

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

**EUROPEAN ECONOMIC AND SOCIAL COMMITTEE**

**PLENARY SESSION OF SEPTEMBER 2016**

N°	Title	References
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1.	<p><b>Future proof regulation</b></p> <p>Rapporteur: Christian MOOS (GRIII-DE) Corapporteur: Denis MEYNENT (GRII-FR)</p>	<p>EESC-2016-02976-PAC-TRA</p> <p>SC/045</p> <p>Exploratory opinion requested by the Slovak presidency</p>
2.	<p><b>Sustainable development: A mapping of the EU's internal and external policies</b></p> <p>Rapporteur: Ioannis VARDAKASTANIS (GRIII-EL) Corapporteur: Jarmila DUBRAVSKÁ (GRI-SK)</p>	<p>EESC-2016-03385-AS-EDI</p> <p>NAT/693</p> <p>Exploratory opinion requested by the European Commission</p>
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3.	<p><b>Priorities for ICT Standardisation for the Digital Single Market</b></p> <p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Priorities for ICT Standardisation for the Digital Single Market</p> <p>Rapporteur: Gundars STRAUTMANIS (GRI-LV)</p>	<p>COM(2016) 176 final</p> <p>EESC-2016-02834-PAC-TRA</p> <p>TEN/593</p>
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5.	<b>eGovernment Action plan 2016-2020</b>  Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - eGovernment Action Plan 2016-2020 - Accelerating the digital transformation of government  Rapporteur: Raymond HENCKS (GRII-LU)	COM(2016) 179 final  EESC-2016-02741-PA-TRA  TEN/594
<b>DG ENV</b>		
6.	<b>EU biodiversity policy</b>  Rapporteur: Lutz RIBBE (GRIII-DE)	EESC-2016-00799-AS-TRA  NAT/681  Own-initiative opinion
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7.	<b>The Union legal framework for customs infringements and sanctions</b>  Proposal for a Directive of the European Parliament and of the Council on the Union legal framework for customs infringements and sanctions  Rapporteur-general: Antonello PEZZINI (GRI-IT)	COM(2013) 884 final - 2013/0432 COD  EESC-2016-04500-AS-TRA  INT/802
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8.	<b>The Road from Paris</b>  Rapporteur: Tellervo KYLÄ-HARAKKA-RUONALA (GRI-FI)	EESC-2016-02544-00-00-PA-TRA  NAT/690  Own-initiative opinion
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11.	<p><b>Nuclear Illustrative Programme</b></p> <p>Communication from the Commission. Nuclear Illustrative Programme</p> <p>Rapporteur: Brian CURTIS (GRII-UK)</p>	<p>COM(2016) 177 final</p> <p>EESC-2016-02846-AS-TRA</p> <p>TEN/596</p>
12.	<p><b>Security of natural gas supply</b></p> <p>Proposal for a Regulation of the European Parliament and of the Council concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010</p> <p>Rapporteur: Graham WATSON (GRIII-UK)</p>	<p>COM(2016) 52 final - 2016/0030 COD</p> <p>EESC-2016-02264-AS-TRA</p> <p>TEN/588</p>
13.	<p><b>An EU strategy for liquefied natural gas and gas storage</b></p> <p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an EU strategy for liquefied natural gas and gas storage</p> <p>Rapporteur: Marian KRZAKLEWSKI (GRII-PL)</p>	<p>COM(2016) 49 final</p> <p>EESC-2016-02270-AS-TRA</p> <p>TEN/589</p>
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16.	<p><b>Public tax transparency (country-by-country reporting)</b></p> <p>Proposal for a Directive of the European Parliament and of the Council amending Directive 2013/34/EU as regards disclosure of income tax information by certain undertakings and branches</p> <p>Rapporteur: Victor ALISTAR (GR III-RO) Co-rapporteur: Petru Sorin DANDEA (GR II-RO)</p>	<p>COM(2016) 198 final - 2016/0107 COD</p> <p>EESC-2016-02391-AS-TRA</p> <p>ECO/407</p>
<b>DG HOME</b>		
17.	<p><b>Entry/Exit System</b></p> <p>Proposal for a Regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) No 1077/2011</p> <p>Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 as regards the use of the Entry/Exit System</p> <p>Rapporteur: Cristian PÎRVULESCU (GR III-RO)</p>	<p>COM(2016) 194 - final 2016/0106 COD</p> <p>COM(2016) 196 final - 2016/0105 COD</p> <p>EESC-2016-03098-AS-TRA</p> <p>SOC/544</p>

<p><b>N°1 Future proof legislation (exploratory opinion)</b>  <b>EESC 2016/2976 – SC/045</b>  <b>519<sup>th</sup> Plenary Session - September 2016</b>  <b>Rapporteur: Mr Christian MOOS (GRIII-DE)</b>  <b>Corapporteur: Mr Denis MEYNENT (GRII-FR)</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. (2.11.) The EESC notes that efforts are being made to improve the quality of European legislation and that these efforts should be stepped up.</p> <p>1.3. (2.12.) The EESC believes that high quality, simple, comprehensible and consistent legislation "is an essential factor in integration, not a burden or cost to be reduced", as it is key to generating sustainable economic growth, boosting innovation, making companies – including SMEs – more competitive and creating more high-quality jobs.</p>	<p>Ensuring a high quality of EU legislation lies at the core of the Commission's Better Regulation agenda. Since the launch of the Better Regulation package in May 2015, the Commission has stepped up its efforts in terms of impact assessments, evaluations, public consultations and mechanisms such as REFIT to make EU law more efficient and effective.</p> <p>The aim of these processes is to produce well-targeted, evidence-based and simply written regulation that is more likely to be properly implemented and achieve its goals on the ground, whether these are economic, societal or environmental.</p> <p>The Commission also acknowledges the fact that the quality of EU legislation is a shared responsibility of the co-legislators. The Interinstitutional Agreement on Better Law-Making<sup>1</sup> of April 2016 between the European Parliament, the Council and the European Commission, marks a significant step forward in the</p>

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<sup>1</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2016:123:FULL&from=EN>.

	<p>promotion of Better Regulation throughout the legislative process.</p>
<p>1.4. (2.3., 2.10., 2.13., 2.15., 2.16., 2.17., 2.18.) The "innovation principle", as defined in chapter 2, is also in line with the thinking behind the REFIT programme. The EESC recalls the tenets of the "Better Regulation" programme, which have already been defined and applied, and stresses that this new principle must not take precedence over them; it must be applied intelligently and carefully, particularly with regard to social protection and the environment, health and consumer protection.</p> <p>The "innovation principle" should have the same weight as the other criteria mentioned in point 2.14 and used by the Commission to analyse the impact of a legislative proposal. A balance should therefore be struck between the innovation principle and the other criteria and care should be taken to ensure that it does not take precedence over them.</p>	<p>The Commission fully agrees with the fact that an "innovation principle" should not take precedence over fundamental EU Treaty principles such as the precautionary principle. The same applies in the context of the Better Regulation agenda, according to which impacts across the social, environmental and economic pillars should be assessed in an integrated way and considered on an equal footing. However, within this framework, the Commission considers it important to assess impacts for innovation whenever this is relevant.</p>
<p>1.5. (2.19.) The EESC suggests that the potential of the "innovation principle" should continue to be studied by sharing best practices.</p> <p>2.19. The EESC suggests to the Slovakian presidency that the potential of the innovation principle should continue to be studied by sharing best practices. The EESC calls on the Commission to use this as a basis to draw conclusions regarding the opportunities and impact of this new approach.</p> <p>3.1. The EESC stresses that the concept of "future proof legislation" needs to be better defined. It needs to be respectful of the values and objectives of the European</p>	<p>The Commission welcomes all concrete suggestions and experiences that can help further refine the application of the innovation principle as well as the use of relevant tools and instruments to promote "future proof legislation".</p> <p>The Commission will launch a discussion to this end with Member States with a view to share best practices.</p> <p>The Commission's Better Regulation Toolbox already provides guidance on how to assess the impact of regulatory or non-regulatory action on innovation and how to ensure that the choice and</p>

<p>Union in accordance with Articles 1 and 2 of the Lisbon Treaty. Thus the innovation principle, which is one of the priorities of the Slovak presidency and therefore closely linked to the new concept of future proof legislation, needs to take on this responsibility.</p>	<p>design of regulatory tools are as far as possible "future proof". When reviewing impact assessments, these aspects are also considered by the Regulatory Scrutiny Board.</p>
<p>1.6. (3.2.) Innovation is one of the conditions required for sustainable growth in Europe. A legislative framework favourable to innovation is needed, although there is no straightforward relationship between innovation and the regulatory framework; administrative measures, tax measures, an investment plan and other such initiatives are needed in addition to legislative measures in order to support and develop innovation.</p>	<p>The Commission fully agrees with the need for a comprehensive approach to innovation, going beyond a set of legislative measures, to create and maintain an environment supportive to innovation. This is why, for example, major initiatives like the European Fund for Strategic Investments or Horizon 2020 put specific emphasis on unleashing innovation potential in Europe.</p>
<p>1.9. The EESC believes that all legislation must be the outcome of public political discussions. The role of civil society and of the social partners is very important here, and an appropriate framework for quality social and civic dialogue is needed, with due regard given to the views expressed.</p> <p>1.10. (2.7., 2.8., 3.6.) The EESC notes that it is not only the content of legislation but the legislative process itself that must be future proof, so as to meet the needs of businesses and citizens</p> <p>1.13. (2.5., 3.7.) Civil society should serve as a sounding board for future proof legislation. The EESC is well placed to act as intermediary between the legislator and civil society organisations and the social partners.</p>	<p>The Commission fully agrees with the need to listen to those who will ultimately be impacted by legislation. Consultations, both public and targeted, play an essential role in shaping future-proof legislation and constitute a key element of the Better Regulation agenda. They contribute to the quality of legislation, but also ensure greater transparency and legitimacy of the policy development process and therefore contribute to a more successful policy implementation. The Commission values the work of the EESC contributing to the evaluation of the performance of EU legislation.</p> <p>The REFIT Programme aims at screening the existing body of EU legislation (EU acquis) to evaluate if it is still fit for purpose. The Commission values the active participation of the EESC in the Stakeholder Group of the</p>

	<p>REFIT platform.</p> <p>The Commission values the precious and special role of the EESC in the EU legislative process.</p>
<p>1.7. (2.2., 3.10.) European legislation should always aim to create a legal framework that enables businesses and citizens to benefit from the advantages of the internal market and to avoid unnecessary administrative burdens. European legislation is future proof if it is proactive and forward-looking; the EESC is in favour of legislation that can adapt. It considers that future proof legislation must be based on the Community method.</p> <p>1.11. (3.3., 3.4.) Each piece of future proof legislation must remain true to its original objective – always in compliance with the objectives set out in the Treaties – and able to be enacted flexibly in national legislation. It should not go into too much detail, instead limiting itself to providing a framework, which should be properly transposed at national level in a timely manner, after consulting the social partners and representative civil society organisations and giving due regard to their positions. The use of sunset clauses should be further analysed.</p>	<p>As already mentioned, the Better Regulation Toolbox already includes relevant guidance on how to assess impacts not only on innovation but also on SMEs and competitiveness. This Toolbox also provides guidance on the importance of considering performance or outcome-based regulations rather than prescriptive approaches imposing a particular solution. This provides greater flexibility to businesses in how they achieve the desired outcome, stipulating only at a relatively high-level what they can and cannot do. At the same time, legislation needs to be sufficiently precise and stable to ensure regulatory certainty.</p> <p>This Toolbox will be subject to regular updates, taking account of experience and keeping it up-to-date with developments, including in the area of innovation and "future-proofing".</p> <p>The Interinstitutional Agreement on Better Law-Making also includes a commitment from the three Institutions to consider the use of sunset clauses and to systematically consider the use of review clauses.</p>
<p>1.12. (3.5.) The EESC is in favour of clarifying the principles of subsidiarity and proportionality which are sometimes used as arguments by opponents of legislative initiatives, without sufficient substantiation of their underlying reasoning.</p> <p>2.14. The EESC recalls the importance of</p>	<p>The Commission fully agrees with the importance of clarity in the interpretation of established principles. As part of its continued efforts to improve its existing tools and practices, the Commission intends to further develop its guidance on the application of the subsidiarity and the</p>

<p>the principles that have already been established in order to ensure appropriate legislation. These include the principles of correct implementation within deadlines, subsidiarity and proportionality, the precautionary principle, predictability, "think small first", the external dimension of competitiveness and the internal market test.</p>	<p>proportionality principles, including by enriching its Toolbox with concrete examples and practical questions to be considered in impact assessments and evaluations.</p> <p>While attention must be paid to ensure that regulation promotes rather than hinders innovation, this must not occur at the expense of other social, environmental or economic considerations.</p>
<p>1.14. (2.4., 3.8.) The EESC stresses the importance at national and European level of impact assessments, including the SME test, for all legislative or non-legislative measures, so that political decisions are informed and based on specific data. Impact assessments are there to help political decision-making: they cannot replace it.</p>	<p>The Commission shares the view of the EESC on the importance of impact assessments to inform (and not to replace) political decision-making. Small and medium-sized enterprises' (SMEs) needs and interests are of paramount concern in ensuring a competitive and innovative economy, growth and jobs. It is Commission policy to minimise regulatory burdens on SMEs generally and to exempt micro-enterprises from its proposals wherever possible. The methodology on the SME test will be reinforced, as relevant, via the continuing monitoring and adjustment of the Better Regulation tools. This SME test helps implement the 'Think Small Principle' and improve the business environment.</p> <p>The Commission also welcomes the commitment from both the Council and Parliament to carry out impact assessment on their substantial amendments when they consider this appropriate and necessary for the legislative process.</p>
<p>1.15. (3.9.). The EESC asks that it be consulted when the Commission, the Parliament and the Council come to an</p>	<p>The Commission intends to systematically indicate legislative proposals subject to withdrawal in its</p>

<p>agreement on the withdrawal of legislative proposals as it is important to assess the material and immaterial consequences of such withdrawals.</p>	<p>annual Work Programme, on which the EESC provides valuable input. In this process, the Commission pays close attention to duly motivating withdrawal decisions.</p>
<p>1.18. (3.14., 3.16.) The EESC stresses the importance of its participation in the consultative processes that need to accompany the deepening of the EMU. The European Parliament, as well as the consultative bodies, needs to be better integrated into the European Semester cycle.</p>	<p>In its 2017 Work Programme, the Commission announced that it will prepare a White Paper on the Future of Europe setting out steps on how to reform an EU of 27 Member States, 60 years after the Treaties of Rome. The White Paper will also include the future of the Economic and Monetary Union (EMU) to prepare stage 2 of EMU deepening in the new political and democratic context. Contributions from all stakeholders, including the EESC, will be welcome.</p> <p>The Commission has streamlined and simplified the European Semester, improved its democratic accountability and strengthened the social dimension. It has strengthened the dialogue with the Member States, the European Parliament, national parliaments and the social partners. The Commission encourages stronger involvement of the social partners in the elaboration of National Reform Programmes. EU-level social partners will be involved in discussions earlier, for instance through a renewed Tripartite Social Summit and Macroeconomic Dialogue, to strengthen their contributions to the Semester process.</p>
<p>1.19. (3.15.) The EESC supports a trilogue fast-track legislative procedure in emergencies only.</p>	<p>Trilogues are a means to advance legislative negotiations that the co-legislators can choose to use at any moment in the legislative process. The Commission, while normally present in trilogues, is neither the organiser of</p>

	<p>trilogues nor can it control their modalities.</p> <p>The Interinstitutional Agreement on Better Law-Making foresees that "<i>the three institutions will ensure an appropriate degree of transparency of the legislative process, including of trilateral negotiations between the three institutions</i>".</p>
<p>2.6. So that European policies can deliver better results, the EESC believes that the European legislative process should be reviewed within the framework of the Treaty of Lisbon and, if necessary, as part of a new treaty. It is indeed precisely this aspect of future proof legislation that the EESC wishes to highlight, namely its quality, legitimacy, transparency and inclusiveness</p>	<p>The European Commission considers that the existing framework provides ample room to further enhance the quality, legitimacy, transparency and inclusiveness of the legislative process.</p> <p>These are precisely the objectives pursued by the Better Regulation agenda through its renewed emphasis on stakeholder consultation, the use of feedback mechanisms at various stages of the policy-making process and stepped-up efforts to further increase the quality of impact assessments and evaluations.</p>
<p>3.12. The extension of the European Parliament's rights as provided for in the treaties, but not yet introduced, should be implemented as soon as possible. For example, the restricted right of initiative introduced by the Treaty of Lisbon (Article 225 TFEU) should be used more extensively pursuant to the terms of this Treaty. Rejection by the Commission should only be possible on formal grounds, in particular where the basis of competences is insufficient.</p>	<p>Under paragraph 10 of the Interinstitutional Agreement on Better Law-Making, the Commission commits to give prompt and detailed consideration to requests for proposals for Union acts made by the European Parliament or the Council pursuant to Article 225 or Article 241 respectively, within three months.</p>
<p>3.17. With regard to delegated acts, the European Commission should make its decision-making process more transparent (see Article 290 TFEU), as the Committee</p>	<p>Progress is being made on the transparency and the traceability of the legislative procedure.</p> <p>The Interinstitutional Agreement on</p>

<p>has repeatedly urged.</p>	<p>Better Law-Making foresees the creation of a joint Register for Delegated Acts by the end of 2017. Work has already started and the purpose is to offer a full, integrated view of the lifecycle of delegated acts, from planning in the Commission down to publication in the Official Journal and including all the relevant documents and steps in the procedure. Moreover, since 1 July 2016, the Commission is publishing draft delegated acts, with some exceptions, on its Share your Views page, in order to allow stakeholders to comment for a period of four weeks.</p>
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<p><b>N°2 Sustainable development: a mapping of the EU's internal and external policies (exploratory opinion)</b>  <b>EESC 2016/3385 – NAT/693</b>  <b>519<sup>th</sup> Plenary Session – September 2016</b>  <b>Rapporteur: Mr Ioannis VARDAKASTANIS (GRIII-EL)</b>  <b>Corapporteur: Ms Jarmila DUBRAVSKÁ (GRI-SK)</b>  <b>SG – First Vice-President TIMMERMANS</b></p>	
<b>Points of the EESC opinion considered essential</b>	<b>Commission position</b>
<p>1.5. The EESC calls for an overarching and integrated strategy for a Sustainable Europe 2030 and beyond, providing the necessary long-term time horizon, policy coordination and coherence for implementation of the UN 2030 Agenda. This strategy should be based on an interinstitutional agreement between the Commission, the Council and Parliament in order to create a robust basis for further political action. Current European strategies, such as the Europe 2020 strategy, which pushed aside the EU Sustainable Development Strategy from 2001 as the previous overarching strategy, and President Juncker's 10 priorities do not – in the EESC's view – provide a way of fully addressing the challenge of SDG implementation in the EU.</p>	<p>The Commission has published on 22 November 2016 a Communication outlining the next steps for a sustainable European future<sup>2</sup>. This Communication presents the Commission's strategic approach to the 2030 Agenda. It sets out the contribution of the EU's main strategies and policies, and the Commission's Ten Political Priorities, to the implementation of the 2030 Agenda. The EU's response to the 2030 Agenda will include two work streams: the first is to mainstream the Sustainable Development Goals (SDGs) in the European policy framework and current Commission priorities; the second is to launch a reflection process on further developing our longer term vision and the focus of sectoral policies after 2020, preparing for the long term implementation of the SDGs.</p>
<p>1.7. The Commission's exercise to map the EU's internal and external policies against the 17 SDGs is a necessary step. The EESC calls on the Commission to complement this with a detailed gap analysis with respect to the 17 SDGs in order to identify areas where</p>	<p>The Commission undertook a thorough mapping exercise of the contribution of EU policies, strategies and other initiatives to the implementation of the SDGs. The mapping document accompanied the aforementioned</p>

<sup>2</sup> COM(2016) 739 final.

<p>the EU should undertake prior and immediate action.</p>	<p>Communication.</p>
<p>1.10. It is particularly important to mainstream the UN 2030 Agenda in the external action of the European Union. The Commission should fully adapt areas of key significance – such as trade and development policies, global environmental policies and climate action, humanitarian aid, disaster risk reduction, technology transfer and human rights promotion – so as to proactively push implementation of the UN 2030 Agenda. The EESC also calls on the Commission to fully integrate and apply the UN 2030 Agenda in the European Consensus for Development, and regrets that this has not been sufficiently incorporated into the EU Global Strategy on Foreign and Security Policy.</p>	<p>On 22 November 2016, the Commission published<sup>3</sup> its proposal for a new European Consensus on Development, a key element of the Commission's overall response to the 2030 Agenda. The proposal aims to update the development response to current global challenges and to promote the implementation of the 2030 Agenda in partnership with developing countries, taking account of the new framework provided by the Lisbon Treaty.</p> <p>The implementation of the 2030 Agenda is relevant in several of the priority areas that the EU Global Strategy on Foreign and Security Policy sets out, inter alia through the significant role played by development policy in the Global Strategy. Relevant areas in the Global Strategy for the implementation of the 2030 Agenda include, but are not limited to, actions on prosperity, resilience, means of implementation and the joined-up approach.</p>
<p>1.11. The EESC asks the Commission to assess and improve horizontal and vertical policy coordination for an effective implementation of the UN 2030 Agenda. Better governance is a key enabler of sustainable development. The European Semester should be developed into an appropriate governance framework for vertical coordination of SDG implementation with the Member States. The EESC underlines that participation, transparency, monitoring and review,</p>	<p>The Commission agrees with the EESC that better governance is a key element to support the mainstreaming of sustainable development in EU policies. The Commission is determined to fully utilise all Better Regulation tools at its disposal to further the implementation of the 2030 Agenda throughout the policy cycle. Its Better Regulation tools will allow the Commission to ensure that citizens and stakeholders are involved, that policy and law-making are always</p>

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<sup>3</sup> COM(2016) 740 final.

accountability and citizen ownership should be among the main features and characteristics of better governance.

informed by evidence covering the three dimensions of sustainability (social, economic, environmental) and that there is transparency throughout the policy process. The Commission is moreover reviewing the performance of the existing body of EU law and is making changes where necessary to keep laws up-to-date, inter alia through its REFIT (regulatory fitness and performance) programme.

The Commission is committed to regular monitoring, reporting and review of progress in the implementation of the 2030 Agenda with broad involvement of agencies, Member States and stakeholders. A first overview of where the EU and its Member States stand in view of the SDGs can be found in the Eurostat publication issued in parallel with the aforementioned Communication of 22 November 2016<sup>4</sup>. From 2017 onwards, the Commission will carry out more detailed regular monitoring of the SDGs in an EU context.

Regarding the European Semester, the Commission points out that it presented a Communication in October 2015<sup>5</sup> detailing its initiatives to revamp the Semester. The European Semester is moreover tackling many issues of relevance to the implementation of the SDGs, covering the economic, social and environmental dimensions of sustainable development.

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<sup>4</sup><http://ec.europa.eu/eurostat/documents/2995521/7742359/8-22112016-AP-EN.pdf/25c95743-e941-462f-99ba-6dd2ddd71378>.

<sup>5</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1447860914350&uri=CELEX:52015DC0600>.

<p>1.13. The EESC notes with appreciation that four EU Member States were amongst the 22 countries presenting the first voluntary reviews on SDG implementation at the UN High-Level Political Forum on Sustainable Development in 2016. The EESC calls on the EU to lead by example and be the first region to present a voluntary review at the HLPF in 2017. The EESC would be available to organise the contribution from civil society.</p>	<p>The Commission is encouraged by the good representation from different regions and country groups, including EU Member States, at the 2016 High-Level Political Forum. The Communication commits the EU to regular reporting on progress towards the SDGs as a contribution to the UN High Level Political Forum on Sustainable Development. A number of EU Member States will also present their voluntary national reviews at the High-Level Political Forum in 2017.</p>
<p>1.14. The EU should move to a multi-stakeholder-led approach in SDG implementation, by including all actors and civil society organisations based on the principles of participation, accountability and partnership. The EESC itself has already presented a specific initiative for the multi-stakeholder European Sustainable Development Civil Society Forum. The Commission should proactively explore and develop an SDG Charter Initiative to foster the creation of strong partnerships at national, EU and international level.</p>	<p>The Commission agrees that the inclusion of citizens, civil society and other stakeholders is key to the delivery of the 2030 Agenda as a shared agenda both inside and outside the EU. The Commission will launch a multi-stakeholder platform with a role in the follow-up and exchange of best practice on SDG implementation across sectors, at EU and Member State level. This Platform could act as a peer-learning hub where stakeholders can engage in debates about sustainability activities and inform others about ongoing successful initiatives.</p>

<p><b>N°3      Priorities for ICT Standardisation for the Digital Single Market</b>  <b>COM(2016) 176 final - EESC 2016/2834 – TEN/593</b>  <b>519<sup>th</sup> Plenary Session – September 2016</b>  <b>Rapporteur: Mr Gundars STRAUTMANIS (GRI-LV)</b>  <b>DG GROW – Commissioner BIENKOWSKA</b></p>	
<b>Points of the EESC opinion considered essential</b>	<b>Commission position</b>
<p>1. Conclusions and Recommendations</p> <p>1.2. [...] This demonstrates that this Commission Communication is truly necessary, and also clearly shows why the drafting of this document is crucial for further ICT standardisation – and, in turn, the development of the Digital Single Market.</p>	<p>The Commission welcomes the positive opinion of the EESC which was adopted with unanimity and shows a good understanding of the challenges in this area.</p>
<p>1.3.1. The EESC recommends that in future communications and other related documents, the Commission should inform all stakeholders about the need to take a balanced approach to ICT standardisation: standards as a restricting factor versus creativity.</p>	<p>The Commission takes note of this recommendation and points to the fact that in the area of digital technologies, standardisation ensures interoperability and compatibility and guarantees that technologies work reliably together so Information and Communication Technology (ICT) standards must evolve fast to cope with the rapid pace of change of digital solutions with little risk of restricting creativity.</p>
<p>1.3.2. The EESC recommends that efforts should be made to ensure consistency between the priority domains for ICT standardisation that have different names in the Commission Communication and the annual Rolling Plan for ICT Standardisation. In order to create consistency between the various documents and all inter-related texts, unified terminology must be used.</p>	<p>The Commission takes note of this Recommendation, and has started working with the Task Force, set up by the Multi-Stakeholder Platform on ICT Standardisation (MSP), on the Rolling Plan for ICT Standardisation to use a common terminology when referring to similar ICT domains, as recommended by the EESC.</p>
<p>1.3.4. To ensure that all stakeholders have a better understanding of the implementation</p>	<p>The Commission would like to recall that the Communication foresees</p>

<p>and consistency of the Commission Communication, the EESC recommends that information should be distributed regarding the recurring activities to supplement or continue the work launched by this document.</p>	<p>regularly informing the European Parliament and Council, through an annual report and involving industry representatives, other relevant stakeholders and the European Standardisation Organisations in the process of monitoring progress on the different actions for each priority domain contained in the Communication.</p>
<p>1.3.5. To ensure that all stakeholders can be confident that the Commission, when drawing up its Communication, has looked beyond issues linked directly to priorities for ICT standardisation and has also assessed the impact of these priorities on various social concerns (see Article 11 TFEU), the EESC recommends that the Commission's future communications should contain specific details about the participation of various stakeholders and about the social consequences of its approach in the field of ICT standardisation, which already affects the whole of society.</p>	<p>The Commission recalls that there were two parallel consultations prior to the adoption of the Communication that influenced largely the final text: the consultation of the MSP composed of Member States and European Free Trade Association (EFTA) representatives, industry and societal stakeholders and European and global standard-setting organisations, and a public consultation whose results can be found at</p> <p><a href="https://ec.europa.eu/digital-single-market/en/news/report-public-consultation-standards-digital-single-market-setting-priorities-and-ensuring">https://ec.europa.eu/digital-single-market/en/news/report-public-consultation-standards-digital-single-market-setting-priorities-and-ensuring</a>.</p> <p>The Commission is committed to inclusiveness in standardisation policy. Four stakeholder organisations representing SMEs and social societal interests (Small Business Standards (SBS); The European Consumer Voice in Standardisation (ANEC); European Environmental Citizens Organisation for Standardisation (ECOS) and the European Trade Union Confederation (ETUC)) are eligible for Union financing under Annex III of EU Regulation No 1025/2012 and include in their work programmes for 2016 work items directly related to the ICT</p>

field. Moreover SBS, ANEC and ECOS together with the European network of non-profit organisations of and for people aged 50+ (AGE) are also members of the MSP and had the opportunity to participate in the preparation of advice on the ICT standardisation priorities on an equal footing with other members. In this sense, the Commission would like to point out that the MSP will continue to be involved in the follow-up of the Communication, and expects those societal stakeholders will take the opportunity to voice and discuss their concerns for each of the actions foreseen in the Communication.

Finally, the Commission would like to point out that it considered the social impact as a factor for the selection of priorities in the Communication.

<p><b>N°4 European Cloud Initiative – Building a competitive data and knowledge economy in Europe</b>  <b>COM(2016) 178 final – EESC 2016/2740 – TEN/592</b>  <b>519th Plenary Session - September 2016</b>  <b>Rapporteur: Mr Antonio LONGO (GR11-IT)</b>  <b>DG CNECT – Vice-President ANSIP</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>Overall assessment</p> <p>1.1. The EESC supports and endorses the Commission's strategic choice of an open European computing cloud geared to the scientific community, as part of a strong political and economic commitment to digital innovation. The Committee has, on a number of occasions since 2011, put forward a series of recommendations to the Commission aimed at positioning Europe at the forefront of this promising sector, helped by leading companies.</p> <p>1.2. The EESC considers that this is an absolute priority of strategic importance with regard to both bridging the technology gap and to the economic, social and cultural progress of society.</p> <p>1.4. The EESC agrees with the Commission's analysis of the obstacles preventing Europe from tapping into the potential of data, particularly regarding the lack of interoperability, the fragmentation of structures and their lack of openness to other contributions and exchanges. The communication points to positive measures to overcome the division between national arrangements, which stand in the way of implementing a real digital single market, by means of actions to widen access and build trust between</p>	<p>Overall, the Commission welcomes the opinion of the EESC, as it supports the Commission's strategic choice of an open and trusted cloud-based data environment geared to the scientific community, and flags a number of concrete issues for implementation, further development and improvement.</p> <p>The Commission is committed to take the EESC's remarks into full account in the implementation of the initiative, and aims to keep the EESC involved on issues of their competence, including skills, role of citizens and of SMEs.</p> <p>While the Commission largely agrees with the EESC's specific comments on the text – on national fragmentation, interoperability, capacity, skills, etc. – the Commission notes that there are some questions where more discussion and collaboration may be needed in the short to medium term.</p>

<p>the public sector and academia, which are often totally separate and disconnected.</p>	
<p>Governance, timeline and consultation</p> <p>4.7. The EESC calls for better cloud governance;</p> <p>1.7. and 4.8. The EESC proposes that wide-ranging consultations be launched;</p> <p>1.8. The EESC calls for greater clarity regarding funding;</p> <p>4.9. The EESC requests more detailed information on the governance of the initiative;</p> <p>4.10. The EESC stresses that funding is crucial.</p>	<p>The Commission is in the process of drafting a Roadmap for governance and funding of the initiative, to discuss with Member States and Stakeholders. The Roadmap will include details on a proposed architecture (decentralised, based on key national nodes and central open science services), on decision-making and on the sustainable funding of the initiative, based on both Horizon 2020 funding and crucially, coordination of Member States' funding (which control more than 80% of the Research and Innovation budget in Europe).</p> <p>The Commission presented some initial information to Member States on 29 November 2016 (information point in the Competitiveness Council).</p>
<p>EDI and Quantum Flagship</p> <p>1.6. The EESC calls for greater clarity on how the European Data Infrastructure (and HPC) will interact with the flagship initiative to boost quantum technologies;</p> <p>4.4. Interaction between the flagship initiative and quantum technology strategy.</p>	<p>The aim is to foster a High-Performance Computing (HPC) ecosystem capable of developing new European technology such as low power HPC chips, with the ambition to rank among the world's top supercomputing powers by realising exascale supercomputers based on EU technology, around 2022.</p> <p>The miniaturisation of microelectronics components will soon reach its physical limits; the further parallelisation will at some stage become prohibitive by the power consumption. Therefore, in order to continue pushing the performance of the future generations of supercomputers, alternative computing approaches are essential. Quantum Computing offers the possibility to maintain the advances in computing power. Although a practical</p>

	<p>quantum computer is yet to be built, the first investigations are ongoing for a modular approach of supercomputers with quantum pre-processors. The flagship initiative thus prepares for the generation after the 'exascale' computer.</p>
<p>Widening of the European Open Science Cloud/ European Data Infrastructure (EOSC/EDI) to the industry</p> <p>1.3. The EESC calls for clarification on timeline and arrangements for widening the user base</p> <p>4.2. The EESC recommends to consider EU providers of software</p> <p>4.6. The EESC calls on the need to involve SMEs in the initiative;</p> <p>4.11. The EESC considers the benefits that common technical standards would bring for businesses;</p> <p>4.12. The EESC proposes that a "single digital Europe portal" be set up.</p>	<p>Regarding EOSC:</p> <ul style="list-style-type: none"> <li>- in this broader context, and regarding widening to the industry, the Communication clearly states that this will be implemented in a second phase. However, the Commission is already considering the 'supply side' (including scoping provision of software and services by EU companies), and the extension of the benefits to SMEs. For instance, the Commission discussed the comparative merits of procurement versus vouchers for the provision of the core service of the European Open Science Cloud at the meeting of the Commission Open Science Policy Platform (OSPP) on 9 December 2016; the EOSC will remain on the agenda of the OSPP until completion;</li> <li>- will revise the mandate and composition of the High level Group on the European Open Science Cloud (phase 2: starting on 1 March 2017), to ensure SMEs and industry are represented for the implementation stage;</li> <li>- will look at the possible use of innovation hubs and similar initiatives as partners for the initiative, both concerning training for data management and stewardship, and as regards early uptake of the EOSC;</li> <li>- will organise a workshop in the late spring of 2017 with suppliers of cloud-related services for the EOSC;</li> </ul>

- this workshop could be organised in collaboration with the EESC, in the event that it is willing to collaborate on this issue.

The Commission is collecting all relevant information under the Digital Single Market pages but welcomes additional EESC's thoughts and proposals on how to further engage the public and stakeholders in the implementation of the EOSC.

Regarding EDI:

Today no single Member State alone has the financial resources to develop the necessary HPC ecosystem in competitive timeframes with respect to the US, Japan or China. This is why in the European Cloud initiative the Commission proposes the creation of a European HPC and data ecosystem. It will be built around two exascale machines, which would rank in the top three in the world. It will be based on European technology and notably on the development of a European processor. It will offer secure HPC-based services in full respect of privacy rules.

This development will not only avoid technological lock-out, but also provide European industry with a competitive source of technology that can be used in several other industrial domains, such as industry 4.0, connected & autonomous driving, personalised health and security.

The HPC strategy will gradually widen access to the infrastructures to businesses and public administrations, generating revenue of its own over time, as its use by the scientific community, industry and the public sector takes off.

This will be supported by an Important

	<p>Project of Common European Interest (IPCEI) on HPC where the digital infrastructure meets the user by devising future large-scale pan-European pilots, to accelerate European industry and public administration solutions onto global markets. These pilots will provide the showcase to demonstrate the added value for industry, and develop the business cases and the future commercialisation of HPC-based cloud services. Although the initial investments for the development of 'exascale' HPC technologies will be public and will benefit scientists and scientific applications, the success of this endeavour depends also on a wider adoption of the infrastructures by industry.</p>
<p>Fragmentation</p> <p>1.4. – on incentives; 1.5 – addressing obstacles; 4.3 – on resources; 4.5 –on mechanisms; 4.8 – on consultation</p>	<p>The Commission aims at using Horizon 2020 funding to continue and increase the work of integration and federation of existing key scientific infrastructures and e-infrastructures; to work with scientific and national communities to spread best practice in open data (such as the work of the Research Data Alliance (RDA)); and to provide concrete incentives to data sharing (e.g. open data by default in Horizon 2020 in 2017, with robust opt-out options). The Commission will continuously exchange and learn from successful practices such as cross-borders clouds and other national initiatives to inspire its action and include mature scientific communities such as the Earth Observation community in Copernicus to increase this integration.</p>
<p>Skills and jobs</p> <p>1.9. The EESC calls for a major</p>	<p>The Commission published on 11 October 2016 the first Report of the High-Level</p>

programme to develop and promote new, highly-qualified occupations;

1.11 The EESC calls for education and training for every age group and the need to invest in the technological training of women and in enabling them to access senior and management posts;

4.3 The EESC identifies the need for human resources with suitable skills as key, with a strong call to initiate a programme for 'data stewards'.

Expert Groups on the European Open Science Cloud<sup>6</sup>. The Report recommends setting up and funding towards a concerted effort to develop core data expertise in Europe. It is estimated that half a million 'core data scientists' are needed to make the most of open research data in Europe.

The Communication makes explicit reference to the need for training, and the Commission looks forward to working with the EESC on tackling this issue, starting from adequate use of Horizon 2020 funding for this strategic priority.

On 1 December 2016, the Commission, together with other stakeholders, launched the Digital Skills and Jobs Coalition. This multi-stakeholder partnership bringing together businesses, education providers, Member States and many others will create more training and job opportunities in digital technology, including young scientists. This new partnership foresees dedicated measures for every group of the European population: citizens, the labour force and young people through education. In this context, dedicated efforts are already undertaken to attract more women into careers in digital technology, including in leadership positions.

Additionally, the Commission will look at possible links with the Skills Agenda and with the work done by Member States in this area in the context of the European Research Area. An expert group has already been set up in the context of the Steering Group on Mobility and Human Resources.

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<sup>6</sup> [https://ec.europa.eu/research/openscience/pdf/realising\\_the\\_european\\_open\\_science\\_cloud\\_2016.pdf](https://ec.europa.eu/research/openscience/pdf/realising_the_european_open_science_cloud_2016.pdf).



<p><b>N°5 eGovernment Action Plan 2016-2020</b>  <b>COM(2016) 179 final – EESC 2016/2741 – TEN/594</b>  <b>519<sup>th</sup> Plenary Session - September 2016</b>  <b>Rapporteur: Mr Raymond HENCKS (GR11-LU)</b>  <b>DG CNECT – Vice-President ANSIP</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.4. and 4.4. As regards the rights of eGovernment users, particularly rights of access and non-discrimination, freedom of expression and information, protection of privacy and personal data, education and general knowledge from school education to life-long learning, appeal procedures, etc., the EESC proposes that the Commission bring together all the rights of eGovernment users on a single website.</p>	<p>The Commission welcomes the proposal to provide a coherent overview of eGovernment users' rights for interacting with public administrations in the digital era and will therefore explore how this could be carried out within already existing portals and websites. Amongst others, the Commission will put forward a proposal for a Single Digital Gateway enabling citizens to easily access all information and procedures they need to exercise their Single Market rights.</p>
<p>1.6. As regards the "once only" principle, according to which individuals and businesses should not have to supply the same information to public administrations more than once, the EESC notes that there are still unresolved legal and organisational problems and calls on the Commission to launch a pilot scheme in this area. It also proposes making a provision for the "whole-of-government approach", which involves collaboration between the different public bodies that extends beyond their respective fields of competence with a view to providing the public with a combined response from a single body.</p>	<p>The Commission is launching two different initiatives. On the one hand, a Large Scale Pilot to test the application of the once-only principle for businesses in the EU. The project (funded under Horizon 2020 (H2020)) started in January 2017 with the participation of 22 countries (20 Member States) and more than 50 organisations. The areas to pilot will include business mobility, exchanges between business registers and maritime certificates. On the other hand, a Coordination and Support Action was also launched, to discuss the possible application of the once-only principle for citizens in the EU. The project (funded under H2020) started in November 2016 with the aim</p>

	<p>to build a community and create a roadmap for citizen engagement and to foster co-creation of services using the once-only principle. They are reflected in the eGovernment Action Plan as actions 13 and 18 respectively. These initiatives will contribute towards the "whole-of-government approach".</p>
<p>1.7 The EESC also regrets that the "no legacy" principle, which involves renewing IT systems and technologies in public administrations so as to keep pace with technological developments, does not feature among the adopted principles.</p>	<p>Action 6 in the eGovernment Action Plan 2016-2020 foresees that the Commission will assess the implication of a possible implementation of the 'no legacy' principle.</p>
<p>1.8 The EESC insists, under the principle of "openness and transparency", on citizens and businesses having an explicit right to control the transmission of their personal data to other public administrations and, where appropriate, to delete them (right to be forgotten), in keeping with the relevant legislation and procedures.</p>	<p>The Action Plan also includes the 'Trustworthiness &amp; Security' principle, which needs to be respected along the principle of 'openness and transparency'. The principle of 'openness and transparency' indeed includes enabling citizens and businesses to access, control and correct their own data.</p>
<p>1.8 The EESC urges the Commission to submit a proposal for a secure European archive and online document exchange system.</p>	<p>Several domain- or task-specific solutions exist already for online document exchange, notably the Internal Market Information System (IMI) supports exchanges between public administrations, e-Delivery as a generic underlying transfer mechanism and eHealth as a specific domain solution. The European Commission under the ISA<sup>2</sup> programme has been evaluating existing solutions in place in Member States supporting electronic exchanges of administrative documents among public administrations and in their relations with businesses and citizens with the purpose of establishing common approaches and guidelines and exploring the possibility</p>

	<p>of EU-wide solutions. Recommendations will be published in the 1<sup>st</sup> quarter of 2018.</p> <p>Furthermore, in the specific area of archiving, a new initiative under the ISA<sup>2</sup> programme will start in 2017, to identify existing data standards in archival information management and exploring IT tools and services supporting those. The results of this analysis will also allow determining how these standards are applied in different contexts and how they can be used in the context of digital files originating from the European Commission.</p>
<p>4.10 Individuals will thus be able to make suggestions and address specific questions directly to the Commission and the Member States using a "collaborative platform" which will connect individuals and authorities and make it possible to identify similar problems in different countries and determine good practice and solutions for administrations to introduce. The EESC supports such an initiative, which will allow each individual to provide feedback to national, regional or local authorities on the problems encountered in his or her environment.</p>	<p>The <a href="#">eGOV4EU</a> platform allows citizens, businesses, Member States, public administrations at all levels to indicate what the real needs of citizens, businesses or public administrations are regarding eGovernment services and to propose a solution. On a regular basis, representatives of the Commission and the Member States will evaluate all proposed actions and decide which actions to commit to.</p>
<p>4.14 The EESC urges the Commission to accelerate the introduction of the "one-stop-shop" for e-Justice, and for the maritime and other transport sectors. The future strategy should seek to amalgamate as much as possible the existing European portals (such as e-Justice, Solvit and YourEurope) into one single portal, and then, most importantly, to extend it to the national portals with the aim of simplifying all kinds of administrative procedures.</p>	<p>As indicated in the eGovernment Action Plan and in line with the Council's Strategy on European e-Justice 2014-2018, the Commission is working towards making the European e-Justice Portal a one-stop shop for information on European justice and access to judicial procedures in the Member States. The aim is to include in this Portal, among others, tools for direct communications between</p>

	<p>citizens and courts in other Member States (e-CODEX), as well as interconnection of Member States' registers such as business, insolvency and land registers (further developments will follow the Multiannual European e-Justice Action Plan 2014-2018).</p> <p>The planned creation of a Single Digital Gateway will ensure that information and services that are currently dispersed can be accessed through a single entry point.</p>
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<p><b>N°6 EU biodiversity policy (own-initiative opinion)</b>  <b>EESC 2016/0799 - NAT/681</b>  <b>519<sup>th</sup> Plenary Session - September 2016</b>  <b>Rapporteur: Mr Lutz RIBBE (GR11-DE)</b>  <b>DG ENV – Commissioner VELLA</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.3. The EESC calls for consistent and immediate implementation of the Birds and Habitats Directives. The same goes for the Water Framework Directive, whose consistent and immediate implementation would, in the EESC's view, make a considerable contribution to improving biodiversity protection.</p>	<p>The Commission shares the EESC's view of the importance of implementation and remains fully committed to implementation of the Nature Directives and the Water Framework Directive in the EU. The Commission continues to support the efforts of Member States and stakeholders by providing guidance and training, raising awareness, co-financing implementation measures and facilitating partnerships. Where there are failures of compliance, the Commission also continues to investigate and take legal action as necessary.</p> <p>Furthermore, the Commission has launched an Environmental Implementation Review initiative to support delivering on the objectives of existing EU environmental policies and legislation, and to encourage a structured dialogue with the Member States and with stakeholders on the root causes of implementation failures.</p>
<p>1.4. The Member States must finally determine actual financial needs arising from the implementation of EU law, and the Commission must make the necessary funding available. Financing of Natura 2000 through Community funds and</p>	<p>The European Commission shares the EESC's view of the importance of financing. This was highlighted as a key issue for implementation in the Commission Communication on the Biodiversity Strategy Mid-Term</p>

<p>primarily the European Regional Development Fund (ERDF) and the European Agricultural Fund for Rural Development (EAFRD) can be considered to have failed in many respects, and the EESC therefore calls for a separate budget heading to be introduced under which financing for the Natura 2000 network must be made available.</p>	<p>Review<sup>7</sup>.</p> <p>The Commission is tracking biodiversity-related expenditure under the EU funding instruments (Common Agricultural Policy, Cohesion Policy, European Maritime and Fisheries Fund, Horizon 2020, LIFE Programme), including through providing ex-ante estimates of how much different instruments contribute to biodiversity objectives in the forthcoming EU budgets. The study on "Integration of Natura 2000 and biodiversity into EU financing"<sup>8</sup> (2016) presents an assessment of the extent to which measures for Natura 2000 and biodiversity conservation have been integrated into rural development programmes and operational programmes for the period 2014-2020. The Commission has also contracted a study on "Integration approach to financing of biodiversity: evaluation of results and analysis of options for the future", to be completed by the end of 2017. These and further studies will underpin future reflections on the most effective options for biodiversity financing from the EU budget.</p> <p>At the same time, the Commission is working to encourage further public and private funding for biodiversity and the development of innovative financing instruments, e.g. in the framework of the Natural Capital Financing Facility (NCFE).</p>
<p>1.5. The EESC calls for coherence to be</p>	<p>The Commission has engaged in a first</p>

<sup>7</sup> COM(2015) 478 final.

<sup>8</sup>[http://ec.europa.eu/environment/nature/natura2000/financing/docs/Natura2000\\_integration\\_into\\_EU%20funds.pdf](http://ec.europa.eu/environment/nature/natura2000/financing/docs/Natura2000_integration_into_EU%20funds.pdf).

<p>ensured between all policy areas that have implications for biodiversity protection. In this connection, the EESC would hope that the mid-term review of the "ecological focus areas" and a possible mid-term review of the CAP are already being used to ensure that the CAP is in future used in a more targeted way to achieve the biodiversity objectives. In the EESC's view this would currently require a change in the scope and quality of the ecological focus areas.</p>	<p>review of the greening component after one year of implementation<sup>9</sup> and will continue evaluating implementation with a view to assess and improve the effectiveness of greening and in particular the use of "ecological focus areas".</p>
<p>1.6. The strengthening of Green Infrastructure is explicitly welcomed. Here, the EESC calls on the Commission and the Member States to develop and implement a consistent Green Infrastructure strategy. The EU should also make the trans-European networks for green infrastructure (TEN-G) an investment priority. Here too, there is an urgent need for earmarked resources.</p>	<p>The Commission adopted a Green Infrastructure Strategy in 2013 and has since then proceeded to improve the knowledge base on ecosystems and their services in Europe, in order to guide policy decisions on Green Infrastructure and restoration. The Green Infrastructure Strategy refers to a potential trans-European Green Infrastructure (TEN-G) initiative as an option to deploy and finance green infrastructure. A study to support the implementation of the Green Infrastructure Strategy, completed in May 2016, also looks into the potential for a TEN-G<sup>10</sup>.</p>
<p>1.8. In hindsight, the EU's various biodiversity strategies and biodiversity programmes from 1998, 2001, 2006 and 2010, each of which accurately described the problems and set out appropriate tools, must therefore be regarded as largely futile, since they were not able to deliver on the political promise and to end the biodiversity loss caused by society.</p>	<p>The Commission would like to draw attention to the major work done by Member States, local authorities and stakeholders across different sectors to protect and restore biodiversity, as reported in the mid-term review of the EU biodiversity strategy. The report also provides ample evidence of success stories and good practice examples, although at insufficient scale</p>

<sup>9</sup> SWD(2016) 218 final

<sup>10</sup> [http://ec.europa.eu/environment/nature/ecosystems/docs/green\\_infrastructures/GI%20Final%20Report.pdf](http://ec.europa.eu/environment/nature/ecosystems/docs/green_infrastructures/GI%20Final%20Report.pdf).

	to overturn the negative trends.
4.6.3. As the objectives of the EU nature protection directives and the EU biodiversity strategy also reflect internationally agreed goals – e.g. the Aichi targets under the UN Convention on Biological Diversity (CBD) or the Sustainable Development Goals (SDGs) – there is an urgent need for biodiversity policy to be fully incorporated into the SDG implementation strategy or into a new EU sustainable development strategy.	The Commission agrees on the need for coherent implementation of the SDGs, the CBD and further relevant international agreements. The Communication on next steps for a sustainable European future as presented by the Commission on 22 November 2016 sets out the Commission's strategic approach to the implementation of the Sustainable Development Goals. This Communication also describes a mapping of EU policies that contribute to the goals.
4.7.5. The Commission should carry out, as soon as possible, an initial assessment of the impact of the measures adopted, particularly since "greening" has become one of the main justifications for maintaining agricultural payments from the EU budget.	See 1.5.
4.10.2. The EESC had doubts about the amounts declared at the time and felt it was absolutely essential to present more precise cost calculations as quickly as possible. It has doubts, for example, over whether the sums indicated in respect of the new Member States (EUR 0.3 billion, as opposed to EUR 5.8 billion for EU-15) will be sufficient <sup>11</sup> .	Whereas this is clearly an assessment of minimum financing needs for Natura 2000, it was done for the then 27 EU Member States based on information provided by 25 countries and by means of extrapolation of existing cost estimates for the two other Member States <sup>12</sup> . Due to lack of sufficient data for a precise assessment, the same approach was used for the added estimate of EUR 0.3 billion only for Croatia, the 28 <sup>th</sup> Member State to join the EU. Development and updating of "Prioritised Action Frameworks" by the Member States will provide a

<sup>11</sup> OJ C 221, 8.9.2005, p. 108, point 3.10.1.

<sup>12</sup> [http://ec.europa.eu/environment/nature/natura2000/financing/docs/natura2000\\_costs\\_benefits.pdf](http://ec.europa.eu/environment/nature/natura2000/financing/docs/natura2000_costs_benefits.pdf).

	stronger basis for future definition of financing needs for Natura 2000.
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<p><b>N°7      The Union legal framework for customs infringements and sanctions COM(2013) 884 final – EESC 2016/4500 - INT/802 519th Plenary Session - September 2016 Rapporteur: Mr Antonello PEZZINI (GRI-IT) DG TAXUD - Commissioner MOSCOVICI</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.1. The EESC has always considered an effective customs union to be an essential part of the European integration process, serving to guarantee the safe and transparent free movement of goods, in full compliance with competition rules and with maximum protection for consumers and the environment. It is also an effective means of tackling infringements, fraud, counterfeiting and facilitating the development of legitimate trade.</p> <p>1.2. The EESC strongly supports the aims of the Commission's proposal, insofar as the proposed measures are intended to:</p> <ul style="list-style-type: none"> <li>- constitute a first step towards an effective single European customs regime, complete with a unitary system of governance, common legal and administrative customs bodies such as a European Customs Court, a common set of rules for implementing the Customs Code, a single IT system with uniform compliance procedures, and an unambiguous interpretation of the rules that facilitates the development of internal and external trade;</li> <li>- provide certainty in a consistent manner across the whole Union with regard to regulation and enforcement, using a uniform system for detecting and penalising infringements, as well as civil and non-</li> </ul>	<p>The Commission thanks the EESC for its broad support to its initiative.</p>

<p>criminal sanctions (including the possibility of non-financial penalties) proportionate to the duties evaded and the seriousness of the infringement as determined by common maximum and minimum thresholds;</p> <ul style="list-style-type: none"> <li>- form an integral part of the enhanced common legal system for preventing and deterring infringements, with the help of ITC compliance modelling and automatic early warning systems;</li> <li>- provide common mechanisms for dispute resolution and comparison of sanctions imposed, with the aim of simplifying and accelerating the development of European trade and to avoid long and costly legal procedures;</li> <li>- comply fully with the obligations arising from the World Trade Organization (WTO) and World Customs Organization (WCO) international frameworks.</li> </ul>	
<p>1.3. The EESC calls for the directive's objectives to include the requirement that this tool – which allows for the gradual but necessary convergence towards a single, unitary regulatory system in terms of both enforcement and interpretation – be accompanied by monitoring and market surveillance, based on automatic detection systems which do not impede the development of legitimate European trade.</p>	<p>The Commission agrees on the need to develop synergies between customs and other competent authorities in implementing market surveillance measures in order to protect consumers in the internal market.</p> <p>Common enforcement rules, like those included in the proposed directive, will prevent harmful products from entering the Internal Market and give honest traders a chance to compete on equal terms.</p>
<p>1.4. The EESC recommends that in addition to assessing degrees of convergence in relation to implementing the new legislation at territorial level, the biannual report to be presented to the European Parliament, the Council and the EESC also proposes indicators to be used in</p>	<p>The Commission believes that, in the medium term, indicators could be explored, in close cooperation with the Member States. The Commission relies on the political willingness of the Member States in order to ensure a common vision of what the future of</p>

<p>the next steps in the process towards creating:</p> <ul style="list-style-type: none"><li>- a genuine European Customs Agency,</li><li>- a European Customs Court;</li><li>- and establishing an effective and efficient common customs corpus to align customs infringement and penalty systems, with a single basis for regulation and implementation and affording unambiguous interpretation.</li></ul>	<p>customs would be and how to achieve this vision.</p>
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<p><b>N°8 The Road from Paris (own-initiative opinion)</b>  <b>EESC 2016/2544 - NAT/690</b>  <b>519<sup>th</sup> Plenary Session – September 2016</b>  <b>Rapporteur: Ms Tellervo KYLÄ-HARAKKA-RUONALA (GRI-FI)</b>  <b>DG CLIMA – Commissioner ARIAS-CANETE</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>2.3. Global commitment is essential to solving the climate problem and avoiding carbon, investment and job leakage. The EU showed leadership ahead of and during the Paris conference, and it should continue in this spirit for the upcoming Conferences of the Parties. In its climate diplomacy, the EU should focus on the countries with the largest greenhouse gas emissions, but also on its toughest competitors and most promising partners from an economic perspective. Climate and economic diplomacy should thus go hand in hand.</p>	<p>Climate diplomacy was key in the run-up to Paris, where the EU was able to play a decisive role in the formation of the 'High Ambition Coalition' – an ambitious group of developed and developing countries which positively impacted negotiating dynamics at a crucial stage.</p> <p>The EU climate diplomacy will continue to play an important role post-Paris and in the implementation phase of the Paris Agreement, as agreed by the Foreign Affairs Council (FAC) in February 2016. The Commission, European External Action Service (EEAS) and Member States, through Green Diplomacy Network, are regularly discussing future orientations of climate diplomacy, including links with other thematic diplomacies.</p>
<p>2.9. Effective trade and investment policy is an essential tool to deliver low-carbon solutions and promote progress towards a global carbon neutral economy. To ensure a positive outcome, climate issues must be an integral part of negotiations on trade and investment agreements. The aim should be to eliminate barriers to trade in climate-friendly products, technologies and solutions; the Environmental Goods</p>	<p>Indeed it is the Commission's view that well-designed trade policy, including free trade agreements (FTAs), can help the necessary transition to a low-carbon economy by sending a signal to industry and encouraging international specialisation, innovation, standard-setting, investment in low-carbon production, and the spread of green goods, services and technologies. The EU is committed to reinforce the</p>

<p>Agreement would have a significant role to play here. Joint solutions are also needed to avoid trade distortions caused by differences in climate policies and requirements in different regions.</p>	<p>positive synergies between trade and climate policies. The EU has been a long-standing advocate of removing tariff and non-tariff barriers to trade in environmental goods and services. Eliminating tariffs and other barriers to trade in environmental goods and technologies will contribute to their worldwide deployment, thus promoting environmental protection and the fight against climate change. In July 2014, the EU together with 13 other World Trade Organization (WTO) members, formally opened plurilateral negotiations on liberalisation of trade in environmental ('green') goods and technologies, including for climate change mitigation and adaptation. It is thus expected to bring economic and environmental benefits worldwide. Furthermore, all the FTAs recently concluded by the EU, whether with developed or developing countries cover trade and sustainable development, with the inclusion of provisions to effectively contribute to the battle against climate change. The EU actively pursues provisions in these areas in all ongoing FTA negotiations as well.</p>
<p>2.10. As for development policy, the current target of USD 100 billion per year pledged by developed countries for financing climate measures, was extended at COP21 until 2025 and a practical roadmap was called for to achieve the target. Individual countries also made financial pledges. It is important that the promises be kept and funds used in an economically, environmentally and socially responsible way. Awareness-raising campaigns are needed to provide information on access to funding for civil</p>	<p>The concrete roadmap on how the USD 100 billion will be achieved in 2020 was published on 17 October 2016:</p> <p><a href="http://dfat.gov.au/international-relations/themes/climate-change/Pages/climate-finance-roadmap-to-us100-billion.aspx">http://dfat.gov.au/international-relations/themes/climate-change/Pages/climate-finance-roadmap-to-us100-billion.aspx</a>.</p>

<p>society players, particularly in developing countries, as proposed by the EESC in the context of the EU-Africa Strategy.</p>	
<p>2.11. Technological cooperation also has a role to play in development policy. Here, intellectual property rights (IPR) must be adequately protected as they are crucial for innovation. It is also important to ensure that the solutions provided reflect the conditions in developing countries and – in the spirit of partnership – help them adopt low-carbon growth without hindering their development. Moreover, capacity building is needed to assist developing countries in climate change mitigation and adaptation.</p>	<p>The Paris Agreement confirms the cross-cutting importance of technology development and transfer to achieve mitigation and adaptation objectives. The Agreement or the accompanying decisions do not address IPR, but underline the role of cooperative action.</p> <p>The United Nations Framework Convention on Climate Change's (UNFCCC) Climate Technology Centre and Network (CTCN) was established to provide technical assistance to developing countries and to support knowledge exchange. The EU is the largest donor of the CTCN.</p>
<p>3.8. With regard to the decarbonisation of transport, particularly road transport, a wide variety of measures need to be introduced. Electricity and alternative energy sources, advanced biofuels, improved energy efficiency of vehicles and logistics, increased use of low-carbon transport modes, co-modality and public transport, as well as land-use planning, have a role to play in the transition. With regard to shipping and aviation, the EESC calls for ambitious global outcomes in the framework of the IMO and ICAO.</p>	<p>The Strategy on Low-Emission Mobility, adopted by the Commission in July 2016<sup>13</sup>, looks at how the transport sector can contribute to the 2030 climate and energy targets, and the transition to a low-carbon circular economy. It sets a clear ambition: by mid-century, greenhouse gas emissions from transport will need to be at least 60% lower than in 1990 and be firmly on the path towards zero, and emissions of air pollutants from transport that harm health need to be drastically reduced without delay. The Strategy highlights that the shift towards low-emission mobility offers major opportunities for Europe to keep its competitive advantage and remain a</p>

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<sup>13</sup> COM(2016) 501 final.

	<p>front-runner in new technologies and business models. It will contribute to modernise our economy, to the benefit of EU citizens and businesses. This shift has already started, building on existing EU policies. Now, its pace should be accelerated. Therefore, the Strategy presents an integrated, holistic approach through a wide range of actions, to address key levers: higher efficiency of the transport system, low-emission alternative energy for transport, low- and zero emission vehicles. The Strategy also presents the enabling environment for low-emission mobility: the link with the Energy system, research and innovation in priority areas such as energy storage and intelligent transport systems, and the need for low-emission mobility to be an integral part of industrial policy.</p>
<p>4.1. Market mechanisms should be utilised as far as possible when implementing measures to achieve the goals and objectives set by political decision-makers under the Paris Agreement. In order to boost climate action in a neutral and efficient way, it is important to strive for global pricing of greenhouse gas emissions. Accordingly, to enable the pricing system to work properly, contradictory or overlapping energy subsidies should be phased out.</p>	<p>Carbon pricing is an essential element to foster a global level playing field for the low-carbon transition. It can take the form of emission trading, as in the case of the EU, taxation, or other economic and/or fiscal instruments. The EU is sharing its own experiences in this area with all countries that need to start putting a price on carbon. This will continue to include countries like China and South Korea that are setting up emissions trading systems, as well as a broader range of countries, including all major economies that are deploying renewable energy technologies and improving their energy efficiency policies.</p> <p>The European Commission believes that fossil fuel subsidies should be phased out as soon as possible. The Clean Energy Package of November 2016 is</p>

	stepping up EU action in removing inefficient fossil fuel subsidies in line with international commitments under G7 and G20 and in the Paris Agreement.
<p>4.3. As for the EU emissions trading scheme, the price of emissions allowances has stayed unexpectedly low, because the supply of allowances has clearly exceeded demand, and overlapping subsidies have affected the market. The emissions cap ensures that the emissions reduction target is met but the system does not provide an incentive to invest in low-carbon energy. This would require an increase in the price of carbon, while ensuring that measures are taken to avoid carbon leakage.</p>	<p>The main driver for the carbon price in recent years has been the impact of the severe economic recession, which has substantially lowered demand for, and hence the price of, emission allowances. In order to strengthen the carbon market, the introduction of a Market Stability Reserve (MSR) as of 2019 was agreed in 2015. It will adjust the annual amount of allowances made available to the market, based on clear and transparent quantity-based rules. It will thereby contribute to addressing the current imbalance between the supply and demand for emissions allowances and contribute to a carbon price signal in line with the long-term decarbonisation target.</p>

<p><b>N°9 The position of the EESC on specific key issues of the Transatlantic Trade and Investment Partnership (TTIP) negotiations (own-initiative opinion)</b>  <b>EESC 2016/0720 - REX/464</b>  <b>519<sup>th</sup> Plenary Session – September 2016</b>  <b>Rapporteur: Mr Philippe DE BUCK (GRI-BE)</b>  <b>Corapporteur: Ms Tanja BUZEK (GRII-DE)</b>  <b>DG TRADE – Commissioner MALMSTRÖM</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.4.1. The TTIP negotiations are creating new momentum for increased regulatory cooperation with higher expectations. Therefore the Committee notes with satisfaction that the proposed Chapter includes the pursuit of public policy objectives and a high level of protection in a number of identified fields. The EESC also welcomes the explicit clarification that the function and purpose of the institutional structure for regulatory cooperation is to provide support and advice to decision-makers under democratic control and that it will neither have the power to adopt legal acts or will it replace any domestic regulatory procedures.</p>	<p>The Commission welcomes the assessment of the EESC as regards the importance the EU proposal on regulatory cooperation attaches to pursuing public policy objectives and a high level of protection. The Commission would wish to recall that regulatory cooperation under TTIP will have in essence a voluntary character and fully agrees with the Committee's assessment that the institutional structure for regulatory cooperation would neither have the power to adopt legal acts nor would it replace any domestic regulatory procedures at EU or Member State level.</p>
<p>1.4.2. However, the EESC asks for a clearer definition of "burdensome" regulations and stresses that regulations that safeguard consumer, labour and environmental rights should not be considered as "burdensome" per se.</p>	<p>The Commission fully agrees with the assessment of the Committee that regulations that safeguard consumer, labour and environmental rights should not be considered as "burdensome" per se. Both the EU and the US will remain entirely free to pursue policy objectives of protection they consider appropriate and regulate at all appropriate levels to this aim.</p>
<p>1.4.3. The EESC also calls for the Chapter</p>	<p>The Commission will ensure that none</p>

<p>on good regulatory practices not to limit parties' right to regulate or introduce procedures equivalent to the US notice-and-comment process.</p>	<p>of the provisions in TTIP, including those on good regulatory practices, would limit parties' right to regulate at all levels of government, interfere or otherwise affect domestic procedures or practices as regards the consultation of stakeholders.</p>
<p>1.5.2. Regarding the SPS Chapter, the EESC takes note that it is based on the WTO SPS Agreement, which includes the precautionary principle. However, the EESC calls for further reassurances that EU food legislation will not be changed and that the EU will keep its restrictions on hormones, growth promoters and genetically modified organisms.</p>	<p>The precautionary principle is a general principle of EU law as enshrined in the TFEU. No provision in TTIP shall affect the ability of the EU to apply the precautionary principle in the areas of risk assessment and risk management. This is the case under the SPS Chapter, but is also clarified under the EU proposals on regulatory cooperation. No commitment in TTIP will affect EU policy as regards restrictions on hormones, growth promoters and genetically modified organisms.</p>
<p>1.7.1. The EESC welcomes the meaningful commitments made by the EU in the Chapter on services and reiterates its calls for increased market access at federal and state level, for enhanced regulatory cooperation – in the recognition that market access depends also on it – and its request to preserve public services in accordance with the TFEU. The EESC also reiterates that audio-visual services are not part of the mandate and should therefore not be included in any commitments. It also supports the European Commission's decision to put negotiations on financial services market access on hold until US negotiators clearly agree to launch discussions on regulatory cooperation, aiming at increasing levels of protection and financial stability in that sector. The EESC also calls for explicit and detailed wording on a broadly defined</p>	<p>The Commission fully agrees with the EESC's recommendation on improving market access for EU companies in the US, both at federal and state level. Regarding audio-visual services, the Commission recalls its position that no market access commitments will be entered into in TTIP as this is clearly excluded from the negotiating directives (the mandate) given to the Commission by the Council of the EU. The Commission fully shares the Committee's assessment as regards the importance of improved transatlantic regulatory cooperation in the field of financial services, to protect financial stability and prevent, as much as possible, crises from striking. The Commission remains committed that regulatory cooperation in financial services is included in the TTIP.</p>

<p>public services exemption to ensure that all public services that are subject to outsourcing or are funded by state, private for-profit, or non-profit organisations, would be excluded from the deal.</p>	<p>The Commission would also wish to recall its commitment to the protection of public services in TTIP, in accordance with the TFEU. Overall, the EU's approach to public services has proven its effectiveness over the last 20 years, and there is no evidence it would need to be changed. Once TTIP is concluded, Member States, in accordance with the joint statement made by Commissioner Malmström and US Trade Representative Froman of March 2015, will retain policy space to bring services back to the public sector, if and as they see fit.</p>
<p>1.8.1. The EESC welcomes the comprehensive and detailed scope of the Commission proposal on trade and sustainable development. It recalls, however, that the actual value of these provisions depends primarily on the possibility of effectively enforcing them. The EESC calls for an effective enforcement mechanism and a strong monitoring mechanism via civil society. The EESC is not able to comment on the enforcement measures for the sustainable development chapter of TTIP as the textual proposals for enforcement have been delayed. It is important that the Commission engages with civil society and social partners over these proposals in order to ensure they are designed in a way that is effective in practice. The EESC reserves the option of commenting on these elements when they are made publicly available.</p>	<p>The Commission welcomes the assessment of the EESC as regards the scope of EU proposals on trade and sustainable development and fully shares the assessment of the Committee that provisions agreed upon should be legally binding and enforceable. The Commission will propose in due course provisions on the institutional and procedural aspects of the trade and sustainable development chapter, including on dispute settlement. The Commission carried out a comprehensive consultation process in respect of its substantive proposals on trade and sustainable development, and will follow a similar approach as regards provisions on the implementation and enforcement.</p>
<p>2.2. The EESC takes note that the TTIP negotiations are being conducted in a more transparent way than previous trade and</p>	<p>The Commission welcomes the assessment of the EESC as regards the transparency of the negotiations and would like to reassure the Committee</p>

<p>investment negotiations: they are the first for which the mandate of the Council and the EU's positions and several textual proposals have been published. An Advisory Group was set up that brings together experts representing a broad range of interests – consumers, trade unions, business, environment and public health – to provide EU trade negotiators with high quality advice in the areas being negotiated. However, the EESC regrets, due to its institutional role, not to have been formally included in this specific TTIP Advisory Group.</p>	<p>that it will continue to strive for improved transparency of the TTIP negotiations. The Commission will continue its close engagement with the EESC and civil society, including in the context of the TTIP Advisory Group. The Commission would like to point out that the TTIP Advisory Group includes an EESC Member.</p>
<p>2.4. It should be noted that the European Commission published on 14 July 2016 a proposal on the institutional set-up of the agreement<sup>14</sup>, which includes the creation of Domestic advisory groups (DAGs), composed of civil society representatives and competent to advise the parties on the application of the agreement. The Committee welcomes the fact that the mandate of DAGs is widened to cover any issue of interest under the agreement, but regrets however that the joint meeting of the two DAGs to be convened on their own initiative is not explicitly mentioned in the EU proposal and that the Civil Society Forum can only be convened by the Joint Committee. The meetings of the Civil Society Forum shall allow the members of the two DAGs to work on joint recommendations to the Parties.</p>	<p>The proposal on institutional, general and final provisions in TTIP introduces some novel approaches as regards the creation of Domestic Advisory Groups and the proposed Civil Society Forum, in the sense that they will be able to advise the Joint Committee on any issue of interest under the agreement, and not only the Chapter on trade and sustainable development. This is an important expansion of EU policy, and a significant strengthening of the traditional arrangements for involving civil society. While EU proposals do not explicitly provide for a joint meeting of the two DAGs, such joint meeting is not excluded by the EU proposal. Moreover, participants in the DAGs would in any event be able to engage in a dialogue on the implementation and application of TTIP in the context of the annual meeting of the Civil Society Forum.</p>

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<sup>14</sup> See [http://trade.ec.europa.eu/doclib/docs/2016/july/tradoc\\_154802.pdf](http://trade.ec.europa.eu/doclib/docs/2016/july/tradoc_154802.pdf).

<p>3.2. Regulatory cooperation has been identified as one of the TTIP's core objectives, as it could play an important role in facilitating trade and investment as well as improving the competitiveness of small firms in particular. Small and medium-sized enterprises (SMEs), in particular, expect new opportunities to open up, given that they do not possess the resources to navigate different regulatory environments on both sides of the Atlantic, unlike large firms. At the same time, greater compatibility of regulatory regimes would create opportunities for large enterprises to take advantage of economies of scale between Europe and the US.</p>	<p>The Commission shares the assessment of the EESC as regards the role regulatory cooperation could play in facilitating trade and investment. Such cooperation would focus on improving both awareness about, and the compatibility of, regulations on both sides of the Atlantic, while maintaining or even strengthening levels of protection for people and the environment. SMEs are indeed more likely to benefit from increased regulatory cooperation than larger enterprises, as they often lack the resources to comply with multiple regulatory regimes.</p>
<p>3.7. Therefore, the EESC wants to strongly reaffirm the statements that safeguarding existing high standards is a fundamental requirement and that besides the aim of enhancing trade opportunities, regulatory cooperation should also improve safety, health and the economic and social well-being of people on both sides of the Atlantic. Therefore this commitment should be reaffirmed in very clear and detailed language in the final agreement. The EESC is concerned about the EU proposal on good regulatory practices. Regulatory cooperation should be about improving the dialogue between regulators, not influencing each other's rule-making processes. The EESC asks the European Commission to clarify the good regulatory practices section of its proposal.</p>	<p>The Commission shall ensure that provisions on regulatory cooperation in TTIP will confirm in clear and detailed language that regulatory cooperation should cover the pursuit of public policy objectives related to the improvement of safety, health and the economic and social well-being of people on both sides of the Atlantic, and that standards of protection shall be maintained, if not strengthened, and never lowered or sacrificed. The EU proposal on good regulatory practices aims to introduce a number of general principles in TTIP as related to good regulatory and administrative practices, but under the clear understanding that no provision in TTIP should interfere with domestic procedures or affect the autonomy of regulatory authorities at EU and Member State level.</p>
<p>4.3. Concerning standardisation, the EESC welcomes the cooperation between the standardisation bodies as well as the limited mutual acceptance principles.</p>	<p>The Commission notes the concerns of the EESC regarding the risks of mutual recognition of voluntary standards, but would like to clarify that the principle of</p>

<p>However, the EESC has taken note of the concerns expressed by CEN/CENELEC on the risks of mutual recognition of voluntary standards in the TTIP. The EESC asks the Commission to consider the proposals of the EU standards bodies and to make sure that EU interests are safeguarded. Even the guarantee that all relevant stakeholders could contribute to the development of new standards is important.</p>	<p>mutual recognition of voluntary standards is not its negotiating objective in TTIP. The Commission is committed to the principle of one product “one standard for the EU single market” and would wish to reassure the Committee that TTIP would by no means affect the way in which societal interests and societal stakeholders are represented in European standardisation activities.</p>
<p>4.5. The EESC regrets that key areas like electrical safety, electro-magnetic compatibility, machinery and telecommunications, where the EU has a clear offensive interest, are identified as priority areas for future consideration: these areas should feature among the referenced specific outcomes on conformity assessment resulting from the negotiations.</p>	<p>The Commission would like to note that one of its key objectives in the area of conformity assessment is the reduction of costs faced by EU exporters when certifying their products for the US market, notably for the engineering industries, and in particular for the electrical safety aspects of the certification of components but also of finished products. EU proposals include suggestions to move progressively towards the least burdensome possible conformity assessment procedures, while safeguarding high levels of product safety. The Commission fully acknowledges the importance of the areas of electrical engineering (in particular safety and electro-magnetic compatibility of electrical and telecommunication products and machinery) within the TTIP negotiations. This is also reflected in the EU proposal for a specific Engineering annex which addresses the important aspects in these areas, in particular as regards technical requirements and conformity assessment procedures.</p>
<p>6.5. The EESC stresses a particular issue that the Commission should take into account and that concerns unbalanced</p>	<p>The Commission will continue to seek increased market access for EU companies at federal and state level in</p>

<p>market access: US companies can benefit from the EU single market whereas EU companies face a fragmented US market as a large number of service sectors are regulated at state level. The EESC draws attention to the fact that the continued visa requirement imposed by the United States on nationals of some EU Member States, when US citizens do not require a visa to travel to the EU, represents a discriminatory treatment of EU citizens that is detrimental to the bilateral relationship.</p>	<p>the US and will continue to recall the importance the EU attaches to full visa reciprocity between the US and EU Member States, while acknowledging that this topic goes beyond the Commission's negotiating directives for TTIP.</p>
<p>6.7. Concerning public services, the EESC opinion "Trade for All" stated that protection of public services in trade agreements "can best be done by the use of a positive list with regard to both market access and national treatment". However, the current EU offer on services in the TTIP adopts an unprecedented "hybrid" approach to listing services, which could leave substantial uncertainty.</p>	<p>The Commission considers that the negative, the positive, and the hybrid approach can deliver the same outcomes. They represent different techniques used to schedule commitments and reservations, but these techniques do not prejudice the pursued policy objective. Therefore, public services are equally protected irrespectively of the scheduling technique.</p>
<p>6.9. The EESC calls for explicit and detailed wording on the public utilities exemption in Annex III to ensure that all public services that are subject to outsourcing or are funded by state, private for-profit or non-profit organisations would be excluded from the deal.</p>	<p>The current wording of the exemption gives the right to EU governments to define sectors in which public services exist. As a result, the Commission considers that the reservation is broad and covers all public services sectors.</p>
<p>6.12. The EESC regrets that compared to other Chapters, services market access is neglected and calls on the Commission to step up its efforts to remove the remaining market access barriers in the US. The United States continues to impose a total ban in terms of shipping. There are equity caps such as 25% in aviation transport and 20% in telecoms, and significant behind</p>	<p>The Commission does not share the Committee's assessment that services market access would be neglected in the context of the TTIP negotiations. The Commission is fully committed to a positive outcome in the services negotiations, notably in the sector of maritime services, telecoms and transport. The Commission is fully</p>

<p>the border barriers such as in telecoms and satellites. There is a very long list of citizenship requirements e.g. in banking, insurance and accounting. Residency requirements exist for legal, accounting, engineering, and insurance services. Local presence requirements exist, for instance, for legal, accounting, and insurance, as well as a legal form requirement in insurance, etc.</p>	<p>aware of the importance several Member States attach to opening up the US market in respect of dredging and shipping services and will strive to ensure that TTIP guarantees open competition in and development of the digital economy and a level playing field with equal and transparent access in the field of information society and telecoms services. The Commission can also confirm that it will strive to ensure mutual recognition of professional qualifications and to facilitate legal mobility of persons.</p>
<p>7.1. The TTIP offers the parties an opportunity to foster sustainability through trade and to go beyond any other trade agreement concluded by either party with regard to sustainability objectives. In its opinions REX/390 and REX/449<sup>15</sup>, the EESC called for the inclusion of a robust trade and sustainable development Chapter, defined as an essential component of the agreement, and therefore welcomes the comprehensive and detailed scope of the Commission proposal. However, the EESC believes that the actual value of these provisions depends primarily on the possibility of eventually and effectively enforcing them.</p>	<p>The Commission is pleased with the assessment of the EESC as regards the comprehensive and detailed scope of the EU proposal. The Commission considers it important to ensure that the provisions of the Chapter on trade and sustainable development are both ambitious in scope and content, in line with our values, but also that provisions agreed upon are not only legally binding, but also enforceable. The Commission will propose in due course provisions on the institutional and procedural aspects of the trade and sustainable development chapter, including the dispute settlement mechanism, and ensure these are well suited to guarantee the implementation and enforcement of the substantive provisions. The Commission carried out a comprehensive consultation process in respect of its substantive proposals, and will follow a similar approach as regards provisions on the implementation and</p>

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<sup>15</sup> See EESC opinion on *Trade for All - Towards a more responsible trade and investment policy* (OJ C 264, 20.7.2016, p. 123).

	enforcement.
7.3. The EESC commends the European Commission's far-reaching commitment to high labour and environmental standards. The EESC welcomes that the right to regulate and to set high levels of protection has been reaffirmed in the preamble of the agreement and in a stand-alone article in the sustainable development Chapter.	The Commission welcomes the appreciation by the Committee of the EU's substantive proposals for an ambitious chapter on trade and sustainable development.
7.9. The EESC takes note that the EU textual proposal does not include elements related to dispute settlement, which will be developed at a later stage, and reserves the option of commenting on these elements when they are made publicly available.	The EU proposals focus on introducing comprehensive and innovative commitments in respect of trade and sustainable development. Elements related to monitoring and enforcement will be developed in due course.
8.3. The EESC stresses that the definitions in the agreement, in particular the right to regulate, should be clear and should guarantee the right of the state to maintain and introduce high standards, in particular for social, environmental and consumer protection while guaranteeing an adequate and legitimate protection of investors from protectionism and discrimination. The EESC welcomes that a stand-alone article has been included in the body of the agreement in addition to its preamble. The right to regulate in the area of social protection should explicitly mention collective agreements, including tripartite and/or generalized ( <i>erga omnes</i> ) agreements, in order to exclude them from being made subject to interpretation as a breach of an investor's legitimate expectation. Working and wage conditions set in the context of collective agreements may not be considered as a non-tariff barrier to trade.	<p>The Commission recalls that no provision in TTIP, including in the Chapter on investment protection, should endanger a government's right to regulate at all levels or result in lower standards, in particular for social, environmental and consumer protection. All legitimate public policies are intended to be covered by the provision on investment and regulatory measures/objectives.</p> <p>Collective agreements, including generalised/erga omnes and tripartite agreements, remain within the scope of the right to regulate and in particular the reference to the objective of social protection listed in the concerned article of the EU proposal.</p>
8.6. While the EESC welcomes the	The Commission is reassured that the

<p>improvements that have been made with the aim of reforming the system, the EESC still sees critical points of concern that need to be addressed.</p>	<p>EESC acknowledges the efforts made to reform the system on investment protection, while showing its openness to explain EU proposals further and address, where needed, remaining concerns.</p>
<p>8.8. Some of these concerns can be summarised as follows:</p> <ul style="list-style-type: none"> <li>- the need to strike the right balance between legitimate public policies and investment protection standards in terms of "fair and equitable treatment" and "protection against indirect expropriation", based on clear definitions that reduce the risk of broad interpretation;</li> <li>- a very limited list of legitimate policy objectives, such as the protection of public health, safety, the environment or public morals, social or consumer protection or promotion and protection of cultural diversity which are linked to the right to regulate;</li> <li>- no explicit exclusion of regulations applying to the organisation or provision of public services;</li> <li>- the total exclusion of loss of profit when calculating compensation for investments that have been made;</li> <li>- implementation of the "loser pays principle" may prevent a company, and in particular an SME, from using the system;</li> <li>- the need for references to investor obligations under the ILO Multinational Enterprises Declaration, UN Guiding Principles on Business and Human Rights and OECD Guidelines for Multinational</li> </ul>	<p>The Commission:</p> <ul style="list-style-type: none"> <li>- agrees on the importance of using clear and precisely defined protection standards. The standard of "fair and equitable treatment" is a clear, closed text, while a detailed annex clarifies the meaning of "indirect expropriation" so as to avoid claims against legitimate public policy measures;</li> <li>- considers the list of legitimate policy objectives by no means exhaustive;</li> <li>- has clarified in the EU proposal that investment protection provisions cannot prevent governments to change their laws in the future, irrespective of investor's expectations or future profits;</li> <li>- considers that compensation should not be greater than the loss suffered. Expropriated investors are to receive an adequate and effective compensation, representing the fair market value of the investment. The "loser pays principle" ensures that no speculative or frivolous claims are submitted. The EU proposed special rules on costs so as to ensure that SMEs and natural persons can use the system;</li> <li>- recalls that Article 20 of the EU proposal on trade and sustainable development specifically refers to the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational</li> </ul>

<p>Enterprises;</p> <ul style="list-style-type: none"> <li>- some lack of clarity on how awards will be recognised and executed by the domestic courts and what the relationship is with the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards or the relevant ICSID rules. This should be made clear as investors are already confronted in the current system with enforcement problems;</li> <li>- the need to carefully assess the compatibility of the ICS with the EU legal framework;</li> <li>- the lack of real independence of judges as, in the new proposal, they are still allowed in some cases to work as corporate lawyers;</li> <li>- the need to consider the recommendation of the SIA draft interim technical report on the TTIP to exclude the possibility of public services being challenged under the ICS<sup>16</sup>.</li> </ul> <p>The EESC calls for the Commission to engage civil society and the European legal community to address these concerns.</p>	<p>Enterprises, the UN Global Compact, the UN Guiding Principles on Business and Human Rights, ISO 26000, and the International Labour Organization (ILO) Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;</p> <ul style="list-style-type: none"> <li>- has clarified that awards rendered by the Investment Court System are enforceable under the New York Convention (see EU proposal, Article 30(5)). When disputes are submitted under application of the International Centre for Settlement and Investment Disputes (ICSID) dispute settlement rules, awards can also be enforced under the ICSID Convention (Article 30(6));</li> <li>- considers that the compatibility of the Investment Court System (ICS) with the EU legal framework has been carefully assessed. Article 13 of the EU text proposal ensures that the ICS cannot affect the autonomy of the EU legal order, in line with the jurisprudence of the European Court of Justice;</li> <li>- observes that the EU proposal however prohibits judges on the ICS to act as legal counsels or as party appointed experts or witnesses in any other investment dispute (see Article 11(1)). If the case-load of the ICS would become such as to justify full-time employment, judges will be prohibited from engaging in any other professional occupation (see Article 10(14));</li> </ul>
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<sup>16</sup> Ecorys, *Trade SIA on the Transatlantic Trade and Investment Partnership (TTIP) between the EU and the USA - Draft Interim Technical Report*, p. 144 (<http://www.trade-sia.com/ttip/wp-content/uploads/sites/6/2014/02/TSIA-TTIP-draft-Interim-Technical-Report.pdf>).

	<ul style="list-style-type: none"> <li>- addresses the protection of public services in a horizontal manner;</li> <li>- will remain fully engaged with civil society and the European legal community, including parliaments.</li> </ul>
<p>8.10. In conclusion, the EESC considers that the European Commission's proposal for the ICS is a step in the right direction but must be further improved in a number of areas in order to function as an independent international judicial body. The Committee regrets that the system was proposed without a full and proper consultation process and prior to an impact assessment covering both the costs of the system and its functioning, and calls upon the Commission to draw up such an impact assessment.</p>	<p>The development of the new EU approach to investment protection was preceded by a broad public consultation conducted in 2014 and builds on intense discussions and consultations between the Commission, the Council, the European Parliament, other EU institutions and bodies, and relevant stakeholders. A Sustainability Impact Assessment on the TTIP negotiations, including the new EU approach to investment protection, is currently being undertaken by an independent contractor, and will be made public in due course.</p>

<p><b>N°10 Proposal for a Decision of the European Parliament and of the Council on establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy and repealing Decision No 994/2012/EU</b>  <b>COM(2016) 53 final – EESC 2016/2295 – TEN/590</b>  <b>519<sup>th</sup> Plenary Session - September 2016</b>  <b>Rapporteur: Mr Vladimír NOVOTNÝ (GRI-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 EESC proposes that the procedure of notification and verification prior to the conclusion (ex-ante) of international agreements in the energy sector be restricted to agreements on supplying gas in the Member States</p>	<p>The Commission takes note of the EESC's position. However, in its proposal, the scope of the ex-ante assessment covered all commodities, as incompatible Intergovernmental Agreements (IGAs) have been found not only in the gas area, but also as regards oil. At the last trilogue on 7 December 2016, it was agreed that oil and gas related IGAs will be subject to ex-ante assessment by the Commission whilst electricity IGAs will remain subject to an ex-post assessment.</p>
<p>1.4. The EESC takes the view that the revised decision should only concern the drafting of framework agreements with a direct impact on the internal market of the Union and/or the security of energy supply, and the Commission should only assess whether or not the proposed IGA that is submitted to it complies with EU law.</p>	<p>The Commission agrees with this approach and has proposed an ex-ante assessment which is a strict control of legality and does not take into consideration broader policy objectives. These policy objectives could be considered during the assistance phase of the Commission during negotiation, when Member States request its participation.</p>

<p>1.5. The EESC considers that a better protection of confidential information throughout the process of preparing the IGA will be one of the conditions for the successful implementation of the proposed notification and verification procedures with regard to international agreements on energy that are in preparation or under negotiation.</p>	<p>Confidentiality is ensured at all stages of the process through the consent of the Member States to share information. Article 8 of the Commission proposal governs rules for confidentiality, from the phase of its optional participation to IGA negotiations as an observer to the ex-post notification of existing IGAs and non-legally binding instruments.</p>
<p>1.7. The EESC also considers that the proposed 12-week period available for the Commission to issue an unfavourable opinion, in the event that the draft agreement is deemed incompatible with EU law, should be the maximum time limit. After this period is over it will be assumed that the Commission has accepted the proposed agreement and that negotiations to conclude the IGA can move forward.</p>	<p>According to the Commission's proposal, the assessment by the Commission would have a suspensory effect but only for a limited period of 12 weeks maximum (which can be shorted in accordance with Article 5 (3) of the proposed Decision). On this basis, Member States would remain free to finalise the negotiations and sign the IGAs, as long as they fully respect the EU acquis.</p>

<p><b>N°11 Nuclear Illustrative Programme</b>  <b>COM(2016) 177 final – EESC 2016/2846 – TEN/596</b>  <b>519<sup>th</sup> Plenary Session - September 2016</b>  <b>Rapporteur: Mr Brian CURTIS (GR11-UK)</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>Overall assessment</p>	<p>The Commission has adopted its Communication on the Nuclear Illustrative Programme (PINC) presented under Article 40 of the Euratom Treaty for the opinion of the European Economic and Social Committee on 4 April 2016<sup>17</sup>.</p> <p>The EESC has adopted its opinion on the Commission's Nuclear Illustrative Programme at its September plenary session of 22 September 2016<sup>18</sup>.</p> <p>In line with its procedures, the Commission is carefully analysing the opinion of the EESC, including the issues highlighted and proposals made, with a view to adopting the final PINC in due time.</p>

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<sup>17</sup> COM(2016) 177 final.

<sup>18</sup> TEN/596 – EESC-2016-02846-00-01-AC-TRA (EN).

<p><b>N°12 Proposal for a Regulation of the European Parliament and of the Council concerning measures to safeguard the security of supply and repealing Regulation (EU) No 994/2010</b>  <b>COM (2016) 52 final - EESC 2016/2264 – TEN/588</b>  <b>519<sup>th</sup> Plenary Session - September 2016</b>  <b>Rapporteur: Mr Graham WATSON (GR11-UK)</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>1.2. An EU-wide regulation needs to take account of the broader context of global climate change mitigation efforts with ambitious targets set out by the Paris Agreement, the EU's strategy for a resilient Energy Union with a forward-looking climate change policy, and various geopolitical tensions in Europe and globally, including the movement of refugees, crises at Europe's borders including the recent ones in Ukraine, Turkey, Libya and Georgia, as well as the rise in regionalism threatening EU integration.</p>	<p>According to the Commission proposal, Member States will have to assess among other things the environmental impact of the measures to be implemented, which will force the Member States to place the security of supply measures in a broader context.</p> <p>The proposed Regulation aims to strengthen the regional cooperation and solidarity between the Member States and seeks to create a solid basis for agreeing on joint measures to address risks to security of supply.</p> <p>The Commission proposes also to extend the application of the Regulation to the Contracting parties of the Energy Community (i.e. among others to Ukraine), which will help to develop closer cooperation with those countries in the field of energy.</p>

<p>1.3. Substantial investment is required to secure gas supplies in Europe. It is important that this is found primarily from private sources; profits in the oil and gas industry are such that public support should not be needed. A predictable and reliable political framework is necessary to ensure investor confidence and, in turn, a steady and reliable supply of gas.</p>	<p>Security of gas supply should be a shared responsibility by natural gas undertakings, Member States, and the Commission, within their respective remits.</p> <p>The proposed Regulation establishes an obligation for the transmission system operators to enable permanent physical capacity to transport gas in both directions at all interconnection points. Usually such investments have been done because they open new business opportunities. In certain cases such investments are not taken forward by the market alone. They have to be done mainly for security of supply reasons. The Commission proposes certain changes to the procedure in order to align the methodology for the cost-benefit analysis with Article 11 of the Regulation 347/2013 (Trans-European energy networks (TEN-E) Regulation). This allows to better reflect the benefits of the investment in terms of Member States' security of supply along the supply corridors.</p>
<p>1.4. The proposed Regulation is designed to avert gas supply crises like those in 2006 and 2009. Most of the demand for gas is for heating buildings. A widespread energy efficient building retrofitting programme as suggested in the Energy Performance of Buildings Directive (2010/31) and the Energy Efficiency Directive (2012/27), especially when targeted at gas-heated buildings, would lead to a significant drop in demand for gas, especially in the winter months in which the previous crises</p>	<p>The Commission agrees with the assessment of the EESC that an energy efficient building retrofitting programme would reduce gas demand, thus contributing to lower dependency on gas supply for Member States. The current measures supporting such retrofitting are reinforced by the proposals made as part of the Clean Energy package adopted on 30 November 2016<sup>19</sup>.</p> <p>The European Parliament also strongly</p>

<sup>19</sup> <http://ec.europa.eu/energy/en/news/commission-proposes-new-rules-consumer-centred-clean-energy-transition>.

<p>occurred.</p>	<p>emphasises the importance of energy efficiency in reducing the EU gas consumption and gas imports.</p>
<p>1.6. Energy consumers can play an important part in developing and managing supply. Methods to activate consumers should be developed in cooperation with consumers themselves, including innovative use of ICT. Energy poverty should be addressed primarily by social policy measures. Such measures should include dedicated national plans to stimulate investments in building-renovation programmes, as stipulated in Article 4 of the Energy Efficiency Directive (2012/27), prioritising fuel-poor and vulnerable consumers and promoting collaboration between social partners.</p>	<p>The proposed Regulation does not address energy poverty directly. Under the EU's Third Energy Package, the responsibility for addressing energy poverty, identifying vulnerable consumers and putting measures in place lies with national governments. Recent European Commission studies show that Member States have defined vulnerable consumers and set up measures to protect them. Where identified, Member States have to address energy poverty through the national energy action plans. In the proposals made as part of the Clean Energy package, the Commission presented further measures to help Member States to monitor and tackle energy poverty.</p> <p>At the same time, the EU currently supports several initiatives through Horizon 2020, European Structural and Investment Funds and the European Fund for Strategic Investment which, by channelling funds and research towards residential energy efficiency, contribute to the reduction of energy poverty.</p>
<p>1.7. The rolling-out of RES combined with accelerating electrification may well reduce EU gas consumption and therefore imports; the faster the RES adoption, the less relevant the EU's external policies on securing gas supplies will be. The EESC requests that the Commission provides an assessment of how accurate the coordination has been between EU gas consumption forecasts, EU security of gas supply, RES development and energy</p>	<p>The Commission's proposals are based on scenarios that are projections not forecasts. Scenarios do not predict but assess the impact of policy measures. The reference scenario based on current trends and policies shows what happens if the EU and Member States keep on implementing the current policy framework without further policy action. As a result, such projection based on a business-as-usual approach is key to</p>

<p>efficiency improvements across sectors.</p>	<p>identifying areas where the current policy framework falls short. So each reference scenario is a call for more ambitious policy action.</p> <p>Over the last decade, the Commission adapted the gas demand projection to the evolving policy framework, reflecting the impact of long-term policy targets like emission reductions, energy security, renewables etc.</p> <p>The Commission's policy on security of gas supply is not a tool to steer the gas demand in the Member States or in the EU but to help Member States better prepare for a crisis.</p>
<p>4.3. The EESC notes the criteria proposed for the composition of the seven "regions" within the EU. At the very least, a solution should be envisaged where one Member State could be simultaneously a member of more than one "region".</p>	<p>The Commission proposes a number of predefined regions. The Commission takes note of the suggestion by the EESC and is open to considering it as part of the further legislative deliberations.</p> <p>The European Parliament and the Council, in the process of the ordinary legislative procedure, chose to introduce flexibility to the regional cooperation.</p> <p>The European Parliament introduced the concept of 'emergency supply corridors' to the predefined regions proposed by the Commission. This addition introduces a broader European perspective to assessment of risks and finding cross-border solutions to gas supply crises outside the predefined regions.</p> <p>The Council favours a risk-based approach to regional cooperation where Member States are members of one or several groups depending on the main</p>

	transnational risks that affect them.
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<p><b>N°13 An EU strategy for liquefied natural gas and gas storage</b>  <b>COM(2016) 49 final – EESC 2016/2270 – TEN/589</b>  <b>519<sup>th</sup> Plenary Session - September 2016</b>  <b>Rapporteur: Mr Marian KRZAKLEWSKI (GR11-PL)</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>1.6.1. Priority should be given to investments aimed at balanced supply routes. Prudent EU measures supporting the construction of new Liquefied Natural Gas (LNG) terminals and cross-border transmission links should take account of regions which are currently isolated and dependent on a single supplier.</p>	<p>With regards to investments, the Commission proposal indeed focuses on:</p> <ul style="list-style-type: none"> <li>- the most vulnerable regions;</li> <li>- only a limited number of key projects which are essential to security of supply; and</li> <li>- those mainly aiming at connecting markets to each other and to existing terminals.</li> </ul>
<p>1.6.3. The EESC believes that the EU must ensure that the development of fast-track LNG terminal and Floating Storage Regasification Unit (vessels) (FSRU) projects is a technologically neutral choice, based on the most effective investment.</p>	<p>The Commission is also of the view that in today's uncertain gas market environment, less costly, quicker and more flexible solutions should also be considered along other options, and their costs and benefits thoroughly analysed. Investment decisions, however, are taken by companies.</p>
<p>1.8. The EESC points out that the Commission Communication does not show how the strategy to boost the share of LNG and increase gas storage is consistent with the major network investments currently planned by the EU's neighbours, such as Nordstream 2.</p>	<p>The strategy looks at the European energy landscape and gas network in its entirety, focusing on the potential of the EU market to attract a diversified range of gas sources and provide seamless access to LNG and storage capacity cross-border. It does not single out individual projects or focus on the impact of recent events and developments.</p>

<p>1.9.1. The strategy outlined in the Communication should emphasise more strongly the important role of natural gas as a bridging technology in the transition from coal to low-carbon energy. As a cleaner energy source, gas has a particularly important role to play in efforts to sharply cut low-stack emissions, especially from households and transport.</p>	<p>The LNG and Storage Strategy was adopted as part of a bigger package of other legislative and non-legislative proposals that were all related to gas markets and security of supply. The overall package was conceived with the wider picture in mind where gas has an important role to play in the transition towards a low-carbon economy. This context was also referred to in the introduction of the Communication itself.</p>
<p>1.10.1. At the same time, the EESC points out that, in the section of the communication dealing with LNG, not enough attention is paid to the intensive development of the European system of obtaining and using LNG as a fuel in transport, both road and maritime.</p>	<p>The Strategy focuses on areas where new or further action is still necessary with a view to improving security of supply and competitiveness in the most vulnerable regions of the EU. The potential of LNG as an alternative fuel in transport has a significant impact on sustainability and is already addressed by existing initiatives and legislation, such as the Directive on alternative fuels infrastructure, the well-established European Sustainable Shipping Forum and support from the Trans-European Transport Network (TEN-T) Connecting Europe Facility (CEF) Programme.</p>
<p>1.11. The EU' existing storage capacity is considerable, but its distribution is insufficient.</p>	<p>The geology of the EU largely determines the potential to develop additional storage capacity for gas. Currently, the economic incentive for new investment in storage by private operators appears limited due to the low spread between the price for gas purchased in summer and sold in winter. The Commission agrees that a better regional balance of storage capacity, in line with the regional energy mix, would increase the contribution of storage to energy</p>

	security.
<p>1.12. The EESC highlights the fact that, in order to ensure balance and achieve energy security, operators must adopt sets of principles, namely the idea that the minimum level of stored gas must cover 100 % of the national market's gas requirements for the winter period; however, the best alternative would be to balance stored gas at regional level.</p>	<p>With regard to the current diversification of gas supply (e.g. indigenous production, Norwegian, Algerian and Russian suppliers), it is highly unlikely that all suppliers of gas would fail to deliver at the same time.</p> <p>Security of supply can be achieved through a wide variety of storage and non-storage related measures which can depend on the situation and specificities of each country. Further to stored gas, additional flexibility means are available, which include LNG, the re-direction of pipeline gas within the EU, increase of imports from other sources and the switching to alternative fuels. This is why it is up to the Member States to decide on what measures they wish to take. The Commission does not support the idea of an EU-wide storage related obligation.</p>
<p>3.4.1. Since the importation of liquefied shale gas from the USA can have a positive impact on the European gas market, the EESC urges the EU to engage in active negotiations, within the framework of the TTIP, to remove barriers to imports of this kind of gas from the USA</p>	<p>The Commission can confirm that, in the framework of the Transatlantic Trade and Investment Partnership (TTIP) negotiations, it has from the very outset been actively pressing the US to remove all barriers to the export of natural gas from the US to the EU.</p> <p>Considering this a very important issue, the Commission will continue to duly address it during the TTIP negotiations.</p>

<p><b>N°14 Nouvelles mesures en faveur d'une gouvernance et d'une mise en œuvre axées sur le développement – évaluation des Fonds structurels et d'investissement européens et recommandations y afférentes (avis d'initiative)</b></p> <p><b>CESE 2016/0738 – ECO/400</b></p> <p><b>519<sup>ème</sup> session plénière - septembre 2016</b></p> <p><b>Rapporteur: Mme Etele BARÁTH (GR11-HU)</b></p> <p><b>DG REGIO - Commissaire CREȚU</b></p>	
<b>Points de l'avis du CESE estimés essentiels</b>	<b>Position de la Commission</b>
<p>1.6. Pour améliorer la coordination, le CESE préconise d'utiliser, au service des objectifs européens communs, les Fonds structurels et d'investissement européens (fonds ESI) traditionnels ainsi que les projets, axés sur le marché et mobilisant aussi des capitaux privés, qui émanent du Fonds européen pour les investissements stratégiques (EFSI). À cette fin, il importe de coordonner les objectifs et la réglementation relative à leur mise en œuvre.</p>	<p>Dans le cadre de la révision mi-parcours du Cadre financier pluriannuel 2014-2020, la Commission a adopté le 14 Septembre 2016 une proposition de Règlement Omnibus qui intègre, parmi d'autres éléments, des modifications de législation sectorielle. Des modifications spécifiques sont ainsi proposées au Règlement (UE) N° 1303/2013<sup>20</sup>, dont un article spécifique pour faciliter la combinaison des Fonds ESI avec les ressources EFSI. L'article contient une série de normes qui seront applicables aux fonds ESI lorsque qu'ils seront combinés avec l'EFSI.</p>
<p>1.7. Le CESE propose que le principal instrument au service d'une gouvernance central axée sur le développement et renforcée soit le semestre européen, qui s'appuie sur l'examen annuel de la croissance.</p>	<p>Le cadre juridique actuel des Fonds européens structurels et d'investissement introduit un nombre de dispositions nouvelles qui lient plus étroitement les Fonds ESI avec le Semestre européen. A savoir, les articles 15 et 96 du Règlement (UE) N° 1303/2013 prévoient que les Accords de partenariat et les programmes opérationnels tiennent compte des</p>

<sup>20</sup> JO L 347 du 20.12.2013.

	<p>recommandations par pays (CSR) adoptées chaque année dans le cadre du Semestre européen. De même, l'Article 23 accorde à la Commission les compétences pour demander à un Etat membre la révision d'un ou plusieurs programmes lorsque cela s'avère nécessaire pour la mise en œuvre d'une CSR adoptée en vertu des articles 121 (2) ou 148 (4) du Traité sur le fonctionnement de l'Union européenne.</p>
<p>1.11. Une mise en œuvre partagée à plusieurs niveaux est nécessaire [...]. A cet égard, les instruments de niveau intermédiaire, c'est-à-dire les instruments de coordination des développements macrorégionaux, doivent être considérablement renforcés.</p>	<p>La Commission a adopté le 16 décembre 2016 un rapport sur la mise en œuvre des stratégies macrorégionales<sup>21</sup>, qui aborde entre autres questions celle de leur évolution au-delà de 2020. La Commission est également en train de lancer une étude destinée à évaluer la façon dont les stratégies macrorégionales contribuent à une meilleure coordination des politiques et des programmes de l'UE, ainsi qu'à l'objectif de cohésion territoriale.</p>
<p>1.14. Le CESE a toujours plaidé en faveur du renforcement de la participation démocratique. S'agissant de la méthode ouverte de coopération, la participation des partenaires économiques et sociaux et des ONG devrait être garantie à tous les niveaux, ce qui, au niveau européen, doit aller de pair avec la valorisation du CESE.</p>	<p>L'Article 5 du Règlement (UE) N° 1303/2013 prévoit une consultation avec les autorités régionales et locales compétentes ainsi qu'avec les partenaires économiques et sociaux et les organismes pertinents représentant la société civile. Cette consultation se fait aux différentes étapes de la mise en œuvre des programmes. Elle a donc lieu non seulement lors de l'élaboration des Accords de Partenariat et des rapports d'avancement mais aussi tout au long de la préparation et de la mise</p>

<sup>21</sup>[http://ec.europa.eu/regional\\_policy/sources/cooperate/macro\\_region\\_strategy/pdf/report\\_implem\\_macro\\_region\\_strategy\\_en.pdf](http://ec.europa.eu/regional_policy/sources/cooperate/macro_region_strategy/pdf/report_implem_macro_region_strategy_en.pdf).

	en œuvre des programmes, y compris leur participation aux comités de suivi.
1.16. Le CESE souligne qu'il y a lieu de dépasser la réglementation du partenariat fondée sur les propositions et les bonnes pratiques et de préciser largement les attentes minimales auxquelles les autorités des États membres seront tenues de satisfaire sous peine de sanctions.	Le cadre juridique des Fonds ESI ne prévoit aucune sanction ni correction financière pour non-respect d'une obligation imposée aux États membres en vertu dudit l'Article 5. La Commission prend acte de cette recommandation du CESE en vue du débat sur le nouveau cadre réglementaire pour l'après 2020.
2.2.10. À l'heure actuelle, les différents mécanismes associés aux objectifs, les diverses échéances et dates de début et de fin ont encore pour conséquence qu'aucun objectif n'est transparent ni ne peut être compris et suivi aisément par les milieux économiques et sociaux et la société civile. L'absence de synergies ou d'interactions entre les différents objectifs réduit considérablement l'efficacité des instruments et des investissements. Il convient de renforcer les synergies entre le FEIS et la stratégie «Europe 2020» renouvelée en élaborant une nouvelle stratégie UE 2030-2050 (projet pour l'Europe).	<i>(Réponse commune aux paragraphes 2.2.10. et 2.2.11.)</i>  La Commission estime qu'il n'est pas nécessaire de modifier le système de base de l'EFSI, qui a été mis en place au sein de la Banque européenne d'investissement (BEI) et qui fonctionne de manière très satisfaisante selon des règles de transparence et de gouvernance telles que prévues par le règlement établissant l'EFSI <sup>22</sup> . Par ailleurs, à travers la proposition législative portant sur l'EFSI 2.0 <sup>23</sup> , la Commission entend renforcer ces règles de transparence, concernant notamment le comité d'investissement et les décisions de la BEI". Plus largement, la proposition relative à l'EFSI 2.0 prolonge l'EFSI dans le temps et en renforce la capacité financière. Un des objectifs de l'EFSI 2.0 est de renforcer sa couverture
2.2.11. Alors que les Fonds structurels s'accompagnent de mécanismes de préparation, d'exécution, de contrôle et d'analyse très bureaucratiques, à la fois centralisés et décentralisés, et qu'il existe au niveau de l'Union un grand nombre	

<sup>22</sup> Règlement (UE) 2015/1017 du Parlement européen et du Conseil du 25 juin 2015 sur le Fonds européen pour les investissements stratégiques.

<sup>23</sup> Proposition de règlement du Parlement européen et du Conseil modifiant les règlements (UE) n° 1316/2013 et (UE) 2015/1017 en vue de prolonger la durée d'existence du Fonds européen pour les investissements stratégiques et d'introduire des améliorations techniques concernant ce Fonds et la plateforme européenne de conseil en investissement: [http://eur-lex.europa.eu/resource.html?uri=cellar:08ec00f9-7a52-11e6-b076-01aa75ed71a1.0002.02/DOC\\_1&format=PDF](http://eur-lex.europa.eu/resource.html?uri=cellar:08ec00f9-7a52-11e6-b076-01aa75ed71a1.0002.02/DOC_1&format=PDF)

<p>d'agences pour veiller à leur mise en œuvre, le nouveau mécanisme de gouvernance du récent EFSI sort du cadre de la Commission européenne et sa nouvelle structure organisationnelle repose sur les besoins liés au climat financier et d'investissement. La coordination des deux grands ensembles suppose la mise en place d'un instrument stratégique et d'un nouveau système de gouvernance.</p>	<p>géographique et son usage dans les régions moins développés et en transition. A cette fin, sa combinaison avec d'autres sources de financement européen, y compris les fonds ESI, est un élément-clé. La Commission a déjà publié une note d'orientation sur le sujet<sup>24</sup> et continuera de simplifier le cadre dans lequel ces combinaisons peuvent avoir lieu. De plus, la Plateforme européenne de conseil en investissement (EIAH) sera renforcée aux niveaux régional et local afin de contribuer activement à la diversification sectorielle et géographique de l'EFSI.</p> <p>Pour obtenir de plus amples informations sur des projets reconnus par la BEI comme pouvant être financés par l'EFSI, la Commission invite le Comité économique et social européen à se référer au site Internet de la BEI (<a href="http://www.eib.org/efsi/efsi-projects/index.htm">http://www.eib.org/efsi/efsi-projects/index.htm</a>). Par ailleurs, la Commission publie mensuellement sur son site Internet une mise à jour sur l'état des lieux du Plan d'investissement pour l'Europe, y compris de l'EFSI (<a href="http://ec.europa.eu/priorities/jobs-growth-and-investment/investment-plan_en">http://ec.europa.eu/priorities/jobs-growth-and-investment/investment-plan_en</a>).</p>
<p>3.8. La Commission européenne et les Etats-membres n'ont pas suffisamment prêté attention à l'usage des instruments de Développement local mené par les acteurs locaux (CLLD) pendant la première partie de la période budgétaire.</p>	<p>La gestion des fonds ESI est partagée entre la Commission et les États-membres (les dispositions relatives au CLLD sont établies dans le Règlement (UE) N° 1303/2013). Obligatoire pour les États-membres sous le régime du Fonds européen de développement rural (LEADER), le CLLD est appliqué de</p>

<sup>24</sup> [http://ec.europa.eu/regional\\_policy/sources/thefunds/fin\\_inst/pdf/efsi\\_esif\\_compl\\_en.pdf](http://ec.europa.eu/regional_policy/sources/thefunds/fin_inst/pdf/efsi_esif_compl_en.pdf).

	<p>manière volontaire dans le cadre des trois autres Fonds structurels.</p> <p>Dans le courant de la première partie de la période de programmation, les autorités de gestion et les acteurs locaux ont bénéficié de notes d'orientation et d'information sur le CLLD communes aux quatre Fonds structurels. Plusieurs événements annuels communs à ces Fonds ont par ailleurs été organisés pour discuter des enjeux techniques et thématiques du CLLD, et encourager tous les acteurs concernés à s'engager dans cette approche ascendante. Par ailleurs, un atelier portant sur le CLLD est régulièrement proposé à l'occasion de la Semaine européenne des régions et des villes. La Commission, enfin, assure un contrôle assidu de la mise en œuvre des programmes dans les États-membres, à la lumière notamment des dispositions relatives au CLLD.</p>
<p>3.9. Le CESE estime nécessaire de procéder à un examen général des pratiques en matière de partenariat. Cet examen doit également comporter une évaluation de la mise en place des procédures de planification et de la structure institutionnelle de mise en œuvre, et évaluer dans quelle mesure le système réglementaire actuel est capable de déboucher sur un partenariat efficace. Les partenaires devraient être activement associés au processus d'évaluation.</p>	<p>En 2014, la Commission a lancé une étude sur la mise en œuvre du principe de partenariat pendant l'exercice de programmation pour la période 2014-2020. Le rapport final de l'étude a été publié en juillet 2016<sup>25</sup>.</p> <p>D'une manière générale, l'étude révèle que le principe de partenariat a été mieux appliqué à l'occasion de la période de programmation 2014-2020 que dans le cadre des périodes de programmation précédentes. Cette tendance positive a été soulignée à la</p>

<sup>25</sup>[http://ec.europa.eu/regional\\_policy/en/information/publications/studies/2016/implementation-of-the-partnership-principle-and-multi-level-governance-during-the-2014-2020-esi-funds](http://ec.europa.eu/regional_policy/en/information/publications/studies/2016/implementation-of-the-partnership-principle-and-multi-level-governance-during-the-2014-2020-esi-funds).

fois par les partenaires et les autorités de gestion, qui considèrent que le nouveau cadre réglementaire et le code de conduite européen sur le partenariat y ont contribué. Malgré son caractère non obligatoire et sa mise en pratique après le début de la période de programmation, le code de conduite a été largement suivi et a permis de mieux comprendre le rôle des partenariats et la mise en œuvre du principe de partenariat. Enfin, le principe de partenariat présente une valeur ajoutée qui suppose des efforts de la part des autorités nationales, non seulement en termes de gestion mais aussi en termes d'implication et de capacité des partenaires. Il apparaît qu'en la matière, la mise en œuvre du principe de partenariat varie sensiblement d'un pays à l'autre. La Commission surveille avec attention la manière dont les partenaires sont impliqués par les États-membres, et se tient prête à discuter avec ceux-ci des cas concrets où des améliorations s'avèreraient nécessaires.

<p><b>N°15 The rights of live-in care workers (own-initiative opinion)</b>  <b>EESC 2016/0941 - SOC/535</b>  <b>519<sup>th</sup> Plenary Session - September 2016</b>  <b>Rapporteur: Mr Adam ROGALEWSKI (GRII-PL)</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>1.2. For the purpose of informing policymaking, Eurostat should gather adequate data on live-in care workers.</p>	<p>Eurostat is currently collecting administrative data on health employment (physicians, midwives, nurses, practising caring personnel), on a yearly and voluntary basis in collaboration with the Organisation for Economic Co-operation and Development (OECD) and the World Health Organization (WHO). Statistics are available online on the Eurostat website<sup>26</sup>. The category 'Practising Caring Personnel' is intended to include both health care assistants in institutions and home-based personal care workers, as defined in the International Standard Classification of Occupations. Data for the most recent reference year available (2013) has been provided by only 19 EU Member States. The priority of the three international organisations is to improve the quality of the data currently collected on health employment (which is already very challenging). In this context, Eurostat cannot envisage the gathering of data on live-in care workers.</p>
<p>1.3. The EESC calls on the European Commission to conduct research on the</p>	<p>In view of the relatively small number of live-in care workers (in relation to the</p>

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26 <http://ec.europa.eu/eurostat/home>.

<p>situation of these workers, including their numbers, nationality, migration status, cross-border mobility, effective inclusion in labour and social protection, working and social conditions and qualifications, as well as their actual and potential contribution to European economies.</p> <p>8.4. The EESC believes that the European Union should monitor the supply and mobility of live-in care workers within Europe, and promote approaches to improve the overall capacity of the sector to deliver quality care and create decent jobs.</p>	<p>total workforce) and the prevalence of informal employment situations, it is not possible to monitor this group of workers through the Labour Force Survey, the EU's main tool for observing employment trends. The information gaps identified in the EESC opinion would have to be filled by the Member States, using appropriate national sources.</p> <p>The Commission has been monitoring, via the European Semester, the overall situation of long-term care systems in the Member States, and has advocated for adequate access to affordable quality care, as well as support to carers. Together with the Social Protection Committee, the Commission published a Report in 2014 on the adequate social protection for long-term care needs<sup>27</sup>, where the issue of the long-term care workforce was also addressed.</p>
<p>1.4. The EESC emphasises that live-in care workers should be treated in a similar way to other care workers. This means that they should enjoy similar protection, such as limits on working time (including stand-by) and protection against bogus self-employment. Employed live-in care workers must not be excluded from relevant EU and Member State employment-related regulations, including, among others: proper remuneration, health and safety protection, social security and the right to freedom of</p>	<p>Under the European Pillar of Social Rights, the Commission seeks to address, among other issues, fair working conditions and adequate social protection. The draft outline of the Pillar put to public consultation in 2016 seeks to ensure that existing EU social rights, notably in the field of labour law and social security, are fairly applied to workers with different employment statuses.</p>

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<sup>27</sup> <http://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=7724>.

association and collective bargaining.	
<p>1.5. Supply shortages in LTC in Europe should be positively addressed by ensuring decent pay and working conditions, reversing the lack of investment, ensuring that free movement principles are observed, removing barriers that prevent workers from exercising their labour rights and creating pathways for migrants to access regular employment.</p>	<p>Directive 2014/54 adopted on 16 April 2014<sup>28</sup> on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers will help to remove existing obstacles to the free movement of workers and tackle discrimination, such as the lack of awareness of Union rules among public and private employers and the difficulties faced by mobile EU citizens to get information and assistance in the host Member States. The Directive requires Member States to ensure:</p> <ul style="list-style-type: none"> <li>– availability of an effective judicial protection of mobile workers' rights;</li> <li>– that a national competent body provides support and/or legal assistance to EU migrant workers;</li> <li>– easily accessible information in more than one EU language on the rights enjoyed by EU migrant workers and jobseekers;</li> <li>– promotion of dialogue with social partners and relevant NGOs to encourage equal treatment.</li> </ul>
<p>1.6. The EESC calls on the European Union to work closely with Member States to coordinate supply and mobility of live-in care workers as part of an approach to improve the overall capacity of the sector to deliver quality care. Specific measures should include:</p>	
<p>– improving safeguards in the Employers' Sanctions Directive (2009/52/EC) to protect labour rights of</p>	<p>The Victims' Rights Directive is applicable to victims of exploitation, but only if that exploitation is defined as a</p>

<sup>28</sup> OJ L 128, 30.4.2014.

<p>undocumented workers in order to tackle irregular employment. The Victims' Rights Directive (2012/29/EU) must be rigorously applied to provide effective support for live-in care workers who are victims of exploitation, regardless of their migration status;</p>	<p>crime under national law.</p>
<p>– bringing all relevant EU directives into line with International Labour Organisation (ILO) Convention No 189 providing rights for domestic workers;</p>	<p>The EU acquis referring to the social policy area is already compatible with the provisions of the ILO Convention on decent working conditions for domestic workers. Indeed they are complementary as some provisions of the Convention can have more stringent requirements than EU law. Following a positive compatibility check with the EU acquis, the Council adopted the Commission's proposal on January 2014 allowing Member States to ratify the Convention. The EU fully promotes the ratification of ILO Convention No 189 by EU Member States.</p>
<p>– prioritising the reform of live-in care arrangements in the European Platform Against Undeclared Work, an initiative welcomed by the EESC;</p>	<p>The European Platform tackling undeclared work, created under Decision 2016/344/EU, establishes a forum at EU level where different enforcement authorities from all Member States meet with their counterparts and exchange information and best practices. The work programme 2017-2018 built around three priorities – cooperation and joint action, mutual learning and increasing knowledge - will allow Member States to engage in closer cross-border cooperation in order to fight undeclared work more effectively and efficiently.</p>
<p>– bringing care workers' rights into the European Semester and including them in "New Start for Work-Life Balance" consultations;</p>	<p>Within the European Semester, the Commission annually monitors the provision of formal care services in EU Member States and highlights the</p>

	<p>barriers to their development, such as the lack of attractive working conditions in the sector. Moreover, as announced in its 2016 Work Programme, the Commission is working on a 'New Start' initiative to address the challenges of work-life balance for parents and carers. With the aim of decreasing the pressure of informal care on women, the initiative will seek to improve the provision of formal care services, with due consideration for the quality of the care provided and the environment in which these services are provided.</p>
<p>– initiating a Europe-wide information campaign on the rights of live-in care workers addressed to care users and providers;</p>	<p>Sharing best practice, analysis and experiences could contribute to finding answers to the problems currently existing in this area but also to the future needs arising from demographic developments. The Commission has no plans at present to launch a Europe-wide information campaign on the rights of live-in care workers addressed to care users and providers.</p>
<p>– promoting and supporting the establishment of organisations and cooperatives of live-in care workers;</p>	<p>The Commission has available funding for innovative projects that could be used to support live-in care workers, e.g. sharing best practice and training.</p>
<p>– implementing processes for recognition, harmonisation and transferability of qualifications and experience acquired by live-in care workers, using instruments for the recognition of qualifications, including those newly introduced by the Agenda for new skills and jobs<sup>29</sup>;</p>	<p>The content of teaching, the organisation of education systems and recognition of skills lies within the competence of Member States. The European Qualifications Framework for Lifelong Learning (EQF) has been implemented by Member States since 2008. As an instrument targeted towards increasing the comparability and transparency of qualifications across</p>

<sup>29</sup> COM(2010) 682 final: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0682&from=EN>.

	<p>Europe, it can facilitate recognition decisions, but does not give any rights to recognition. Following the Council Recommendation on the validation on non-formal and informal learning (2012), Member States agreed to put in place validation arrangements by 2018, allowing individuals to obtain a qualification on the basis of validated knowledge, skills and competences.</p>
<p>– monitoring and improving posting of live-in carers by implementing the principle of equal pay for equal work.</p>	<p>The targeted revision of the Posting of Workers Directive proposed by the European Commission on 8 March 2016<sup>30</sup> addresses the problem of wage differentials between posted and domestic workers. It proposes to entitle posted workers to the entire "remuneration" set by law or universally applicable collective agreement of the host country, instead of "minimum rates of pay". The revision proposal is under discussion in the Council and in the European Parliament. A preparatory "Study on wage setting systems and minimum rates of pay applicable to posted workers in accordance with Directive 96/71/EC<sup>31</sup> in a selected number of Member States and sectors" included the care sector in the analysis.</p>
<p>Moreover, it should be noted that the Commission's proposal for the European Pillar of Social Rights (EPSR) does not contain any reference to the situation of live-in care workers. The inclusion of their social rights should be considered in the further preparation of the EPSR, on which the EESC is currently drawing up an</p>	<p>The Commission takes note of this request. The broad public consultation on the European Pillar of Social Rights concluded only on 31 December 2016, so the final content of this initiative is not yet determined. The Commission will carefully review the feedback it has received from the consultation and</p>

30 COM(2016) 505 final.

31 OJ L 18, 21.1.1997.

<p>opinion.</p>	<p>take it into consideration when developing the final version of the Pillar.</p>
<p>1.9. Trade unions, employers and civil society organisations need to be involved in policy planning at Member State and EU level. Social and civil dialogue should be promoted with all stakeholders at all levels.</p>	<p>The promotion of dialogue between management and labour is recognised as a common objective of the European Union and the Member States (Article 151 TFEU). The EU recognises and promotes the role of social partners at its level, taking into account the diversity of national systems. It shall facilitate the dialogue between the social partners, respecting their autonomy. Social partners have a unique role under the Treaties to come to agreements for which implementation can be requested through EU legislation based on a proposal by the Commission. In March 2015 the Commission, together with the EU social partners, launched a new start for social dialogue. As a follow-up, the Commission ensured a closer involvement of the social partners in policy and law-making via organising dedicated hearings or high level meetings at the level of Vice-Presidents of the Commission. While the issue of the rights of live-in care workers is not part of the joint work-programme of the Sectoral Social Dialogue Committee (SSDC) on Hospitals, it is raised in this same SSDC as it relates to the overall labour market situation in the health sector.</p>
<p>8.5. Care labour supply shortfalls in Europe need to be placed at the top of the EU policy agenda. Attention needs to be drawn to live-in care workers who are largely overlooked in current policy paradigms.</p>	<p>Care labour is addressed by a number of initiatives on which the Commission held consultations, mainly the “new start initiative” (the Commission is now analysing the replies of social partners) and the European Pillar of Social Rights. Furthermore, the Commission will shortly launch a project with the OECD</p>

	<p>on adequate long-term care workforces. This action should investigate how an adequate long-term care workforce can be secured in the context of an increasing need for professional carers.</p>
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<p><b>N°16 Public tax transparency (country-by-country reporting)</b>  <b>COM(2016) 198 final - EESC 2016/2391 - ECO/407</b>  <b>519<sup>th</sup> Plenary Session - September 2016</b>  <b>Rapporteur: Mr Victor ALISTAR (GR11-RO)</b>  <b>Corapporteur: Mr Petru Sorin DANDEA (GR11-RO)</b>  <b>DG FISMA – Vice-President DOMBROVSKIS</b></p>	
<b>Points of the EESC opinion considered essential</b>	<b>Commission position</b>
<p>1.1 The EESC endorses the Commission proposal, which aims to make the taxation system more transparent through country-by-country reporting, and considers that this measure will boost public confidence in the European Union.</p> <p>1.4 A level playing field is guaranteed when all operators active in the single market have a fair tax burden on profits made in the European single market, regardless of the way in which they are organised in the global market.</p>	<p>The European Commission welcomes the support of the EESC for the proposal for a publication of a country-by-country reporting by multinational companies operating in the EU.</p> <p>The Commission attaches great importance to ensuring a level playing field for any company in the scope of this proposal, regardless of the way in which it is organised in the global market.</p>
<p>1.5 [...] The EESC [...] considers that the set of data to be provided must be that established by the BEPS standards which the EU and most Member States have already adopted, given that this regulatory instrument deals with transparency and is not intended to scale back existing international commitments.</p> <p>3.5 The Commission proposes that the country-by-country report should include information described in Article 48c of the proposal. The EESC considers that this information should include a declaration by the company on any operations carried out in</p>	<p>The Commission proposal contemplates information to be provided that is relevant and sufficient for citizens to get an understanding of a company's activities and the taxes paid.</p> <p>Tax authorities would typically need further details in order to carry out their duties. This explains why, compared to the set of data to be published by companies, multinational companies would be required to disclose more information to their relevant tax authority in the frame of the Directive on Administrative Cooperation<sup>32</sup>, in</p>

<sup>32</sup> Council Directive 2011/16/EU on administrative cooperation in the field of taxation, as amended in May 2016.

<p>jurisdictions included in the list provided for in Article 48g. Similarly, in order to ensure that the directive delivers the anticipated results, the list of types of information stipulated in the article should include data on assets and sales and a list of all subsidiaries and branches, as recommended by the OECD's BEPS standard.</p>	<p>relation to the documentation on transfer pricing.</p>
<p>3.6 The Commission proposes that the country-by-country report should be detailed and provide separate financial statements for each Member State in which the parent undertaking has subsidiaries or branches. For jurisdictions outside the EU, the proposal states that information must be provided in consolidated form. The EESC considers that the consolidated presentation of data might conceal aggressive tax planning operations, and thus make the directive less effective. The EESC urges the Commission to stipulate disclosure of detailed country-by-country reports for every tax jurisdiction in which the parent undertaking has subsidiaries or branches.</p>	<p>The Commission considered the impacts of several options, including options entailing the disclosure of disaggregated data, as regards the economic and social impacts, and impacts on third countries. It concluded that further geographical breakdown of information in a public country-by-country report would risk undermining the international level playing field, subjecting companies to increased double/multiple taxation by tax authorities whereas aggregated data would be sufficient to meet the intended objectives.</p> <p>The Commission observes in addition that the aggregation of data as proposed would not conceal aggressive tax planning operations, as such aggregation would be related to operations in third countries that comply with good tax governance standards; i.e. in countries in which, by definition, no significant aggressive tax planning is likely to take place.</p>
<p>1.7 The EESC recommends that the data be disclosed in one of the internationally-used languages included among the official languages of the EU in order to achieve the objective of giving the public genuine access to data for the whole single market.</p>	<p>The Commission takes note of this recommendation, and will strive to have it considered in the frame of the forthcoming interinstitutional legislative process.</p>
<p>1.8 With a view to simplifying the administrative burden inherent in disclosing</p>	<p>The Commission takes note of the EESC's proposal for creating a central</p>

<p>and managing data at EU level, the EESC considers that Member States should be required to establish a public register for country-by-country reporting, to include an EU-wide standardised system.</p>	<p>EU register and observes that a balance would need to be struck between the possible utility of such a register and adequate privacy and proportionality.</p>
<p>1.10 The EESC considers that, in order to resolve the underlying problems, the Commission must produce a more ambitious package which pursues the ongoing tax harmonisation and ensures that the resources needed for the Member States' investment programmes, social protection and economic growth are collected efficiently, proportionately and without discrimination, avoiding both tax base erosion and the dangers of abuse and surcharging in some jurisdictions.</p>	<p>The Commission Action Plan for fair and efficient corporate taxation in the EU<sup>33</sup> sets out a series of initiatives to fundamentally reform the corporate tax framework in the EU, in order to tackle tax abuse, ensure sustainable revenues and support a better business environment in the Single Market. Key actions include a strategy to re-launch the Common Consolidated Corporate Tax Base (CCCTB) and a framework to ensure effective taxation where profits are generated. Following the Action Plan, on 25 October 2016, the Commission adopted two proposals to re-launch the CCCTB<sup>34</sup>. The CCCTB features as an effective tool for attributing income to where the value is created, through a formula based on three equally weighted factors (i.e. assets, labour, and sales). Since these factors are attached to where a company earns its profits, they are more resilient to aggressive tax planning practices than the widespread transfer pricing methods for allocating profit. Alongside the anti-tax avoidance function of the CCCTB, the re-launched project also retains its character as a corporate tax system which facilitates cross-border trade, investment, growth and job creation in the internal market.</p>

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<sup>33</sup> COM(2015) 302 final.

<sup>34</sup> COM(2016) 683 final and COM(2016) 685 final.

<p>1.11 The EESC considers that the EUR 750 million threshold is too high and calls either for it to be reduced or for a schedule to be drawn up stipulating a gradual decrease in the threshold.</p>	<p>The threshold of EUR 750 million is in line with the approach of the Organisation for Economic Co-operation and Development (OECD) and the G20. Such threshold enables to cover a limited number of multinational companies (10% of all) controlling approximately 90% of corporate revenues made by such companies.</p>
<p>1.12 Clearer criteria must be established for defining tax good governance and listing tax jurisdictions which do not comply.</p>	<p>The Commission takes note of the EESC's proposal to refine these criteria, and will have regard to the work already undertaken by the Council and the Commission in this area.</p>
<p>3.12 Given the damage done by the crisis to the administrative capacity of Member States' tax administrations, the EESC recommends that the Commission and the Member States should assign the human and financial resources needed to ensure that the new tax rules are implemented successfully.</p>	<p>The Commission attaches great importance to better regulation. In this context, it constantly strives to devote the internal resources that are necessary to ensure the proper implementation of EU legislation by Member States.</p>

<p><b>N°17      Entry/Exit System</b>  <b>COM(2016) 194 – final, COM(2016) 196 final – EESC 2016/3098 -</b>  <b>SOC/544</b>  <b>519<sup>th</sup> Plenary Session - September 2016</b>  <b>Rapporteur: 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>1.1. The EESC considers that the roll-out of the new entry/exit system must be accompanied by campaigns explaining as clearly as possible how the system works, emphasising the protection of personal data. It recommends organising information campaigns and educational campaigns targeting both authorities and third-country nationals.</p>	<p>The Entry/Exit System (EES) proposal foresees that the Commission shall, in cooperation with the national supervisory authorities and the European Data Protection Supervisor, accompany the start of the EES operation with an information campaign informing the public about the objectives, the data stored, the authorities having access and the rights of persons (Article 45 Information Campaign).</p> <p>In addition, the EES proposal foresees for third country nationals whose data are recorded in the EES to be informed by the Member State responsible, in writing, at the time of the EES registration of who may access the data and for what purpose, of the obligation to have fingerprints taken, of the obligation to have their facial image recorded; that the collection of the data is mandatory for the examination of entry conditions; of the right of access to data relating to them, the right to request that inaccurate data relating to them be corrected or that unlawfully processed data relating to them be deleted, including the right to receive information on the procedures for exercising those rights and contact</p>

	<p>details of the national supervisory authorities, or, if applicable, of the European Data Protection Supervisor. In addition, a common leaflet and a multilingual website, containing also Member State specific information, will be drawn up and set up by the Commission (Article 44 Right of Information).</p> <p>Thus, the information campaign accompanying the roll-out of the system as well as the targeted written information explaining the system and emphasising protection of personal data, should assure that both authorities and third country nationals receive adequate explanations in the roll-out phase of the EES.</p>
<p>1.2. The EESC considers that staff involved in running the system must be properly informed and trained, and recommends that such training be given significant financial and institutional support.</p>	<p>Before being authorised to process data stored in the EES, the staff of the (Member States') authorities having a right to access the EES shall be given appropriate training about data security and data protection rules in particular and on relevant fundamental rights (<i>Article 35 Responsibilities of Member States</i>).</p> <p>The EES proposal also foresees that the eu-LISA Agency, responsible for the operational development of the EES, shall perform tasks relating to training on the technical use of the EES (Article 63).</p> <p>In addition, the relevant and standardised training of the border guards has been secured at EU level as</p>

	<p>well, be it through the Schengen Borders Code<sup>35</sup> or FRONTEX<sup>36</sup> and CEPOL<sup>37</sup> Agencies.</p> <p>The training mentioned above, the financial support foreseen for the EES, the information campaign accompanying the roll-out of the system as well as the fact that Member States' EES project managers will take part in the EES Advisory Group during the design and development phase of the system (Article 62 Advisory Group and Article 34 (2) Development and operational management), should allow staff at eu-LISA and Member States' level to run the system in an informed way.</p>
<p>1.3. The EESC considers that compliance with fundamental rights will need to be monitored constantly by the competent EU institutions and open to civil society organisations at both European and national levels.</p>	<p>Before being authorised to process data stored in the EES, the staff of the (Member States') authorities having a right to access the EES shall be given appropriate training about data security and data protection rules in particular and on relevant fundamental rights (Article 35 (4) Responsibilities of Member States). Each competent authority shall also ensure that in using the EES, it does not discriminate against third country nationals and that it fully respects human dignity and the integrity of the person (Article 9 (2) General provisions).</p> <p>In relation to the processing of personal data in the EES, it is also foreseen that</p>

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<sup>35</sup> Regulation (EC) No 562/2006 establishing a Community Code on the rules governing the movement of persons across borders.

<sup>36</sup> Regulation (EU) No 1168/2011 amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.

<sup>37</sup> Council Decision 2005/681/JHA establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA.

	<p>each Member State shall designate an authority which will control and have central responsibility for the processing of data by this Member State. In particular, the Member State responsible shall ensure that the data are collected lawfully and in full respect of the human dignity of the third country national (Article 36 (1) Responsibility for the use of data).</p> <p>Independently of the EES' proposed provisions, the Fundamental Rights Agency (FRA) is closely monitoring the legislative proposals in the area of large scale IT systems for border management and published a report on the implications on fundamental rights. In July 2016, FRA and eu-LISA signed a working agreement in Vienna, which aims to establish a cooperation framework in areas of common interest, such as Member States and EU agency training for users of border management IT systems.</p> <p>Finally, the EES proposal foresees a monitoring system by competent authorities. Three years after the start of operations and every four years thereafter, an overall evaluation shall include, inter alia, the impact on fundamental rights. The Commission shall transmit such an evaluation report to the European Parliament and the Council (Article 64(5)).</p>
<p>1.4. As regards personal data, the EESC stresses that the right to access, rectify and delete personal data must be clearly defined and safeguarded.</p>	<p>Concerning the right to protection of personal data, the proposal contains safeguards as regards personal data, in particular access thereto, which should be strictly limited only to the purpose of this Regulation and to the therein designated competent authorities.</p>

	<p>Safeguards as regards personal data also include the right of access to or the right of correction or deletion of data. The limitation of the retention period of data also contributes to the respect for personal data as a fundamental right (Recitals 34 and 35, Articles: 44 Right of information, 46 Right of access, correction and deletion, 47 Cooperation to ensure the rights on data protection, 48 Remedies, 49 (1) (2) Supervision by the national supervisory authority, 50 (1) (2) Supervision by the European Data Protection Supervisor, 51 (4) Cooperation between national supervisory authorities and the European Data Protection Supervisor, 52 Protection of personal data for law enforcement access and Articles 31 Retention period for data storage and 32 Amendment of data and advance data deletion).</p>
<p>1.5. After the system is rolled out, the EESC would recommend carrying out an investigation similar to the one undertaken in the pilot phase, in order to explore the system's impact on passengers under "real-life" conditions.</p>	<p>The EES proposal foresees for eu-LISA to ensure that procedures are in place to monitor the development of the EES in view of objectives relating to planning, costs and functioning of the EES in the light of objectives relating to, inter alia, quality of service (Article 64 (1) Monitoring and evaluation).</p> <p>As part of the monitoring procedure due to take place three years after the start of operations of the EES and every four years thereafter, it is foreseen for the Commission to produce an overall evaluation of the EES. This overall evaluation shall include an examination of results achieved against objectives and the impact on fundamental rights, and assessing the continuing validity of the underlying rationale, the application of the Regulation, the security of the</p>

	EES and any implications on future operations, and shall make any necessary recommendations (Article 64 (5) Monitoring and evaluation).
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