across the Single Market and offering consumers and providers in the collaborative economy the necessary legislative stability and predictability. While the Communication states that absolute bans and quantitative restrictions should only be used as a measure of last resort, it seeks to clarify the following issues: market access requirements, liability, consumer protection, employment relationships and taxation rules.</p>
<p>Point 1.5. and 4.5.</p> <p>The final parties to these complex three-way transactions are primarily peers (P2P)</p>	<p>In the Communication, the Commission is covering a wider set of phenomena, which allows them to</p>

<p>and are never part of a business to customer (B2C) contractual relationship.</p>	<p>make a more comprehensive analysis of the application of EU law on a wide range of activities.</p>
<p>Point 6.5.</p> <p>The European Parliament [...] So far however, none of these documents have studied the impact in terms of job creation and growth.</p>	<p>The Commission commissioned a study “The Impact of the Collaborative Economy on the Labour Market” (CEPS June 2016) that contributed to the Communication. Further, the European Parliament has produced a study on the potential economic gains of the collaborative economy “The Cost of Non-Europe in the Sharing Economy: Economic, Social and Legal Challenges and Opportunities”.</p>
<p>8.4.5 The EESC therefore looks forward to the announced "European agenda for the collaborative economy", and as of now urges the Commission not to neglect the regulatory aspects of this activity and the role that self-regulation and co-regulation should play in this area.</p>	<p>The Communication invites EU Member States to review and, where appropriate, revise existing legislation according to the guidance provided, whilst ensuring that social and consumer rights are respected. The Communication encourages platforms to act responsibly and expand the use of trust mechanisms. The Commission will follow economic and business developments, monitor trends in prices and quality of services, as well as identify barriers and problems arising from divergent national regulations or regulatory gaps. The Commission will closely monitor and map regulatory developments in Member States.</p>

<p><b>N°6      The annual Union work programme for European standardisation for 2016</b>  <b>COM(2015) 686 final – EESC 2016/1070 – INT/783</b>  <b>517<sup>th</sup> Plenary Session - May 2016</b>  <b>Rapporteur: Mr Patrick LIEBUS (GRI-FR)</b>  <b>DG GROW - Commissioner BIENKOWSKA</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>3.2. The EESC welcomes the 2016 annual programme as a vehicle for assessing the state of play of the current discussions, but above all because it brings real added value to future programming. The EESC therefore calls on the Commission to better prepare future annual programmes, consulting stakeholders on the technical and strategic aspects and publishing the work programme in the month of July of the previous year. The EESC welcomes the substance of the priorities in the different sectors.</p>	<p>The Communication COM(2016)358<sup>1</sup> of 01/06/2016 on European Standards for the 21st Century, part of a comprehensive standardisation package, includes a number of new features in the preparation and publication of the annual Union work programme for European standardisation which cover the points raised by the EESC.</p>
<p>3.3.2. In this context, the implementation of Regulation 1025/2012 requires specific attention, as the Commission rightly pointed out in the Communication. This includes, in particular, the need to improve the dissemination and publication of the reports provided for in Article 24 of the Regulation, as well as communication and information regarding them.</p>	<p>Article 24 of EU Regulation No 1025/2012 stipulates the obligation of the European Standardisation Organisations (ESOs) and Annex III organisations to report to the Commission and calls on the Commission to present a report to the European Parliament and to the Council on the implementation of this Regulation every five years.</p>
<p>3.3.3. The EESC welcomes the</p>	<p>The Commission organises regular</p>

<sup>1</sup> <http://ec.europa.eu/DocsRoom/documents/16980>.

<p>Commission's intention to closely monitor the progress and efforts of all the ESS players to make the system more inclusive. To this end, the EESC would like the Commission to play a proactive role, in particular as a body which co-finances the EES.</p>	<p>meetings with the participation of ESOs and Annex III organisations.</p>
<p>3.3.4. The Committee also welcomes the conclusion of the process of financing the Annex III organisations and calls for further administrative simplification and the adoption of a longer-term perspective, in order to ensure that these organisations implement a multiannual strategy.</p>	<p>This has already been done. The Framework Partnership Agreements are multiannual and therefore help these organisations to develop a multiannual strategy.</p>
<p>3.4.2. The EESC welcomes and supports the proposed action in the area of the joint initiative on standardisation regarding an analysis aimed at gaining better understanding of the opportunities and challenges of making standards freely available, which could be part of a study on the economic and societal impact of standards.</p>	<p>This is included in action 1 of the Joint Initiative on Standardisation under the Single Market Strategy<sup>1</sup> (Study on the economic and societal impacts and benefits of standards as well as access to standards in the EU and EFTA Member States).</p>
<p>3.6.2. The EESC also calls on the Commission to ensure that all its departments wishing to make use of standardisation to implement European policies disseminate, understand and use the Vademecum. It would also be useful to arrange for it to be published on the Commission's website along with relevant information.</p>	<p>The Vademecum is available online at: <a href="http://ec.europa.eu/growth/single-market/european-standards/vademecum/index_en.htm">http://ec.europa.eu/growth/single-market/european-standards/vademecum/index_en.htm</a>.</p>
<p>3.7.1. The EESC questions the added value</p>	<p>This Plan has been adopted as foreseen</p>

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<sup>1</sup> [http://europa.eu/rapid/press-release\\_IP-16-1962\\_en.htm](http://europa.eu/rapid/press-release_IP-16-1962_en.htm).

<p>of the Priority ICT Standards Plan proposed in chapter 3.1. of the Communication. This document appears to be an unnecessary addition to the Rolling Plan for ICT Standardisation and the annual standardisation programme. The Committee fears duplication of sources and levels of priority, which could make monitoring of the debate and stakeholder involvement more difficult.</p>	<p>in the first half of 2016 (19 April 2016) in the form of a Commission Communication on ICT Standardisation Priorities (COM (2016) 176 final<sup>1</sup>) as a deliverable of the Digital Single Market Strategy. The Communication complements and provides added value to both the ICT standardisation Rolling Plan, and the Annual Union Work Programme, which are planning documents. It should be highlighted that ICT standardisation takes place at global level, not only at European level. The Communication provides a strategic view, identifying strategic priorities for ICT standardisation deemed critical for the completion of the Digital Single Market and provides for a high level process to ensure delivery of the prioritised actions, in line with the overall approach to standardisation envisaged in the June Standardisation Package.</p>
<p>3.7.2. In the area of intellectual property rights (IPR), the EESC warns of the imbalance existing between users and holders of standard essential patents (SEPs), particularly in situations where an innovative SME is not in a position to know the number of patents it is likely to use and who holds them. The EESC therefore proposes that ETSI draft a practical guide for the negotiation of SEP licence agreements for SMEs, applying the FRAND (fair, reasonable, and non-</p>	<p>The Communication COM(2016) 176 envisages possible measures addressing the issues mentioned in the points 3.7.2. to 3.7.4. in the area of IPR and standardisation. The Communication mentions the benefit of fair access to SEPs for all, including SMEs. The Commission is still considering how to address the special needs of SMEs in this context. It will be useful to work on such a guide with the European Telecommunications</p>

<sup>1</sup> <https://ec.europa.eu/digital-single-market/en/news/communication-ict-standardisation-priorities-digital-single-market>.

<p>discriminatory) requirements.</p>	<p>Standardisation Institute (ETSI), but also other parties such as the European Patent Office (EPO), SME representatives, and the European IPR Helpdesk<sup>1</sup>.</p>
<p>3.7.3. With regard to the FRAND requirements, the EESC stresses the need for these principles to be better defined in order to make it easier to grasp their scope and how to implement them in practice.</p>	<p>The Commission will address this within the second pillar of its work on SEPs, namely work on possible measures to clarify core elements of an equitable, effective and enforceable licensing methodology around FRAND principles.</p>
<p>3.7.4. In this context, the EESC also calls on ETSI to improve the quality and transparency of the database of IPR declarations. This is important for ensuring a degree of predictability for SEP users and reassure innovative SMEs as to the costs and procedures for negotiating the aforementioned licence agreements.</p>	<p>The Commission welcomes the EESC's opinion calling for an improvement of quality and transparency of the database of IPR declarations.</p>

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<sup>1</sup> <https://www.iprhelpdesk.eu/>.

<p><b>N°7 Proposal for a Regulation of the European Parliament and of the Council on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles</b></p> <p><b>COM(2016) 31 final – EESC 2016/0014 – INT/789</b></p> <p><b>517<sup>th</sup> Plenary Session – May 2016</b></p> <p><b>Rapporteur: Mr Jan SIMONS (GRI-NL)</b></p> <p><b>DG GROW – Commissioner BIENKOWSKA</b></p>	
<b>Points of the EESC opinion considered essential</b>	<b>Commission position</b>
<p>2.1. In order to reduce the differences in interpretation and strictness in application across Member States, the EESC supports the proposed shift from a directive to a regulation. The EESC strongly suggests doing the same in future with all internal market rules, where appropriate.</p>	<p>The Commission fully agrees with this view.</p>
<p>4.2. One aspect requiring attention is the timetable for the introduction of new requirements and procedures which will give administrations and manufacturers sufficient lead time to adapt. This timetable should also be fully synchronised with all the related delegated and implementing acts to be adopted in the near future by the Commission.</p>	<p>The Commission fully agrees with this view.</p>
<p>4.3. Renewed emphasis is placed on market surveillance and dedicated new prescriptions are being introduced to address the specific situation of this market sector. However, steps must be taken to avoid the proliferation</p>	<p>This is foreseen by Article 10 of the Commission proposal<sup>1</sup>, which proposes a Forum for Exchange of Information on Enforcement to be chaired by the Commission; coordination of Member</p>

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<sup>1</sup> <http://eur-lex.europa.eu/legal-content/EN/HIS/?uri=COM%3A2016%3A31%3AFIN>.

<p>of comparable controls and the multiplication of requests for similar information to avoid market distortions and excessive burdens or costs, and objects related to market surveillance should be obtained at market prices; in this respect, a robust and effective system for coordination and cooperation between all the parties involved (market surveillance authority, market operators, manufacturer, type-approval authority) must be put in place also taking into account best practices existing in and/or outside Europe.</p>	<p>States' market surveillance and enforcement activities is one of the objectives of that body.</p>
<p>4.7.1. The EESC also recommends that the type-approval of aftermarket products impacting on safety and environmental performances be duly considered and regulated.</p>	<p>This aspect is covered by Articles 55 and 56 as well as Article 48 of the proposal.</p>
<p>Other general and specific comments</p>	<p>The Commission takes note of the opinion of the EESC. The proposal was adopted on 27 January 2016 and is now under consideration by the European Parliament and the Council.</p>



<p><b>N°8 Markets in Financial Instruments Directive and Regulation (MiFID &amp; MiFIR)</b>  <b>COM(2016) 56 final, COM(2016) 57 final – EESC 2016/1921 – INT/790</b>  <b>517th Plenary Session – May 2016</b>  <b>Rapporteur: Mr Daniel MAREELS (GRI-BE)</b>  <b>DG FISMA – Vice-President DOMBROVSKIS</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>Comments point 3.6.:</p> <p>The EESC regrets that the Commission did not respond immediately when it was first informed about the delays in the technical implementation of the MiFID II Directive, in 2015, and that it has not taken any initiatives to resolve the issue or to find another solution to the problems. This would have made it possible to improve the operating conditions of the financial markets and provide better protection for investors.</p>	<p>The Commission takes note of the conclusions of the report and welcomes the fact that it agrees with an extension of the date of application of MIFID II per the Commission proposal.</p> <p>On the point (point 3.6.) where the EESC regrets that the Commission did not react earlier or did not try to find another solution, the Commission can submit the following:</p> <p>The Commission acted immediately on the basis of the information it received from the European Securities and Markets Authority (ESMA) by letter of 2 October 2015. It is important that deadlines set by the co-legislators are respected and extensions only undertaken where necessary and prudent. The Commission undertook an extensive analysis of the consequences for the whole MiFID II framework of the fact that ESMA and National Competent Authorities (NCAs) were not in a position to finalise the data framework in time. On this basis, after careful consideration of all alternatives, the Commission came to the</p>

	conclusion that an extension was required.
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<p><b>N°9 European Border and Coast Guard</b>  <b>Proposal for a Regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Decision 2005/267/EC</b>  <b>COM(2015) 669, COM(2015) 671, COM(2015) 673 – EESC 2016/0688 - SOC/534</b>  <b>517th Plenary Session - May 2016</b>  <b>Rapporteur: Mr Giuseppe IULIANO (GR11-IT)</b>  <b>Corapporteur: Mr Cristian PÎRVULESCU (GR11-RO)</b>  <b>DG HOME - Commissioner AVRAMOPOULOS</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.2. The border closures decreed by some Member States are seriously jeopardising the exercise of free movement. The European institutions should ensure that Schengen is able to function. At the Plenary Session on 17 February 2016, the EESC adopted an important resolution<sup>1</sup> in defence of the Schengen area, which calls on the Council and the Member States to ensure freedom of movement and to consolidate and enlarge the Schengen area.</p>	<p>Improving external border management was identified in the European Agenda on Migration<sup>2</sup> as one of the elements for better managing migration. To achieve this, the European Commission proposed strengthening the mandate of Frontex via creation of the European Border and Coast Guard.</p> <p>The Regulation was adopted by the Council on 14 September 2016. The Commission, Frontex and Member States have already undertaken preparatory work, and this will be accelerated further to ensure that the new Agency becomes operational as a matter of urgency.</p> <p>In the Communication 'Back to Schengen - Roadmap'<sup>3</sup> of 4 March</p>

<sup>1</sup> OJ C 133, 14.4.2016, p. 1.

<sup>2</sup> COM(2015) 240 final.

<sup>3</sup> COM(2016) 120 final.

	<p>2016, the Commission outlined the measures to be taken with a view to lifting controls at internal borders related to the migratory crisis by the end of the year. The implementation of a new European Border and Coast Guard proposal will be instrumental in achieving this goal.</p> <p>While the current situation may still justify further temporary checks at the internal borders of five Member States affected the most by the migratory wave of last year via Greece, the decision on possible prolongation of such controls will be in the hands of the Member States who may follow a new Recommendation of the Council in this regard.</p>
<p>1.3. The Schengen rules should be applied in the same way in all Member States, meaning that new legally binding measures need to be adopted. However, the EESC disagrees with the Commission's proposal to establish mandatory and systematic checks of EU citizens at the external borders of Schengen, as this constrains the exercise of one of the fundamental freedoms.</p>	<p>The targeted amendment of the Schengen Borders Code<sup>1</sup> aims at reinforcement of the security of citizens and safeguarding of the area without controls at internal borders. The freedom of movement does not exclude security related checks at the external borders of the Schengen area. The EU citizens already now are subject to the systematic checks - when it comes to establishing their identity (on the basis of production or presentation of travel documents). The proposal adds to that the obligation to consult relevant databases.</p> <p>Moreover, the proposal takes into</p>

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<sup>1</sup> COM(2015) 670 final.

	<p>account the need to balance the security considerations and the fluidity of the cross-border traffic so as to minimise the obstacles to the freedom of movement. To that end, the proposal provides for the possibility of derogations at those land and sea borders where the systematic consultations against relevant databases would have had a negative impact on the traffic, if the risk assessment will demonstrate that such derogation from the rule will not hamper the security level. Such derogations could be also requested at the airports during the transitional period.</p> <p>Pending the fulfilment of the conditions to join the Schengen area by some Member States and a unanimous decision of the Council allowing for the lifting of controls at the internal borders with these Member States, the provisions of the Acts of Accession must apply, which imply border checks at the borders with Romania, Bulgaria, Cyprus and Croatia.</p> <p>These checks remain without prejudice to the rights deriving from freedom of movement granted to the citizens of those Member States and other EU citizens and non-EU members of their families crossing such borders.</p>
<p>1.7. The Agency's right to intervene, even when a Member State has not requested it to do so, is the most sensitive measure in the Commission's proposal. The EESC is in favour of the Commission having the</p>	<p>The Commission would like to thank the EESC for its support for this indeed very sensitive provision in the new Regulation.</p> <p>It is to be emphasised that the</p>

<p>ability to decide to deploy the Agency at the external borders, but only in emergencies and following transparent procedures to keep European legislators (Parliament and Council) directly informed.</p>	<p>Agency's so-called 'right to intervene', or situations requiring urgent action, can only be launched in two limited and well defined cases:</p> <ul style="list-style-type: none"> <li>- when deficiencies have been identified in a Member State via a vulnerability assessment and this Member State does not comply with the measures recommended by the Executive Director and further by the decision of the Management Board (cf. Article 12);</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>- when there is significant disproportionate migratory pressure at the external borders of a Member State which it cannot cope with but does not ask the Agency for assistance.</li> </ul> <p>The relevant provision for launching urgent action will only be triggered in these two cases where they are of such a scale that the functioning of the whole Schengen area is at risk.</p> <p>In the final text of the Regulation as adopted by the European Parliament and Council, the decision to launch such urgent action is entrusted to the Council instead of the Commission. It also includes a specific provision stipulating that the European Parliament will be informed immediately of a situation requiring urgent action.</p>
<p>1.10. When people's lives or safety are at risk at external borders, whether maritime or land borders, the primary obligation of</p>	<p>Search and rescue obligations are imposed on all Member States by public international law and, as a</p>

<p>the Border Guard and the other institutions involved at these locations is to rescue people and give them adequate care. The EESC points out that in recent months, many people driven out by nearby wars have died along Europe's coasts and borders, while the authorities have failed to take the necessary measures to rescue and protect them.</p>	<p>consequence, are also binding on the Union wherever they are relevant.</p> <p>There is no legal basis in the treaties for a self-standing search and rescue policy of the Union, but within the scope of border surveillance operations carried out by Member States at their external sea borders in the context of operational coordinated by Frontex, Regulation 656/2014 specifies rules for surveillance. Frontex reports every year on the application of this Regulation; see Council document 11162/15.</p> <p>Very recently, in Regulation 2016/1624 on the European Border and Coast Guard, search and rescue operations that occur in the context of border surveillance are mentioned among the components of the European integrated border management (Article 4(b)) and in several tasks of the Agency (article 8).</p>
<p>1.11. The EESC believes that the Commission's proposal for improving the management of external borders must be adopted in tandem with changes in the common asylum system. The current crisis has been prompted by the EU's inability to put in place the common asylum system and give adequate protection to the hundreds of thousands of displaced persons</p>	<p>The Commission adopted a set of proposals on 13 July 2016 to complete the reform of the Common European Asylum System (CEAS) in order to move towards a fully efficient, fair and human asylum policy – one which can function effectively both in times of normal, and in times of high migratory pressure. These proposals<sup>1</sup> follow the</p>

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<sup>1</sup> Proposal for a regulation establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, COM(2016)467 final;

Proposal for a regulation on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the

<p>and asylum seekers who are arriving at our borders. Some governments have rejected the Commission's proposals and the Council's decisions to implement relocation and resettlement programmes and have refused to meet their obligations deriving from the Treaty and international law.</p>	<p>first Package adopted already on 4 May 2016. In addition, on 28 September 2016, the Commission adopted its 6th Report on relocation and resettlement<sup>1</sup>, calling for Member States to strengthen their efforts to meet their commitments made under the Council Decisions on relocation.</p>
<p>1.14. The EESC draws attention to the abandonment and lack of protection currently affecting the thousands of unaccompanied minors in the EU who have arrived in Europe after having been displaced by war, and suggests that the Commission should implement urgent protective measures.</p>	<p>Regulation 2016/1624 on the EBCG contains provisions aiming at the protection of vulnerable persons, including children in general and unaccompanied minors, in particular.</p> <p>For instance, staff involved in the Agency's operational activities should now be trained on issues relating to the protection of children. Migration management support teams working in hotspot areas should include members with expertise in child protection. Children's rights will also be taken into account during the Agency's activities in the field of return.</p>

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content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, COM(2016)466 final;  
Proposal for a directive laying down standards for the reception of applicants for international protection, COM(2016) 465 final.

<sup>1</sup> COM(2016)\*\*\*\*\* final.



<p><b>N°10 Proposal for a Decision of the European Parliament and of the Council on the use of the 470-790 MHz frequency band in the Union</b>  <b>COM(2016) 43 final – EESC 2016/1497 – TEN/587</b>  <b>517<sup>th</sup> Plenary Session - May 2016</b>  <b>Rapporteur: Mr Raymond HENCKS (GR11-LU)</b>  <b>DG CNECT – Commissioner OETTINGER</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>In regard to the additional costs for vulnerable consumers and small enterprises to benefit from universal digital connectivity, the EESC calls on the Member States to set up a support scheme, in compliance with the EU rules on State aid, to avoid any further deepening of the economic divide.</p>	<p>The Commission has provided guidance in the explanatory memorandum to the proposal regarding the application of State aid rules for the transition to new broadcasting technology.</p> <p>The EESC calls, in addition, for support schemes regarding the adoption of digital broadband technology by vulnerable citizens and small enterprises. This is subject to similar case-by-case assessment by the Commission in accordance with State aid guidelines; principles such as technology neutrality of support to vulnerable citizens are likely to be key in both domains.</p>
<p>The EESC urges the Commission once again to continue its work in the area of potential health effects of exposure to electromagnetic fields, in line with the precautionary principle, particularly as more in-depth research is still needed.</p>	<p>The Commission supports research on the possible health effects of exposure to electromagnetic fields (EMF). The Treaty on the Functioning of the European Union gives only limited power to the Union to legislate on the protection of citizens from the potential effects of electric and magnetic fields. Council Recommendation</p>

	<p>1999/519/EC sets exposure guidelines meant to ensure a high level of protection of the public. Since the adoption of this Council Recommendation, the Commission has requested four independent reviews of the scientific basis and adequacy of the electromagnetic fields' exposure limits as set out in the Recommendation; these reviews did not give grounds to change the prudent limits established.</p> <p>The Commission intends to continue keeping the matter under review.</p>
<p>The EESC calls on Member States to make it a requirement, when granting rights of use of the 700 MHz band for wireless broadband communications services, to ensure that the various public transport networks benefit from the requisite channels in order to provide good coverage.</p>	<p>The Commission has taken a firm position during the negotiations to ensure commitments by Member States on high-quality broadband coverage targets, based on a technology mix. The Commission proposal explicitly refers to main terrestrial transport routes as a focal point. Furthermore, and as stated in the Commission's Connectivity Communication of 14 September 2016 (COM(2016) 587), given that 5G ubiquitous communications will build on mobile 4G and fixed networks, a rapid availability of new spectrum like the 700MHz band for rural coverage and indoor use in cities will be required to attain early European leadership.</p>
<p>The EESC suggests that the Commission assists Member States in the timely</p>	<p>This is an existing obligation pursuant to Article 10(2), RSPP</p>

<p>conclusion of cross-border frequency agreements with non-EU neighbouring countries in order to facilitate the process of making the 700 MHz band available for wireless broadband within the single market.</p>	<p>upon a Member State's request. The Commission has exercised its role with respect to the 800 MHz band and currently also to the 700 MHz band, whenever needed (e.g. for the Baltic States or Finland).</p>
<p>The EESC calls on the Commission to closely monitor national developments on granting rights of use in the 700 MHz band and intervene within the scope of its remit in this area should it detect the slightest risk of fragmentation of the single market.</p>	<p>The Commission is committed during the negotiations to preserve the coordinated European approach to spectrum management in the whole UHF band, which underlies the proposal. This refers in particular to the common deadline of mid-2020 for 700 MHz band release across the Union and the related roadmap including the conclusion of cross-border coordination agreements by the end of 2017.</p>

<p><b>N°11 The changing nature of employment relationships and its impact on maintaining a living wage and the impact of technological developments on the social security system and labour law (exploratory opinion)</b>  <b>EESC 2016/0137 - SOC/533</b>  <b>517<sup>th</sup> Plenary Session – May 2016</b>  <b>Rapporteur: Ms Kathleen WALKER SHAW (GRII-UK)</b>  <b>DG EMPL – Commissioner THYSSEN</b></p>	
Points of the EESC opinion considered essential	Commission position
<p>1.2. Developing social welfare models adapted to cover more flexible forms of employment while protecting their quality and financial sustainability should be given consideration in the development of the European Pillar of Social Rights.</p>	<p>The Commission considers this point positively. The development of the European Pillar of Social Rights aims to contribute to promote upward convergence across Member States contributing to the development of adequate social protection, to making full use of people's potential, and to ensuring the sustainability of public finances.</p> <p>The first preliminary outline of the Pillar refers explicitly to the need to adequate and sustainable social protection. Overcoming barriers to social protection, better support for transitions and different forms of employment and challenges related to the sustainability of the different social security branches are addressed explicitly.</p>
<p>1.4. More data and analysis on crowd employment, including regular statistics, longitudinal data and best practice analysis is needed to assess the extent and implications of new forms of employment.</p>	<p>The Commission acknowledges the need for more data and analysis and has stressed, in its Communication of 2 June 2016 on Collaborative Economy, that “collaborative platforms should cooperate closely with the authorities,</p>

	<p>including the Commission, to facilitate access to data and statistical information in compliance with data protection law.”</p> <p>The data and analysis issues are discussed in more detail in the Commission Staff Working Document ‘European agenda for the collaborative economy - supporting analysis’ published alongside the Communication.</p>
<p>1.8. Addressing new forms of employment through the revision of the Written Statement Directive (Directive 91/533/ECC), including extending the scope of application, bringing forward the written statements to the day one of employment and inclusion of a minimum number of hours in employment contracts.</p>	<p>The Written Statement Directive is currently being evaluated, in order to determine to what extent it remains fit for purpose, also as regards the timeframe for notifying information to workers. The evaluation also takes into account the emergence of new forms of employment. The outcome of this evaluation is expected in the coming months. On this basis the Commission will decide the appropriate follow-up.</p> <p>The first preliminary outline of the European Pillar of Social Rights acknowledges that existing EU legal provisions to inform employees on the conditions of employment do not apply from the start of employment and become more difficult to apply in increasingly transnational, mobile, digital and de-localised business organisation models. The outline proposes a principle according to which "Every worker shall be informed in written form prior to the start of employment on the rights and</p>

	obligations derived from the employment relationship." <sup>1</sup>
<p>1.9. Clarification of the applicability of existing EU regulations on safety and health at work to new forms of employment, procedures for dealing with breaches of these regulations, responsibilities for inspection and liability insurance.</p>	<p>The first preliminary outline of the European Pillar of Social Rights acknowledges the need to ensure protection against occupational injuries and ill-health to all workers, irrespective of the form of employment and addressing "grey zones", such as 'dependent' and 'bogus' self-employment leading to unclear legal situations offers an important way to reduce precariousness, social costs and improve firms' productivity.</p> <p>Pursuant to Article 3 of Directive 89/391, a worker is defined as "any person employed by an employer, including trainees and apprentices but excluding domestic servants"; Article 4 of this Directive, which applies as general law in the area of occupational health and safety, lays down that Member States must take the necessary steps to ensure that employers, workers and workers' representatives are subject to the legal provisions necessary for the implementation of that Directive and in particular they must ensure adequate controls and supervision.</p> <p>The Commission will assess the need to strengthen the reference to the obligation to enforce the requirements based on the results of the ongoing ex-post evaluation of the EU acquis in this</p>

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<sup>1</sup> COM(2016) 127 final

	<p>area carried out in accordance with Article 17 of Directive 89/391, as well as the scope of the definition of worker.</p>
<p>1.12. The EESC calls for an investigation into the contractual status of crowd workers and other new forms of work and employment relationships, and for guidelines to clarify grey zones linked to employment status in relation to taxation and social insurance.</p>	<p>The Commission acknowledges, in its Communication launching a consultation on a European Pillar of Social Rights, the challenges related to the existence of "grey zones", as a result of the blurring of the notion of work and to the issue of "who pays for what", depending on whether private or public financing is expected to play a role in new forms of work and associated social protection. Such difficulties present themselves differently across the Member States, and the ongoing consultation gathers input on these challenges.</p> <p>In the Communication on a European Agenda for the Collaborative Economy, the Commission welcomes the new employment opportunities that the collaborative economy creates and the enabling of people to work according to flexible arrangement. At the same time, it acknowledges challenges related to the stability of employment relations and to uncertainties as to applicable rights and the level of social protection<sup>1</sup>. In this context, the Commission has provided guidance on the conditions under which an employment relationship exists in line with EU labour law and jurisprudence, and has called on Member States to assess the</p>

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<sup>1</sup> COM(2016) 356 final.

	<p>adequacy of their national employment rules and provide guidance on their applicability in light of labour patterns in the collaborative economy.</p>
<p>1.11. To avoid undermining the right to freedom of association of workers in sectors affected by new forms of employment, guidance is needed around the application of competition rules to self-employed workers in an employee-like situation.</p>	<p>The first preliminary draft of the European Pillar of Social Rights acknowledges that new forms of work organisation such as in the services sector and in the digital economy make the involvement of workers uneven, and their information and consultation more complex. It aims to address the gaps in rights and protection and the blurring of distinctions between different types of employment.</p> <p>The Commission is actively engaging social partners, at European and national level, in these discussions around the future of work.</p>
<p>1.13. The European Commission, the OECD and the ILO should work together with social partners to develop provisions on decent working conditions and protection for online workers and workers under new relationships.</p>	<p>One of the aims of the consultation process on the European Pillar of Social Rights is to make an assessment of the present EU "acquis" and in particular, to help determine the extent to which existing rights are practiced and remain relevant for today's and tomorrow's challenges, and/or whether new ways to deliver on these rights should be considered.</p> <p>The Commission is involved in a close dialogue with the International Labour Organization (ILO), the Organisation for European Economic Co-operation and Development (OECD) and the Council of Europe on these issues, including through the stakeholder consultation on the European Pillar of</p>



	Social Rights.
<p>1.14. As the European social partners have indicated, it is important that the European Commission plans its employment policy agenda in a way that underpins the digital transformation of our economies and labour markets. It should, at the same time, aim to maximise quality employment opportunities that can arise from the digitalisation of our economies. Labour market policies should also aim to protect and re-skill/up-skill those who will be affected by digitalisation. The EESC recommends that effective rights and protections, monitoring and enforcement are put in place in this respect to avoid widening income inequalities and reduction in disposable incomes and ensure the sustainable potential for economic growth across the EU.</p>	<p>The Commission takes note of these points and is actively engaging in addressing digitalisation and technological change challenges of adapting traditional social security models and our labour market institutions.</p> <p>This can only be achieved through concerted actions with all stakeholders involved in all aspects of work, education and training, particularly with social partners. The European Social Partners have recognised that digitalisation is not just a technological issue, but that it has wider social, work and economic implications. The Commission has invited social partners to include the Digital Single Market in their social dialogue at European level and they have responded positively.</p> <p>The European Commission's work on a "European Pillar of Social Rights" is an important contribution to addressing these challenges by trying to anticipate and influence new trends.</p> <p>The Commission is also supporting Member States in the field of skills improvement, as the key to ensuring people can adapt to the future lies in ensuring they have the right skills and possibilities for lifelong learning. The Commission has been supporting Member States to modernise and improve their education and training systems for over 20 years, and on 7 June 2016, a new EU-wide Skills Agenda was presented. It focuses in particular</p>

on digital skills as a priority for employability and competitiveness in Europe and proposes initiatives across various EU policies. The Commission proposes to establish a Skills Guarantee to provide a skills assessment, giving low qualified adults, including recently arrived migrants, the chance to identify their existing skills and their upskilling needs; a tailored learning offer, adapted to the specific needs of the individual and of local labour markets; and opportunities for the validation and recognition of skills. The Skills Guarantee should help low-skilled adults to acquire a minimum level of literacy, numeracy and digital skills. In addition, the Commission will propose in 2017 a revision of the Key Competences Framework to help more people acquire the core set of skills. Special attention will be paid to further work on the European Digital Competence and entrepreneurial competence frameworks in terms of assessment, validation and recognition of these competences.

The Commission is launching a Partnership for Digital Skills and Jobs to develop a large digital talent pool and ensure that individuals and the labour force in Europe are equipped with adequate digital skills.

Building on the positive results of the EU e-skills strategy and 'Grand Coalition for Digital Jobs', and in coordination with the work under Education and Training 2020, Member States are invited to develop

	<p>comprehensive national digital skills strategies by mid-2017 on the basis of meaningful targets set by end-2016. There is a clear role for social partners in this, at EU, national, sectoral and company level. Mobilising quality business-education partnerships, including via the European Alliance for Apprenticeships and a pact for youth, is essential. Employers' involvement in designing curricula to deliver work-based learning opportunities adapted to labour market needs should be stepped up. Employer and trade unions cooperation should also be fostered, especially in providing on-the-job trainings and supporting workplace innovation.</p>
<p>1.15. The European Commission should consider ways in which the development of European platforms could foster that the value created remains in local economies and on the ways to help enterprises create sustainable quality jobs by providing support during the expansion ('move out' stage of the development) of new enterprises.</p>	<p>It is important to establish the right innovation environment to attract new online platform innovators, whilst ensuring that the overall regulatory framework supports the further development and scaling-up of the platforms business model in Europe. Platforms should be encouraged to take up the funding, training and technical assistance possibilities already offered to small businesses in general, notably by the EU Programme for Employment and Social Innovation (EaSI) and the European Social Fund and by Member States' own funding.</p>

<p><b>N°12 European Accessibility Act</b>  <b>COM(2015) 615 - EESC 2016/0050 - SOC/257</b>  <b>517<sup>th</sup> Plenary Session - May 2016</b>  <b>Rapporteur: Mr Ask Lønbjerg ABILDGAARD (GRIII-DK)</b>  <b>DG EMPL – Commissioner THYSSEN</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.3. Based on market surveillance and analyses of barriers of an EU-wide nature related to accessibility for persons with functional limitations, the EESC proposes a gradual expansion of the scope of the proposed Directive after evaluation of the implementation of this proposed directive and in consultation with the stakeholder, in order to cover payment terminals, hospitality services, insurance services, electronic magazines and newspapers as well as the physical premises and websites allowing access to products and services otherwise covered by the Directive.</p>	<p>Products and services falling within the scope of the proposed Directive are the result of a screening exercise, carried out during the preparation of the Impact Assessment that identified those relevant products and services for persons with functional limitation, including persons with disabilities and older persons, for which Member States have adopted or are likely to adopt diverging national accessibility requirements.</p> <p>An expansion of the scope by co-legislators should be duly justified.</p>
<p>1.5. The EESC proposes including transport infrastructure and vehicles not otherwise covered by EU Regulation regarding accessibility explicitly in the scope of the Directive in order to avoid unintended regulatory gaps.</p>	<p>There is already EU legislation covering the accessibility of transport infrastructure and vehicles, for example in the case of rail. In addition, the proposed Directive contains an enabling clause for Member States to decide if the related built environment should be made accessible according to the accessibility requirements defined in Annex I of the proposed Directive. The possible inclusion of other infrastructure and vehicles by the co-legislators needs to be duly justified, including regarding the</p>

	complementarity with existing EU law.
1.6. The EESC recommends that a specific provision be included in the text of the Directive stipulating that from the entry into effect of the Directive, its obligations are only to apply to new products or services. This will avoid losses incurred from investment in accessibility that has already taken place.	This is already the case. The European Accessibility Act (EAA) applies when the (new) product is placed on the market and to any subsequent making available until it reaches the consumer. Once it reaches the end user it is no longer considered a new product and the EAA does not contain any further obligations. It could be made more explicit in the text following negotiations with the other institutions.
1.7. The EESC proposes the introduction of an EU-wide accessibility labelling scheme as a means of ensuring that persons living with functional limitations are able to find reliable and easily available information about the accessibility of products and services.	The proposal already contains obligations to provide information in accessible formats to persons with disabilities about the accessibility features and the characteristics of the products and services under its scope.
1.8. The EESC recommends that the Directive provide for strong and well-equipped enforcement bodies capable of cooperating across Member States with a view to the creation of a level playing field for economic operators regarding accessibility requirements.	The proposed Directive includes strong enforcement provisions obliging Member States to ensure adequate and effective means to ensure compliance.
1.9. The EESC underlines the importance of active market surveillance in order to avoid compliance with the European Accessibility Act by all relevant parties depending too heavily on individual complaints from consumers living with functional limitations.	The organisation of the market surveillance is a competence of the Member States. Nevertheless the EAA requires market surveillance to be undertaken in accordance with articles 15(3) and 16 to 29 of Regulation (EC) No 765/2008.
1.10. The EESC recommends considering the inclusion of "understandable" as a requirement in relation to all relevant products and services covered by the scope	This requirement is relevant for the accessibility of products and services for persons with intellectual disabilities and is therefore considered in specific

<p>of the Directive.</p>	<p>cases in the proposed Directive. The Commission is ready to support the work of co-legislators on the refinement of accessibility requirements.</p>
<p>5.8. The EESC would like to underline that the Directive should provide for a safeguard against the lowering of existing accessibility standards applicable in Member States. The undermining of well-functioning existing accessibility labelling schemes should also be avoided. At the same time, it is essential that the Directive is made use of in order to ensure that contradictory accessibility requirements for economic operators are avoided.</p>	<p>The aim of the proposed Directive is, among others, to improve accessibility and comply in a coherent manner with the relevant obligations on accessibility enshrined in the UN Convention on the Rights of Persons with Disabilities, to which the EU and 27 Member States are State Parties. It is not expected to have as an effect the reduction of the level of existing accessibility in Member States.</p> <p>The proposed Directive proposes no label scheme and has no implication for possibly already existing accessibility labelling schemes which can continue functioning independently.</p>

<p><b>N°13      Decent work in global supply chains (own-initiative opinion)</b>  <b>EESC 2016/0959 – REX/462</b>  <b>517<sup>th</sup> Plenary Session – May 2016</b>  <b>Rapporteur: Ms Emmanuelle BUTAUD-STUBBS (GRI-FR)</b>  <b>DG EMPL – Commissioner THYSSEN</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.3. The EESC recommends that the Commission adopts a comprehensive and ambitious strategy to promote decent work in global supply chains in its internal and external policies.</p>	<p>The Commission has already taken action on the promotion of decent work and the responsible management of global supply chains, through different external and internal policies, including in relation to transparency, employment, social dialogue, public procurement, trade, development cooperation and international relations. It will continue to strengthen its commitment in this area as set out in the 'Trade for All Strategy' (COM/2015/497). It is preparing for the end of 2016 an Updated Action Plan 2016-2020 for Corporate Social Responsibility (CSR)/ Responsible Business Conduct (RBC) to facilitate a larger uptake of CSR principles by European enterprises. In implementing the 2030 Agenda on sustainable development, the Commission aims at further integrating sustainability in its economic, social and environmental dimensions into all relevant policies. For instance, the review of the Aid for Trade strategy in 2016 will contribute to improving the link between the aid and trade agendas for an integrated approach, thus enhancing the effectiveness of Aid for Trade and leveraging its development impacts. The Commission welcomes that, in its recent conclusions on Business and Human Rights, the Council recognises the importance of</p>

	<p>building capacity both within EU Delegations and Member States' embassies to work effectively on business and human rights issues, including supporting human rights defenders working on corporate accountability and providing guidance to companies. The Council invites the High Representative and the Commission to develop the necessary tools for the EU Delegations to meet these needs, including through building on the support and best practices of Member States.</p>
<p>1.4. The EESC recommends increased cooperation between international organisations and other relevant stakeholders including by adopting a common language and definitions and assessing data.</p>	<p>The Commission agrees on the need for policy coherence and cooperation between different public bodies, including international organisations, and strongly builds on existing frameworks such as those of the Organisation for Economic Co-operation and Development (OECD) and the International Labour Organization (ILO), working closely with these organisations to develop a global approach. It supports the implementation of the UN Guiding Principles for Business and Human Rights, the UN Global Compact, the ILO Tripartite Declaration on Multinational Enterprises and Social Policy and the OECD Guidelines for Multinational Enterprises and encourages the reinforcement of coherence and synergies between these guidelines and principles. The Commission also works with partner countries to promote a common understanding of CSR/RBC in line with these international principles (e.g. through the upcoming project on Responsible Supply Chains in Asia included in the 2016 Annual Action Programme for the Partnership Instrument).</p>



	<p>The Commission welcomes the International Law Commission (ILC) conclusions asking the ILO to develop a programme of action with emphasis on data and research as well as on cooperation between organisations. It already works with the ILO in the area of Occupational Safety and Health. A project on child labour and forced labour in global supply chains is envisaged.</p>
<p>1.5. + 1.7. The EESC stresses the need to support capacity-building, multi-stakeholder initiatives and social dialogue, including transnational company agreements/ International Framework Agreements. It recommends promoting practical and suitable, risk-based approaches including multi-stakeholder engagement to develop the best portfolio of actions.</p> <p>Action plans could include both legislative and non-legislative measures, best practice, financial incentives, access to training, and capacity building for social partners</p>	<p>The Commission is engaged in multi-stakeholder initiatives such as the ICGLR-OECD-UN Joint Forum on Responsible Mineral Supply Chains, the Bangladesh Sustainability Compact and the Labour Rights Initiative in Myanmar, and supports new forms of partnerships and multi-stakeholder alliances between public and private actors, as for example set out in the Private Sector Communication of 2014 (COM/2014/263).</p> <p>Capacity building measures with multi-stakeholder engagement include the regional SWITCH Asia programme and a new project under the Partnership Instrument promoting responsible business conduct and supply chains in Asia. Further, the EU committed support to the G7's multi-donor 'Vision Zero Fund' to improve working conditions and labour standards, promoting effective preventive measures. The Commission and the ILO are also jointly implementing a project in Thailand aiming to improve compliance with core labour standards in the fishing and seafood sectors, with a particular focus on forced labour, migrant workers and the elimination of the worst forms of child labour. The project will establish a permanent multi-</p>

	<p>stakeholders platform involving notably authorities, industry and civil society including social partners.</p> <p>The Commission promotes social dialogue at all levels, supporting the capacity building of workers and employers' organisations both in the EU and in partner countries. It supports sectoral social dialogue, for example the implementation by EU social partners in the textile and clothing sector of their Corporate Social Responsibility (CSR) Risk Assessment Tool. It also promotes cross-border social dialogue in companies, including through transnational company agreements (SWD(2012)264).</p> <p>In developing its actions further, the Commission will take account of the EESC recommendations.</p>
<p>1.8. The EESC sees the need to reflect on the type of transparency tools needed to better inform consumers about the social conditions of production.</p>	<p>The Commission considers transparency in supply chains as important and supports improving consumer information. To that aim, the non-financial reporting Directive that is currently being transposed obliges large companies to disclose information on social and employee-related aspects and respect for human rights, amongst others. EU Occupational Safety and Health (OSH) legislation and the REACH regulation provide for information and cooperation between client and contractor on OSH and the safe use of chemicals.</p> <p>The Commission also develops the EU Ecolabel, which includes certification of respect for core labour standards and OSH principles for certain products. It further supports market transparency through voluntary standards schemes in the EU such</p>

	<p>as fair and ethical trade ones, for instance by contributing to the Standards Map project of the International Trade Centre (ITC). This tool provides impartial, comprehensive, up-to-date and comparable information on such standards through a freely accessible web-based portal, as well as training and capacity building.</p>
<p>The EESC wishes to see a more active role by the ILO to achieve decent work along GSCs, including new instruments to contribute to improving working conditions.</p>	<p>The conclusions on decent work in global supply chains adopted at the International Labour Conference on 10 June 2016 recognise the ambitious role for the ILO concerning decent work in global supply chains. These conclusions provide also very useful guidance for developing further EU internal and external initiatives in this area.</p>

<p><b>N°14 Proposal for a Regulation of the European Parliament and of the Council on mercury, and repealing Regulation (EC) 1102/2008</b>  <b>COM(2016) 39 final – EESC 2016/1268 - NAT/687</b>  <b>517<sup>th</sup> Plenary Session - May 2016</b>  <b>Rapporteur: Mr Vladimir NOVOTNÝ (GRI-CZ)</b>  <b>DG ENV – Commissioner VELLA</b></p>	
<b>Points of the EESC opinion considered essential</b>	<b>Commission position</b>
<p>4.4. The EESC affirms its conviction that the Regulation of the European Parliament and of the Council should not – and will not – go beyond the scope of what the Minamata Convention requires.</p>	<p>As the EU has an advanced legislative framework on mercury and the vast majority of the binding provisions of the Minamata Convention are already covered by the <i>acquis</i>, the Commission's proposal is focused on closing existing gaps in order to achieve a swift ratification of the Convention.</p>
<p>5.5. The EESC nevertheless endorses the provisions of the Minamata Convention stipulating that parties must take measures to discourage the development of new manufacturing processes using mercury and placing on the market of new mercury-added products.</p>	<p>The Commission's proposal foresees an explicit prohibition on the use of mercury in new products and processes, as this has a stronger signal value both internally in the EU and towards other Parties of the Convention, whilst obliging economic operators to examine <i>a priori</i> whether they would qualify for a derogation, thus avoiding potentially unnecessary research and development costs.</p>
<p>5.8. The EESC stresses the need for legislative measures on permanent and safe storage of mercury withdrawn from industrial processes in suitable geological structures – in disused salt mines. The EESC calls on the Commission to set out as a matter of urgency criteria to apply to storage facilities and requirements for the storage of waste contaminated with mercury.</p>	<p>The Commission proposed a solution for the permanent and safe storage of mercury waste subject to specific requirements. The Commission will take into account the EESC's opinion on this issue within subsequent negotiations with the other Institutions.</p>
<p>5.9. The EESC appreciates the balanced</p>	<p>The Commission thanks the EESC for</p>

<p>approach taken by the European Commission on the use of amalgam in dentistry based on the latest scientific knowledge. It considers that requirements on equipment in dental care establishments – namely the obligation to install mercury separators and the restriction on the use of dental amalgam to its encapsulated form – are enough to effectively limit the release of mercury into the environment and to protect human health. At the same time, the EESC draws attention to the possible risks – as yet inadequately understood and not fully specified – of the new dental materials that are to replace dental amalgam.</p>	<p>endorsing its position and proposals on the use of dental amalgam.</p>
<p>5.10. At the same time, the EESC draws attention to the rising costs of services reimbursed by public health care budgets and to the possible health and social effects on certain categories of patients where these costs are passed on to them.</p>	<p>The Commission shares the Committee's concerns and recalls that the measures on dental amalgam had been proposed on the basis of an impact assessment where the economic, environmental and social benefits of the available options had been carefully analysed.</p>

<p><b>N°15 Review of the European Neighbourhood Policy</b>  <b>JOIN(2015) 50 final – EESC 2016/0518 – REX/458</b>  <b>517<sup>th</sup> Plenary Session - May 2016</b>  <b>Rapporteur: Mr Andrzej ADAMCZYK (GRII-PL)</b>  <b>Corapporteur: Mr Gintaras MORKIS (GRI-LT)</b>  <b>DG NEAR – High Representative/ Vice-President MOGHERINI</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>The EESC would like to stress the importance of economic development as the main precondition for a stable and safe environment in the EU’s neighbourhood. The EU should be very consistent in providing economic support for the ENP partners and enhancing long-term conditions and motivation to pursue economic reforms, increase competitiveness and modernise business regulations. It is also very clear that the economic development must be accompanied by its social and environmental dimensions, only these factors going together may effectively contribute to real progress, stability and social peace.</p>	<p>The Commission agrees with the assessment of the EESC about the importance of economic development, and the Joint Communication of November 2015 sets out more details of how to proceed with initiatives to increase competitiveness, modernise business regulations and support the private sector, in particular SMEs.</p> <p>The Communication also focuses on the need for social development and signals the EU's strong support for the UN's 2030 Agenda for Sustainable Development and the Sustainable Development Goals. It supports resource-efficient economies which address environmental challenges.</p>
<p>The EESC stresses that, even if not all the economic criteria can be met, the EU must not compromise on the matter of fundamental European values, including social dimension, respect for universal human rights, democracy and rule of law, and regrets that the principle of respect for the ILO labour standards is not mentioned in the Communication as a cornerstone of sound industrial relations.</p>	<p>Part IV of the Joint Communication stresses that the EU should uphold and promote universal values through the European Neighbourhood Policy (ENP) and that the EU is committed to promoting good governance, democracy, rule of law and human rights.</p> <p>The Joint Communication sets out steps to promote inclusive growth and</p>

	<p>employment and improve living conditions for citizens. It describes how the implementation of the Deep and Comprehensive Free Trade Area Agreements (DCFTAs) will lead to the comprehensive approximation with international standards.</p>
<p>The EESC is of the view that there is not enough emphasis on the role of organised civil society and autonomous social and civil dialogue in the new policy document. The objectives of the ENP, including stabilisation, will never be met without substantial involvement of independent organisations of civil society. It must never be forgotten that the European integration is, above all, a peace project, and civil society is vitally interested in its success. The Communication is silent on the existing deficit of social and civil dialogue as well as violation of right to association and freedom to organise in the ENP area.</p>	<p>The Commission agrees with the importance of involving civil society to jointly achieve the objectives of the ENP including stabilisation and peace.</p> <p>In part IV of the document, the Joint Communication stresses the universality and indivisibility of human rights and re-commits to engaging with all partner governments in an inclusive dialogue on human rights and democracy issues.</p> <p>More support will be provided to civil society at a sub-national, national and intra-regional level and Civil Society fellowships are being set up to develop young leadership. Outreach will be undertaken to civil society in its broadest sense as well as to social partners.</p>
<p>The Communication appears to be proposing a rather defensive approach of limiting the ENP's ambitions because of its shrinking potential. It is true that the EU has been confronted with disruptive, sometimes dramatic developments in both the Southern and Eastern Neighbourhood. However, lack of vision will not help overcome the deadlock. The EESC suggests defining a new, bold, dynamic ENP agenda, including the prospect of</p>	<p>Differentiation was one of the key themes of both the consultation and then the Joint Communication. The EU needs to respond to the different needs of partner countries in different ways. Where a partner wishes to pursue deeper relations with the EU based on shared values, the EU will work with those partners to further develop relations and maximise benefits for both parties.</p>

<p>accession to the EU for some partner countries, especially in the East, which have such aspirations and are able and willing to meet the requirements.</p>	<p>Under Article 49 of TEU, any European state which respects the EU's values may apply for membership of the Union. The EU enlargement strategy of November 2015 states that "the current enlargement agenda covers the countries of the Western Balkans and Turkey".</p>
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<p><b>N°16 Indigenous coal in the EU energy transition (own-initiative opinion)</b>  <b>EESC 2015/1360 - CCMI/138</b>  <b>517<sup>th</sup> Plenary Session - May 2016</b>  <b>Rapporteur: Mr Dumitru FORNEA (GRII-RO)</b>  <b>Corapporteur: Ms Renata EISENVORTOVÁ (CCMI delegate-CZ)</b>  <b>DG ENER – Commissioner ARIAS CAÑETE</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.3. (...) the currently active coal-mining regions have to prepare for the phasing-out of coal production to be in line with EU energy and climate policy decisions on fossil fuel use or for economic reasons.</p> <p>3.3. With this new political approach, the days of coal appear to be numbered, in spite of the fact that currently, more than one quarter of the EU's electricity is still generated by 280 coal-fired power plants in 22 countries.</p>	<p>While the Commission notes the difficult situation of the coal mining sector in Europe, it also recalls that the EU climate and energy policies do not require Member States to phase out fossil fuel production or use.</p> <p>In fact, according to Article 194 of the Treaty on the Functioning of the European Union (TFEU), it is for the Member States to determine the conditions for exploiting their energy resources, the choice between different energy sources and the general structure of their energy supply.</p> <p>However, under the current regime, governed by the Council Decision 2010/787/EU on state aid to facilitate the closure of uncompetitive coal mines, uncompetitive coal mines receiving state aid must commit to close before 2018 or to repay the aid received.</p> <p>With the development of Carbon Capture and Storage (CCS), coal could continue to play a role in the EU energy mix. In order to facilitate sustainable use of coal in the future, the Commission made available over EUR 3 billion for</p>

	<p>CCS demonstration since 2009 and more funds will be made available under the new Innovation Facility. The Commission would welcome a more direct involvement of the coal industry as well as of electricity producers and other users of coal to support progress in CCS.</p>
<p>1.5. (...) the EESC recommends a “Transition Support Plan for the Communities and Regions Dependent on Coal Production” (the "Plan"), to address coal industry restructuring issues during the energy transition so that coal-mining regions can adapt to change.</p> <p>1.6. The "Plan" might be developed by an advisory group in cooperation with the European Commission and the European Parliament. Members of this advisory group should be representatives of the mining regions, unions, NGOs, R&amp;D and the coal industry.</p> <p>1.12. 1.9. Regional authorities, Member State governments and EU institutions must all engage with the energy transition and the related restructuring of the coal-mining regions.</p>	<p>Given the division of competences between the EU and the Member States, the Commission is not in a position to directly participate in the long-term strategic planning of an energy sector.</p> <p>Member States' national energy and climate plans to be developed in the context of the Governance of the Energy Union could reflect the national approach to coal in the medium- to long term.</p>
<p>2.3. The energy transition and the ambitious EU climate policy received strong support in the Energy Union project and were keenly promoted after the Paris Agreement which sends a clear signal to reduce emissions sufficiently to keep the global average temperature increase to below the agreed 2°C limit by the end of the century.</p>	<p>The Commission fully agrees that the Paris Agreement sends a clear signal that sharp reduction of greenhouse gas emissions is an irreversible and non-negotiable commitment.</p>
<p>3.9. The coal industry has to focus on more efficient and cleaner use and develop</p>	<p>The Commission fully agrees that the coal industry should engage more</p>

<p>alternative uses for coal. Therefore, the EU should allocate the required funds for research and development in coal chemistry.</p>	<p>actively in the development and deployment of clean coal technologies, such as CCS.</p> <p>The EU is already providing substantial funding for coal-related research. Under the Research Fund for Coal and Steel, more than 25% of the budget goes to co-funding of coal-related research, amounting to over EUR 10 million annually.</p> <p>EU funding was also used to co-finance two CCS demonstration projects under the European Energy Programme for Recovery aimed at applying CCS to lignite-fired power plants: Jänschwalde in Germany and Bełchatów in Poland<sup>1</sup>. The NER 300 programme<sup>2</sup> awarded EUR 300 million to the White Rose project for applying CCS technology to an ultra-supercritical oxy-fuel coal-fired power plant in the UK.</p>
<p>4.2. Since electricity production accounts for the largest use of coal, higher efficiency is an important tool for the less polluting use of coal.</p>	<p>The Commission acknowledges the role of high-efficiency low-emissions coal combustion technologies in delivering immediate and short-term reductions in greenhouse gas emissions. However, in order to be compatible with the EU's climate objectives, coal-fired power plants would need to be fitted with Carbon</p>

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<sup>1</sup> Details on the funding can be found in the EEPR report 2015 and its annex II , COM(2015) 484 final and SWD(2015) 191 final.

<sup>2</sup> The NER 300 programme is one of the world's largest funding programmes for innovative low-carbon demonstration projects and has awarded a total of EUR 2.1 billion to 38 renewable energy projects and one CCS project. It is established under Article 10(a)8 of Directive 2003/87/EC and funded by the sale of 300 million emission allowances from the New Entrants' Reserve (NER) set up for the third phase of the EU Emissions Trading System. See <http://ec.europa.eu/clima/policies/lowcarbon/ner300/>.

	Capture and Storage technology.
4.5. When considering the efficient and less polluting use of coal, alternative uses of coal should also be mentioned, for example coal liquefaction. Coal can be converted into liquid fuels – gasoline, diesel, and jet fuel or petrochemicals.	The Commission recognises the potential of alternative coal uses and technologies and provides funding for research in this area via the Coal and Steel Fund and Horizon 2020. However, it also notes that coal liquefaction is an energy intensive process with an overall higher carbon footprint than traditional transport fuels; hence the need to deploy CCS in order to ensure that coal liquefaction is sustainable in the long-term.
5.2.2. Unfortunately, with few exceptions, the relevant European and national authorities have so far pursued an “ostrich policy” in terms of the expected impacts of climate policies on the coal-mining industry, avoiding any engagement in the appropriate civic and social dialogues with workers and citizens in mining communities.	The Commission engages in regular discussions with the coal industry stakeholders, including coal producers, coal users, trade unions and the research community, to discuss the future of coal in the EU energy mix and the future of coal mining. These discussions take place as part of the annual Coal Dialogue.
5.2.4. As there is a clear link between phasing out coal and climate change policy, part of the European policy dealing with implementing climate objectives must be to help those regions suffering from structural changes, i.e. coal-mining regions.	<p>Whilst the Commission acknowledges the fact that as a carbon intensive energy fuel, coal is affected more than other energy fuels by climate policy objectives, it is also important to note that currently observed financial difficulties of the European coal mining sector are driven by record low international coal prices, combined with high production costs and poor international competitiveness of the European coal mining sector.</p> <p>Nevertheless, existing EU funding mechanisms, such as structural and regional funds and the European Social Fund can be used to support</p>

	<p>communities and regions in transition. Additional opportunities will be available through the New Skills Agenda for Europe which was proposed in June 2016 to boost human capital, employability and competitiveness of the European labour force.</p>
<p>5.3.1. A "just transition" for the mining communities can be ensured if the national and European authorities can draw up a timely, focused plan of measures to: safeguard decent wages and job security for the workers involved; facilitate training, skills development and redeployment with decent work alternatives; respect human rights and guarantee social protection measures, including pensions, to support people through the transition; and secure investments in community renewal, including mine closures and mine site reclamation activities, or the construction and services associated with the energy transition.</p>	<p>The Commission fully supports the need for national and regional authorities to prepare long-term plans for communities and regions dependent on coal mining wherever coal mining is no longer competitive. Any such plans should be compatible with the EU state aid rules for the coal industry, as defined under Council Decision 2010/787/EU on state aid to facilitate the closure of uncompetitive coal mines. However, given the division of competences between the EU and the Member States, the Commission is not in a position to directly participate in drawing up plans for coal industry restructuring.</p>
<p>5.4.4. In regions where coal production is expected to continue in the longer term, it is important to focus above all on the efficient and less damaging use of this coal. In the case of coal use for electricity generation, reducing emissions will continue to be a priority. The EU has the tools for this: the revised emission trading system which requires zero carbon emissions by 2058, the Directive on industrial emissions and the new BAT reference document for large combustion plants which is nearing completion.</p>	<p>The Commission acknowledges that reducing greenhouse gas emissions from coal is an important priority in the context of long-term EU climate objectives.</p> <p>EU leaders committed to reducing emissions by 80-95% by 2050 in the context of similar reductions to be taken by all developed countries as a group in the context of international climate negotiations.</p>

<p><b>N°17 Future of EU's relations with ACP Group of countries (Green Paper)</b>  <b>EESC 2015/5372 – REX/455</b>  <b>517<sup>th</sup> Plenary Session - May 2016</b>  <b>Rapporteur: Ms Brenda KING (GRI-UK)</b>  <b>DG DEVCO - Commissioner MIMICA</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>The EESC supports a modern, equal, and effective partnership that transcends a donor-recipient relationship.</p>	<p>The Commission is fully committed to go beyond the donor-recipient relationship and sees the future of the relationship between the African, Caribbean and Pacific (ACP) countries and the EU as a partnership of equals.</p>
<p>The EESC supports the involvement of the Civil Society Organisations including the private sector and favours the idea of providing them with technical and financial support.</p>	<p>The role of civil society organisations, local authorities and the private sector should be strengthened as they have been increasingly recognised as key actors. The value of these actors in development contexts and their ability to play an active role in bringing changes in public policies is essential.</p> <p>The EU already supports civil society organisations financially and supports their key role in society. The support that will be given to these actors in the future is yet to be defined, keeping in mind the goals of efficiency and effectiveness.</p>
<p>The EESC recommends that all future instruments be subject to the scrutiny of the European Parliament</p>	<p>In accordance to Point 26 of the Interinstitutional Agreement of December 2013, "the Commission, with a view to, inter alia, enhancing the democratic scrutiny of development policy, intends to propose the</p>

	budgetisation of the EDF as of 2021."
<p>The EESC believes that the partnership should be aligned with the 2030 Agenda</p>	<p>The EU has played a key role in shaping the 2030 Agenda for Sustainable Development.</p> <p>The Commission agrees that the 2030 Agenda should be a major element of the Union's development policy framework. The initiative to update the Union's development cooperation policy in line with the 2030 Agenda (<i>new European Consensus on Development</i>) will be carried out in close coordination and coherence with the initiative on the post-Cotonou partnership framework, which would also be designed to forge an alliance for jointly achieving the Sustainable Development Goals.</p>
<p>The EESC believes that the European funds should be used to build capacity to mobilise and use domestic resources, support the aims of industrialisation and address the shortage of skilled workers in fast-growing sectors of the ACP countries.</p>	<p>In line with the Addis Ababa Action Agenda, the European Commission considers that domestic resource mobilisation is essential for inclusive and sustainable growth of partner countries. This is also reflected in the Staff Working Document "Collect More, Spend Better" (SWD(2015) 198).</p> <p>As such, measures fostering capacity to take advantage of domestic resources including vocational training and incentives to enhance industrialisation of partner countries will continue to be supported.</p>

<p><b>N°18 Investing in jobs and growth – maximising the contribution of European Structural and Investment Funds</b>  <b>COM(2015) 639 final - EESC 2016/0351 - ECO/396</b>  <b>517th Plenary Session - May 2016</b>  <b>Rapporteur: Mr Dimitris DIMITRIADIS (GRI-EL)</b>  <b>DG REGIO – Commissioner CREȚU</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.2.1. In this regard, the EESC calls for closer involvement of and cooperation between the social partners and stakeholders in the work of the High Level Group of Independent Experts on Monitoring Simplification for Beneficiaries of the European Structural and Investment Funds, and calls on the Commission to ensure more effective and transparent communication on the composition and work of the high level group. The EESC is convinced that the social partners and other stakeholders could contribute to the identification of both good and bad practices, and help in introducing simplification options in their Member States.</p>	<p>The work of the High Level Group is fully transparent with all notes of the group's meetings, papers and presentations available on the dedicated webpage of the group. At each meeting of the group, stakeholders were invited to present their evidence to the members of the group to ensure that they hear the experience directly from the beneficiaries. In addition, the Commission established an interactive platform, "Simplify ESIF"<sup>1</sup>, to accompany the group. It has been widely publicised to stakeholders and social partners, notably through presentations at the Member State Experts groups for the ESI Funds and the corresponding Structured and Civil Dialogue groups. The platform has been used to disseminate information on the work of the group, share good practice and provide a portal for stakeholders to contribute to their experiences and ideas for</p>

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<sup>1</sup> <https://ec.europa.eu/futurium/en/simplify-esif>.



	simplification.
<p>1.6. On the other hand, the EESC has some concerns about the way these regulations and the new instruments and approaches are applied in the Member States, as the different practices employed at national level place the social partners in an unequal position. For example, the European Code of Conduct on Partnership is not fully implemented and respected by all Member States: the social partners are not adequately recognised in the implementation of the YEI and the importance of their joint action is not fully recognised by all Member States, which is reflected in the failure to tap their potential for coping with the negative effects of the crisis, better managing industrial change and creating jobs and growth. The EESC proposes to the Commission that legal and practical measures to guarantee full implementation of the partnership principle and the code of conduct be adopted no later than the end of 2016 and that more specific provisions and measures be put in place to avoid these different practices at national level.</p>	<p>Article 5 of the Common Provisions Regulation (CPR) makes it compulsory for each Member State to organise, in accordance with its institutional and legal framework, a partnership for each Partnership Agreement and ESI Fund Programme, at all programming stages and at all levels. The European Code of Conduct on Partnership sets out the framework within which the Member States, in accordance with their institutional and legal framework as well as their national and regional competences, shall pursue the implementation of partnership.</p> <p>The Commission is monitoring with special attention the way Member States are involving partners. Feedback has been generally positive and concerns brought to the attention of the Commission have been addressed with national authorities. The Commission stands ready to address any concrete situation with national authorities, where it believes there would be room for improvement.</p> <p>Furthermore, each Member State implements the partnership principle differently, depending on national administrative structures and culture. Strengthening the partnership culture is a long-term process, and results will only be seen in the medium and long term.</p>
<p>1.7. The EESC calls for a mid-term review of the regulations governing</p>	<p>The Commission published on 14 September 2016 a Communication on</p>

<p>investment through the ESIFs and especially of those concerning state aid, since these generate the greatest amount of uncertainty – for both the Member States and beneficiaries – and are the main source of the risk of financial correction. This should be part of the Commission Communication and proposal for a Council Regulation on the mid-term review of the Multiannual Financial Framework (MFF) 2014-2020. The EESC urges the Commission to maintain the course set out in the Political Guidelines of the Juncker Commission, which state that the "investment environment has to be improved and fund absorption needs to be strengthened".</p>	<p>the mid-term review of the multiannual EU budget (2014-2020)<sup>1</sup>. In line with the orientations of the Budget focused on results initiative, the proposed legislative package comprises measures intended to allow a simpler and more performance-orientated implementation of the European Structural and Investment Funds.</p> <p>As regards state aid rules more specifically, one of the proposed changes in the Financial Regulation consists in avoiding a double verification when ESI Funds contribute to EU-level financial instruments.</p>
<p>1.8. Public procurement is another area of uncertainty and constant problems, and the EESC expresses its regret that during the last ten years no workable solution, valid for all Member States, has been found that provides for a highly transparent, swift and efficient way of choosing subcontractors when the ESIFs are used. The specific national regulations on public procurement add further complexity to this area.</p>	<p>The European Commission reformed the Public Procurement Directives in 2014 with the objectives, <i>inter alia</i>, of further flexibility and simplification. Furthermore, the European Commission assists beneficiaries of ESIF funds in this area. It has set up a Public Procurement Working Group within the Commission and including the European Investment Bank, to coordinate common actions towards beneficiaries of the funds and other external stakeholders. For this purpose a Public Procurement Action Plan<sup>2</sup> has been agreed, containing 14 support actions to increase administrative capacity and to help avoid most</p>

<sup>1</sup> [http://ec.europa.eu/budget/mff/figures/index\\_en.cfm#com\\_2016\\_603](http://ec.europa.eu/budget/mff/figures/index_en.cfm#com_2016_603).

<sup>2</sup> [http://ec.europa.eu/regional\\_policy/en/policy/how/improving-investment/public-procurement/](http://ec.europa.eu/regional_policy/en/policy/how/improving-investment/public-procurement/).

	common errors in public procurement.
<p>1.10. Last, but not least, the EESC urges the Commission to devote more effort to extending the coverage of the Small Business Act at national and regional levels and to oblige the Member States to implement it, especially when it comes to ESIF investment.</p>	<p>The Commission welcomes the EESC's support to the broad implementation of the Small Business Act (SBA). The SBA Review adopted in 2011 introduced reinforced SBA governance. Member States have nominated national SME Envoys who, together with the EU SME Envoy and the European SME business organisations form the Network of the SME Envoys. The mission of the Network is to ensure the implementation of the SBA, report on progress at national level, promote the exchange of best practice and discuss - and realise - future initiatives.</p> <p>The European Commission recognises that the success of ESIF programmes will depend on good governance and their immediate start, as well as their full implementation. The Commission acknowledges the need to further simplify access to the ESIFs and reduce red tape in line with the Commission's objectives of better regulation and results-focused budgeting. For this reason a High Level Expert Group on monitoring simplification for beneficiaries of ESI Funds was set-up in July 2015.</p>
<p>3.1.2. The EESC regrets that the current Communication only deals with the outcome of the negotiations for the current programming period and does not summarise and build on lessons learned from the past. It is necessary for the Commission to analyse carefully the real</p>	<p>Article 16 CPR requires that the Commission prepare a report on the outcome of the negotiations concerning the Partnership Agreements and the programmes. The report covers the content required by the Regulation.</p>

<p>impact of investing EU funds during the previous programming period and to draw very specific conclusions regarding the positive and negative experiences as a starting-point for adding value to the investment process.</p>	<p>The Commission has carried out an extensive ex-post evaluation of the 2007-2013 period<sup>1</sup> which addresses the impact of the funds.</p>
<p>3.2.1.1. The EESC strongly calls for an immediate update of the definition of SMEs so as to ensure greater clarity, for a distinction to be drawn between different categories of SMEs in order to better target their needs and expand and diversify the sources of information for them, and for improved coordination of the sources and methods of gathering information about various SMEs and the methods of processing and analysing statistical data between Member States.</p>	<p>The Commission carries out a regular monitoring of the implementation of the SME definition. Since the entry into force of Recommendation 2003/361/EC in 2005, it has carried out three evaluations and prepared respective implementation reports (2006 – 2009 and 2012) after consultation of Member States, business organisations and other stakeholders. In all reports, the conclusion was that the definition was being applied without notable difficulties.</p> <p>The definition already includes a distinction between different categories of enterprises: micro, small and medium. The existing provisions foresee the possibility for European, national and regional authorities to direct their policy measures towards such a specific sub-category of SMEs (e.g. micro enterprises).</p> <p>In recent years, SMEs have increasingly benefitted from other forms than direct aid. There is a shift from an approach which compensates disadvantaged firms to one that does</p>

<sup>1</sup> Commission staff working document: Ex-post evaluation of the ERDF and Cohesion Fund 2007-2013: [http://ec.europa.eu/regional\\_policy/sources/docgener/evaluation/pdf/expost2013/wp1\\_sw\\_d\\_report\\_en.pdf](http://ec.europa.eu/regional_policy/sources/docgener/evaluation/pdf/expost2013/wp1_sw_d_report_en.pdf).

	<p>more to address market failures more directly.</p>
<p>3.2.3. The efforts of the Commission to improve simplification for beneficiaries are commendable, but simplification should not be carried out without the participation of end beneficiaries. In this regard, it is a pity that the methods used by the Member States for receiving feedback from beneficiaries are too bureaucratic and targeted too broadly. In most cases these fail to explore in depth the real cause of the problems and therefore fail to deliver workable solutions. The Commission should bear in mind that SMEs have different needs: easier access to finance, greater access to accompanying measures, coaching and mentoring etc.</p>	<p>The Commission established a High Level Group on simplification for beneficiaries of European Structural and Investment Funds in 2015. The group has been asked to come up with concrete solutions to overcome the barriers faced by beneficiaries in accessing ESI Funds.</p> <p>The group has met five times since October 2015 and has discussed five topics in detail: e-Governance, simplified cost options, access to EU funding for SMEs, financial instruments and gold-plating. They have listened to the evidence from practitioners on the ground and stakeholders, and have brought their own expertise to the discussions.</p> <p>Their first conclusions and recommendations on simplified costs and e-Governance were published in March 2016. Further recommendations are expected in the coming months on other aspects of the delivery system such as access to EU funds for SMEs, financial instruments and gold-plating of the rules.</p>
<p>3.2.5. The EESC strongly recommends that the Commission develop and establish a user-friendly portal that provides a brief description of all funding options at EU level and links to the webpage of each</p>	<p>In accordance with Article 13 CPR, the Commission published in 2014 a guide for beneficiaries on how to effectively access and use the ESI Funds and on how to exploit complementarities with</p>

<p>individual programme. The Commission has already gained valuable experience with the TED portal, which is user-friendly and provides a lot of information.</p>	<p>other instruments of relevant Union policies<sup>1</sup>. It describes the ESI Funds which can support the 11 thematic objectives, as well as the EU-level funds available to support those objectives (including links to the relevant webpages and application portals). The guide is accompanied by an online portal that is designed as a menu to help narrow down EU Funds that could be available for the type of investment sought by the beneficiary.</p>
<p>3.2.12. The EESC welcomes in principle the fact that more flexibility and room for manoeuvre are offered to beneficiaries by local development tools (such as Integrated Territorial Investment and Community-Led Local Development). However, the EESC wonders to what extent these instruments can really be used on the ground, given their high complexity and the lack of clarity as to practical arrangements and the division of funding, tasks and responsibilities between the different operational programmes.</p>	<p>Having acknowledged the demand for multidimensional interventions in addressing local development needs, the European Commission proposed the introduction of territorial instruments (integrated territorial investment and community-led local development) in Cohesion Policy to provide national and regional authorities the necessary flexibility to create programming and funding arrangements better suited to specific local development needs. In the view of the European Commission, they provide a high degree of freedom for programme authorities in combining financial resources from the ESI funds and in distributing tasks and responsibilities both horizontally among programme authorities and vertically among different levels of governance. This has been confirmed</p>

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<sup>1</sup> [http://ec.europa.eu/contracts\\_grants/pdf/synergies\\_beneficiaries\\_en.pdf](http://ec.europa.eu/contracts_grants/pdf/synergies_beneficiaries_en.pdf).

	<p>by the fact that Member States allocated a sizeable amount of Cohesion Policy support to be delivered using integrated territorial investments addressing a wide range of territorial challenges across the EU. The European Commission believes that if the implementation arrangements agreed by the programme authorities are transparent and clearly communicated, local actors should not perceive any additional administrative burden stemming from the use of these territorial tools.</p>
<p>4.1.4. The EESC considers the proportion of SMEs supported and the expected number of jobs created to be totally inadequate and would like to see stronger achievements in this regard. The Committee calls on the Commission to establish European benchmarks and to closely assess and monitor the performance of the Member States against these.</p>	<p>The Commission monitors the implementation of the Small Business Act (SBA) through the SME Performance Review, which ensures a detailed stock-taking of the latest EU SME trends in the EU as a whole as well as in individual Member States via the SBA country fact sheets. In particular, the SBA country fact sheets present the assessment of the progress achieved at national level in implementing the SBA. They focus on key performance indicators and national policy developments in the ten principles of the SBA<sup>1</sup> and provide input to the European Semester monitoring and benchmarking to improve business environment.</p> <p>As regards Cohesion Policy, the New ESI Fund Regulations introduced an ex ante conditionality that obliges the member states to put measures in place</p>

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<sup>1</sup> [http://ec.europa.eu/growth/smes/business-friendly-environment/performance-review/index\\_en.htm](http://ec.europa.eu/growth/smes/business-friendly-environment/performance-review/index_en.htm).

	<p>to reduce the time and cost involved in setting-up a business and time needed to get licenses and permits, taking account of the targets of the SBA. Moreover, the member states have to set up a mechanism to monitor the implementation of the measures of the SBA which have been put in place and assess the impact on SMEs.</p> <p>As regards Cohesion Policy investments in the 2007-2013 period: over 32 billion EUR funding were invested in SME support. 254 700 SMEs and 121 400 start-ups were supported. This led directly to the creation of over 1 million jobs or a third of the total of 3 million jobs created in the EU economy over the 2007-2013 period.</p> <p>The 2014-2020 European Structural and Investment Funds programmes will invest over 63 billion EUR, complemented by over 30 billion EUR national co-financing and additional leverage effects thanks to the increased use of financial instruments. It is expected that more than 2 million enterprises will be supported. The support will increase their competitiveness, help develop their products and find new markets, thus creating jobs, as well as help human capital development.</p>
<p>4.3.1. The EESC observes with great regret that there is still no coherent and integrated policy on migration and management of refugee flows. The thousands of young people and children entering European</p>	<p>The Commission has adopted several legislative and non-legislative instruments in order to ensure a coherent and integrated policy on migration. The Communication</p>



territory over the past two years have led to a situation where there is a high risk of people falling below the EU poverty line. Instruments and policies in this area also vary across the different Member States.

"European Agenda on Migration"<sup>1</sup> of May 2015 identified the key areas for action. Since then, the Commission has put forward a wide range of initiatives and proposals covering the full range of areas in the Agenda – and at the same time, has supported Member States in the essential work of taking action on the ground to address the immediate crisis, helping to save lives and to restore an orderly system of migration management. It has also put in place a series of steps to work closely with third countries, to encourage legal rather than irregular pathways to Europe and to help the huge task of supporting displaced people. Legislative proposals have included measures to set up a European Border and Coast Guard (Regulation now adopted)<sup>2</sup>, measures to reform the Common European Asylum System<sup>3</sup> and to provide for legal and safe pathways to Europe<sup>4</sup>. The policy response gives special attention to humanitarian needs – including a new instrument to allow humanitarian action inside the EU – with a particular focus on children, unaccompanied minors and other vulnerable groups of migrants. The Commission also adopted an "Action Plan on integration of third country nationals"<sup>1</sup> on 7 June 2016. The Action Plan offers a comprehensive framework to support

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<sup>1</sup>[http://ec.europa.eu/lietuva/documents/power\\_pointai/communication\\_on\\_the\\_european\\_agenda\\_on\\_migration\\_en.pdf](http://ec.europa.eu/lietuva/documents/power_pointai/communication_on_the_european_agenda_on_migration_en.pdf).

<sup>2</sup> Regulation (EU) 2016/1624: on the European Border and Coast Guard of 16 September 2016.

<sup>3</sup> COM(2016)270, COM(2016)271, COM(2016)272, COM(2016)467, COM(2016)466, COM(2016)465,

<sup>4</sup> COM(2016)468, COM(2016)378.

	<p>Member States' efforts in developing and strengthening their integration policies in areas such as education, the labour market and access to basic services, including the support by EU funds.</p>
<p>4.3.2. The EESC views the integration of refugees as an important and urgent policy matter, but regional policy and regional funds are not enough to tackle this complex challenge: a specific policy and funds need to be introduced.</p>	<p>To support effective integration policies, the EU budget provides funding via:</p> <ul style="list-style-type: none"> <li>- The European Social Fund (ESF) and the European Regional Development Fund (ERDF) and the Fund for European Aid to the Most Deprived (FEAD), which are available for measures to reinforce integration of migrants.</li> <li>- The Asylum Migration and Integration Fund (AMIF) (budget of EUR 3.1 billion for 2014-2020) which promotes the efficient management of migration flows and the implementation, strengthening and development of a common EU approach to asylum and immigration; and the Internal Security Fund (ISF) (budget of EUR 3.8 billion) which promotes the implementation of the Internal Security Strategy law enforcement cooperation and the management of the Union's external borders.</li> </ul> <p>In order to ensure an adequate and comprehensive response to the challenges migrants may face, support</p>

<sup>1</sup>[http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication\\_action\\_plan\\_integration\\_third-country\\_nationals\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_action_plan_integration_third-country_nationals_en.pdf).

	<p>from the EU funds should be coordinated both at European and national level.</p>
<p>4.3.3. There has been a long delay in implementing the YEI. The EESC has always encouraged active involvement of civil society in this work, and it continues to urge in particular that Member States should include youth organisations and youth services in delivering the YEI. The EESC believes that further analyses are needed in order to determine the reasons for the YEI's slow start. As youth unemployment is a serious problem for the labour markets of many EU countries, the Commission should ensure more efficient implementation of the YEI. A possible solution is to further extend the deadline set in Article 22(a) of Regulation No 779/2015. The guideline for verification was adopted by the Commission on 17 September 2015, which does not allow sufficient time for the Member States to adopt their management structures to meet the deadline.</p>	<p>In spite of delays in the financial implementation of the Youth Employment Initiative (YEI), implementation on the ground has been advancing rapidly in almost all Member States. Moreover, in some Member States, young persons have been engaged in activities since September 2013. But financial implementation of the YEI is also finally catching up. More than one million young persons have already received support thanks to the YEI. This demonstrates that in spite of the hurdles with the administrative arrangements, the YEI has been a key driver for the implementation of the Youth Guarantee. The fact that the YEI is programmed as part of the overall ESIF framework of programmes and implementation structures imposes that all applicable regulatory requirements have to be met – including the designation of authorities and set-up of monitoring information systems. Member States did have the possibility to programme the YEI as a dedicated programme which would have led to a faster adoption process on the side of the Commission; yet only Italy and France opted to use this legal possibility. Finally, the deadline set out in Regulation 779/2015 with a view to securing the additional YEI pre-financing had been considered a <i>sine qua non</i> by a number of Member States</p>

	<p>during the negotiations on the Commission's proposal in the Council as a prerequisite for speedy disbursement of the funding to actions on the ground. Moreover, no Member State argued that the deadline would be short to comply with.</p>
<p>4.3.4. The Commission should establish a special web portal for implementation of the YEI and show statistics for the targets already achieved. The EESC recommends that the Commission collect information from Member States, as two years have already passed since the initiative was launched.</p>	<p>Member States are required to report on the implementation of the YEI every year, since 2015. The last reporting was submitted end of May through the annual implementation report. Once these reports are accepted by the Commission the Member States are required to make them available to the public, together with a summary for citizens. The recent report by the Commission (COM (2016) 646 final) on the latest state of play regarding the implementation of the Youth Guarantee Council Recommendation and the YEI draws on Member States' YEI evaluations as well as ad hoc reporting by the YEI Managing Authorities collected in spring-summer 2016. In line with the applicable legal framework (Regulation (EU) No. 1304/2013), reporting on the YEI by Member States follows specific regulatory requirements. Therefore, the Commission is not in a position to formally systematically collect data on YEI outside these provisions. Information on the state of play is regularly provided by the Member States in the context of the Monitoring Committee meetings on the relevant operational programmes supported by the YEI. Moreover, in accordance with its legal obligation under Article 53 of</p>

	<p>Regulation (EU) No. 1303/2013, by the end of 2016 the Commission will also present a summary of Member States' annual implementation reports on all ESIF programmes – as well as the main findings of the first YEI evaluations submitted by the Member States.</p>
<p>4.3.5. The EESC believes that the Commission should be conscious of the fact that inactive young people are not a homogeneous group and therefore require different levels of support and intervention to fully participate in education, training and employment. All this should be in line with the actual needs of the respective labour market, so as to ensure better prospects for future employment. To this end, the EESC recommends more involvement of young people and their organisations, in close cooperation with potential employers and their respective organisations in the implementation of the YEI and a move away from purely administrative approaches that do not allow flexibility in YEI national action plans.</p>	<p>The Commission has asked Member States to identify in their YEI programmes the characteristics of the young people targeted by the YEI and their different needs in order to ensure that the measures supported are tailored to their needs. Moreover, Member States are required to involve relevant partners in the preparation and implementation of programmes. Engaging youth organisations and employers as early as possible in the design and implementation youth employment measures is a key success factor. Youth organisations play an important role in reaching to difficult target groups, such as young persons who have never registered in public employment services and do not have an active participation in society. Moreover, they are in a better position to identify the needs of young people. This role is acknowledged in the ESF Regulation, in recital 12, which stipulates that youth organisations should be involved in the monitoring committee's discussions on the preparation, implementation and evaluation of the YEI.</p>
<p>4.3.6. Education is the key to the future economic growth and development of the Member States, and to increasing the</p>	<p>Investing in education, training, vocational training and life-long training is one of the four thematic</p>

<p>competitiveness of the EU among other world markets. The lack of high-qualified workers in all Member States has very serious negative effects. Moreover, the gap between supply and demand is concentrated in several sectors – engineering, high technologies, telecommunications, etc. The EESC believes that the growing gap between labour market realities and the education system will create specific structural obstacles to production in the next 10 to 15 years. The EESC recommends that funding for education should be more focused on increasing the attractiveness and quality of vocational education/training courses and that reforms be undertaken to ensure that education is more effectively geared to labour market needs and is in accordance with the needs of Member States for different professions, disciplines, sectors and industries. The Commission should invest more in adult education too as adults make up the largest group of unemployed and employed people and they need advanced skills and to update their knowledge, especially in new technologies.</p>	<p>objectives supported by the ESF in the current programming period. Member States have allocated a substantial amount of the ESF resources to this thematic objective (EUR 27.1 billion), including to measures aimed at improving the labour market relevance of education and training systems and vocational training.</p> <p>With a total budget of EUR 6.2 billion, the ERDF can further support education infrastructure developments in close cooperation with the ESF.</p> <p>Regarding funds other than ESIF, the Erasmus+ programme has a budget of EUR 14.7 billion for the current programming period – aimed at boosting skills and employability and supporting the modernisation of education, training and youth systems.</p> <p>Bridging the gap between the labour market and education and training and anticipating the future skills (e.g. e-skills) are key factors to improving the competitiveness of the EU in a globalised market.</p> <p>Investment in young people and in education and training needs to start in early childhood education and school education. The Commission believes that inclusive education at all levels should focus on developing a balanced set of knowledge, skills and competences, which can help people to be prepared for both work and society.</p>
<p>4.4.3. The EESC considers simplification to be one of the most important factors for</p>	<p>The Commission is strongly convinced that the introduction of ex ante</p>

success in implementing the Programme. Although there are sufficient incentives within the regulatory framework for this programming period to speed up the process, there is still room for more tailored support from the Commission to the Member States. The Commission's view regarding the acceptability of different practices should be expressed more clearly, in order to help those Member States with less experience make use of the different options for simplification (for example, simplified cost options), so that there can be more confidence in the end results. The EESC is concerned about the fact that the communication mentions 750 ex-ante conditionalities to be met by Member States.

conditionalities has contributed to an improved strategic and legal framework as well as administrative capacity of the Member States' authorities responsible for ESIF implementation. Better framework conditions for the EU co-financed investments will result in their increased effectiveness and efficiency in supporting growth and jobs. The Member States are required to complete the action plans for the non-fulfilled ex ante conditionalities by the end of 2016, but good progress is already visible. The Commission has provided and continues to provide support to Member States in helping them to comply with their regulatory obligations.

<p><b>N°19 Proposal for a Regulation of the European Parliament and of the Council on the sustainable management of external fishing fleets, repealing Council Regulation (EC) No 1006/2008</b>  <b>COM(2015) 636 final – EESC 2015/4398 – NAT/674</b>  <b>517<sup>th</sup> Plenary Session - May 2016</b>  <b>Rapporteur: Mr Gabriel SARRO IPAGUIRRE (GRIII-ES)</b>  <b>DG MARE - Commissioner VELLA</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>Point 3.2: General comment on the need to simplify the system and reduce administrative burden.</p>	<p>The Commission considers favourably the EESC's opinion.</p>
<p>Points 4.5., 4.8. and 4.9. (Reference to Articles 12(3),(4), 19 and 27 respectively): Simplification of the procedure for issuing fishing authorisations in the cases of SFPAs, direct authorisations and high seas fisheries.</p>	<p>The Commission accepts the EESC's observations, taking into account the suggestions within subsequent negotiations with the other Institutions.</p>
<p>Point 3.4: Flag state responsibility, allowing the Commission to verify and validate the authorisation based on eligibility criteria.</p>	<p>While fully respecting the principle of flag State responsibility, the Commission should be allowed to withdraw a fishing authorisation where the flag Member State fails to do so in the cases stipulated by the proposed Regulation. To have this legal basis is essential because, in line with the Opinion 21 of the International Tribunal of the Law of the Sea (ITLOS), it would be the Union, as exclusively competent in this area, who would have the international responsibility as "flag State" in case of illegal, unreported and unregulated (IUU) fishing activities by Union fishing vessels within the Exclusive Economic Zones (EEZs) of coastal states (an obligation of "due</p>



	<p>diligence"). Not allowing the Union to act to stop a fishing vessel outside EU waters when the vessel continues causing harm without the appropriate reaction from its flag Member State, could put the Union in a situation of breach of its international obligation of "due diligence", as pointed out by the ITLOS.</p>
<p>Point 4.3. (Reference to Article 7(5)): the Commission may request the flag Member State to refuse, suspend or withdraw the authorisation in cases of "overriding policy reasons". These reasons should be better defined to avoid legal uncertainty.</p>	<p>The Commission accepts the EESC's observations. Besides, while for the same reasons as provided above, the Commission considers crucial the possibility to intervene to refuse, suspend or withdraw the fishing authorisation, it will work with the other Institutions on framing more clearly the conditions and reasons justifying the intervention of the Commission.</p>
<p>Point 4.2. + Appendix 1 (Reference to Article 5(1)(d)): the eligibility criteria of the proposal provides that the flag Member State may only issue a fishing authorisation if the operator and the fishing vessel have not been subject to a sanction for a serious infringement during the 12 months preceding the application for authorisation. This should apply only in the case of final judgements.</p>	<p>The Commission accepts the EESC's observations, taking into account the suggestions within subsequent negotiations with the other Institutions. However, the Commission would like to note that waiting until a final judgment on a sanction for a serious infringement could seriously undermine the effective application of these eligibility criteria. Moreover, in some Member States such sanctions are only imposed in administrative procedures. For these reasons, for example Commission Delegated Regulation 2015/288 in a case of determining admissibility of applications for the European Maritime and Fisheries Fund (EMFF) financing refers to the first official</p>

	<p>decision by a competent authority determining that a serious infringement within the meaning of Article 42(1) of Regulation (EC) No 1005/2008 or Article 90(1) of Regulation (EC) No 1224/2009 was committed.</p>
<p>Point 4.1. (Reference to Article 3(f)): The "Observer program" should cover not only the scheme under RFMOs, but also Member States' schemes for the verification of a vessel's compliance and for data collection.</p>	<p>This is subject to the outcome of negotiations with the other Institutions.</p>
<p>Point 4.4/ (Reference to Article 8): A Union fishing vessel may only carry out fishing activities in waters of a third country if this country is party to an RFMO. The EESC draws the attention to the case of Guinea Bissau and its participation to ICCAT.</p>	<p>The Commission accepts the EESC's observations. The financial contribution reserved for sectorial support under Sustainable Fisheries Partnership Agreements could possibly be used to support the membership of Guinea Bissau to the the International Commission for the Conservation of Atlantic Tunas (ICCAT), taking into account the suggestions within subsequent negotiations with the other Institutions.</p>
<p>Point 4.6. (Reference to Articles 13-14): The reallocation system of unused fishing opportunities under SFPAs should be implemented in a way to ensure consistency in the reallocation in both EU waters and under bilateral fisheries agreements with third countries, such as Norway.</p>	<p>The establishment of a possible reallocation system of unused fishing opportunities inside EU waters is outside the scope of this Regulation. The use of such a system under the fisheries agreement with Norway is an open subject for negotiation with the other Institutions.</p>
<p>Point 4.7. (Reference to Article 18(c)): Evidence of the sustainability of the planned fishing activities in third country waters under direct authorisations, on the basis of a scientific report. The final examination by</p>	<p>It is in line with the idea of the new Fishing Authorisation Regulation (FAR) proposal to establish responsibility of the flag State; however the Commission understands</p>

<p>the flag Member State should be deleted.</p>	<p>the administrative burden and could explore other ways that would, nevertheless, ensure a reliable independent peer review. Scientific reports from the third country (and not those from a Regional Fisheries Management Organisation (RFMO) would at least need to be peer reviewed by an independent body, such as scientific institute of the EU at national level or by the Scientific, Technical and Economic Committee for Fisheries (STECF), or International Council for the Exploration of the Sea (ICES).</p>
<p>Point 4.10. Any exchange of information shall take place electronically, with the need to set up an electronic register of fishing authorisations.</p>	<p>The Commission considers favourably the EESC's opinion.</p>

<p><b>N°20 More sustainable food systems (exploratory opinion)</b>  <b>EESC 2016/0232 – NAT/677</b>  <b>517<sup>th</sup> Plenary Session – May 2016</b>  <b>Rapporteur: Mr Mindaugas MACIULEVICIUS (GR11-LT)</b>  <b>DG AGRI – Commissioner HOGAN</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>Point 1.1.</p> <p>The EESC calls on the European Commission and Member States to develop a clear EU policy and implementation plan for building a sustainable, resilient, healthy, fair and climate-friendly food system, which encourages cooperation and mutual understanding among all stakeholders along the food supply chain. Better coherence and integration of food-related policy objectives and instruments (e.g. on agriculture, environment, health, climate, employment, etc.) must be ensured taking into account the three pillars of sustainability.</p>	<p>The European Commission takes note of the call for the development of an EU policy for sustainable food systems. The European Commission would like to recall that the sustainability of the food system is addressed in a wide range of policy areas. The Commission will continue to seek policy coherence at all phases of policy developments. Pursuant to the better regulation principles, the Commission takes into account environmental, social and economic aspects of policies when evaluating them or proposing new ones.</p>
<p>Point 1.5.</p> <p>The EESC calls on the Commission to investigate how the food use hierarchy is being applied in practice in the Member States, including with regard to economic incentives that might provide mixed signals to businesses. Supporting the effective application of the waste hierarchy, the EESC also calls for a review of Regulation (EC) No 1069/2009 such that food not fit for human consumption can be used as animal</p>	<p>European Commission takes note of this proposal.</p> <p>The food use hierarchy is based on the principle of waste hierarchy which is defined in the Directive 2008/98/EC on waste with the objective of giving preference to prevention first followed by reuse, recycling before energy recovery and disposal which includes landfilling and incineration without</p>

<p>feed where it is safe to do so.</p>	<p>energy recovery.</p> <p>The investigation around economic incentives that give mixed or perverse signals is welcome. However, as regards its application, the hierarchy principle should take economic considerations fully into account.</p> <p>Only the safe use of food and feed ingredients is allowed under EU law. Thus flexibility needs to be accompanied by the necessary official controls.</p>
<p>Point 1.8.</p> <p>A transition to sustainable food systems requires a comprehensive food policy, integrated with a broad-based bioeconomy strategy, not an agricultural policy alone. Rather than engage in a polarising debate, interdisciplinary thinking is needed, bringing together the DGs of the Commission, a wide range of ministries and institutions in the Member States, together with local and regional governments and stakeholders across food systems, to tackle the interconnected challenges highlighted in this opinion. The EESC hopes that the interdependence of food production and consumption will be recognised and that a suitable European policy approach including different private initiatives will be developed charting a course towards sustainability, health and resilience. However, the Common Agricultural Policy and the Common Fisheries Policy will also play an important</p>	<p>The European Commission notes the call for joined-up thinking in relation to development of a food systems policy. The CAP, the regulatory framework which covers food safety, and other policy areas such as fisheries, energy, economy, internal market, trade, health and environmental protection all influence the food supply chain to a significant extent (see also reply to point 1.1.).</p> <p>The European Commission will continue to promote the interdisciplinary dialogue with all relevant stakeholders, notably via initiatives such as the High Level Forum for a better functioning food supply chain.</p>

<p>role in the EU in the future.</p>	
<p>Point 3.3.</p> <p>Annually, around 100 million tonnes of food is wasted<sup>1</sup> in the EU, forecast to increase by 20% by 2020 without preventive action. Food waste in Europe is generated across the supply chain, with a concentration at household level estimated at 46%<sup>2</sup>. It should be noted that the retail and manufacturing sectors have made significant efforts to improve food waste prevention and reduction over recent years. Efforts to enhance production and supply chain sustainability make little sense without emphatic action to reduce waste.</p>	<p>The European Commission would like to note that more recent data are available.<sup>3</sup> In particular, the annual production of food waste is assessed at 88 million tonnes and share of households at 51%.</p>
<p>Point 4.7.</p> <p>Sustainable management of resources also requires increased efforts to re-use residual flows at the highest possible value. New research comparing the cost of food preparation for redistribution, for animal feed, for anaerobic digestion and for landfill in the EU28, would help to identify the role of economic incentives in the proper application of the EU waste hierarchy. Food donation from the hospitality and food service sectors remains challenging and legislation around it poorly understood. This</p>	<p>The Commission would like to note that preparation of the guidance clarifying food donation is envisaged in the EU action plan for the Circular Economy<sup>4</sup> (point 5.2).</p>

<sup>1</sup> The UN definition of food loss and waste can be found at: <http://thinkeatsave.org/index.php/be-informed/definition-of-food-loss-and-waste>.

<sup>2</sup>FUSIONS (2016) Estimates of European food waste levels: <http://eu-fusions.org/phocadownload/Publications/Estimates%20of%20European%20food%20waste%20levels.pdf>.

<sup>3</sup><http://www.eu-fusions.org/index.php/component/acymailing/archive/view/mailid-38?key=juggeczVL&subid=3801-bHBN1EZzMepChy&tmpl=component>.

<sup>4</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: "Closing the loop - an EU action plan for the Circular Economy" [COM(2015)614 final].

<p>is a key area where European guidance, widely circulated to hospitality businesses, would be particularly useful.</p>	
<p>Point 4.12.</p> <p><i>Strengthening the link between food systems and climate change strategies</i></p> <p>Bearing in mind the economic pillar of sustainability, the Commission and Member States have to consider both the mitigation and sequestration potential, while at the same time providing all means of financial support for implementation, and promoting innovative public-private partnership cooperation mechanisms. Additional indicators on agricultural productivity gains, existing land, diets, and food loss and waste would complete the picture of food systems' impact on climate change.</p>	<p>The current CAP foresees a framework of monitoring and evaluation based on a very comprehensive set of indicators. These indicators combined with national and EU official statistics are largely sufficient to provide a complete picture of the impact on climate change and the effects of the policy. There is therefore no need to create additional indicators.</p>
<p>Point 4.16.</p> <p><i>Promoting healthier and more sustainable diets</i></p> <p>It is noted that the Dutch Ministry of Health, Welfare and Sport has initiated an Agreement for Improvement of Food Composition with producer, retail, catering and hospitality sector associations, making products healthier, and enabling the healthy choice to be the easiest choice. This agreement includes ambitious targets on salt, saturated fat and calorie reductions in foodstuffs progressively to 2020, minimising noticeable changes in flavour profiles<sup>1</sup>. This opinion calls for the</p>	<p>The European Commission takes note of the demand for the implementation of the EU framework for national initiatives on selected nutrients. The Commission is working closely with stakeholders on the implementation of this EU framework. The European Commission notes the call from Member States to support food product improvement, as detailed in the Council Conclusions on Food Product Improvement, adopted 17 June 2016. While facilitating health-enhancing environments (environment-oriented preventive measures), behaviour-oriented preventive measures are also</p>

<sup>1</sup> Dutch Lower House 2014-2015, 32793 no 162.

<p>implementation of the EU framework for national initiatives on selected nutrients, namely of the recently approved annex on added sugars.</p>	<p>important here, and the Commission underlines the central role of education on balanced diets and healthy lifestyles.</p>
<p><i>Developing the knowledge base and mobilising research and innovation</i></p> <p>Point 4.21.</p> <p>Research, innovation and development are the main drivers of the transition to a sustainable food system, in line with climate policy objectives. The EESC calls on the EU Institutions and Member States to increase the funding for work in this field, and calls for a joint effort where findings are shared between the research communities, practitioners and other stakeholders.</p> <p>Point 4.22.</p> <p>The EESC stresses that the use of new information and communications technologies (ICT) and existing Commission programmes such as Galileo and Copernicus for the agricultural sector are helping to improve sustainable production techniques for raw materials in the EU. The EESC calls for further research and development in the application of ICT in all areas of food production. These techniques are crucial to promote further precise and more resource-efficient food production techniques, early detection of disease, and climate disturbances and extreme weather conditions. This may in turn lead to less food waste in primary production. More research should also be directed to assessing the potential of innovative types of farming (such as urban farming) as well as to</p>	<p>The European Commission takes note of this proposal. Given the scope and scale of the food security challenge, R&amp;I funding to tackle sustainable food systems in the current EU Research and Innovation Framework Programme Horizon 2020 (H2020) has been increased. The emphasis is already placed on sustainability and climate resilience of food systems (agriculture in particular), which will be sustained in the coming years of Horizon 2020.</p> <p>Furthermore, the European Commission has recently published a Staff Working Document [SWD(2016)-319] that sets out how EU R&amp;I policy contributes to the major global challenges of Food and Nutrition Security, which calls for a 'food systems approach' linking land and sea and underpinned by sustainability (FOOD 2030). It is a first step in the further development of a more coherent approach to EU R&amp;I, aiming to boost investment and mobilise a wide diversity of stakeholders to future-proof our food systems.</p> <p>Through the European Innovation Partnership for Agricultural Productivity and Sustainability (EIP-AGRI), significant efforts are made to bridge the gap between research and practice by bringing together researchers, practitioners and other relevant stakeholders. These efforts must be</p>



<p>improving animal feed.</p>	<p>sustained.</p> <p>The European Commission takes note of the proposal for further research and development into the application of Information and Communication Technology (ICT) in food production, which is given special attention under Horizon 2020 and EIP-AGRI, and must be sustained in the coming years.</p> <p>Through Horizon 2020, a wide variety of farming systems are addressed (urban farming included).</p>
<p>Point 4.23.</p> <p><i>Tackling animal and plant diseases to increase the robustness of the food system</i></p> <p>While having nearly the best early detection and prevention system in the world, the EU's policy and legislative framework on animal and plant health could be further developed and reinforced with a stronger focus on crisis prevention, better surveillance and early detection, preparedness, and management, as well as on the identification and assessment of emerging or new risks both in the EU and outside the EU. A network of reference laboratories already exists for animal diseases, but not for plant diseases. Knowledge and research are the most important pillars for prevention.</p> <p>The EESC calls on the Commission and the Member States to be even more ambitious in urgently funding animal disease research centres and establishing plant disease reference labs. Early detection and prevention systems should also be reinforced, while ensuring that food</p>	<p>The European Commission takes note of the call for increased funding for animal disease research and reinforcement of detection and prevention. The EU already has a very sophisticated and efficient system in place to reduce outbreaks of disease, manage critical situations and reduce the spread of diseases. Both the EU animal health and plant health legal frameworks are being further enhanced along with that of their official controls. This is expected also to improve their respective early detection and prevention systems.</p> <p>With regard to animal health facilities, the EU is well equipped. However, plant health facilities, in view of the adoption of a new plant health legal framework, may need more means in the future to set up its own network of reference labs and ensure a fully functioning diagnostic network for accurate and fast support to inspectors' findings in the field.</p>

producers and other operators (e.g. agricultural workers) are duly compensated for any losses, including for financial losses borne by farmers when trade restrictions are imposed in the public interest because of epidemic outbreaks.	
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