

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

EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

PLENARY SESSION OF DECEMBER 2016

N°	Title	References
DG BUDG		
1. DG BUDG associate d	<p>Mid-term review of the Multiannual Financial Framework 2014-2020</p> <p>Communication from the Commission to the European Parliament and the Council. Mid-term review/revision of the multiannual financial framework 2014-2020. An EU budget focused on results</p> <p>Proposal for a Council Regulation amending Regulation (EU, Euratom) No 1311/2013 laying down the multiannual financial framework for the years 2014-2020</p> <p>Proposal for a Regulation of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union and amending Regulation (EC) No 2012/2002, Regulations (EU) No 1296/2013, (EU) 1301/2013, (EU) No 1303/2013, EU No 1304/2013, (EU) No 1305/2013, (EU) No 1306/2013, (EU) No 1307/2013, (EU) No 1308/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014,(EU) No 283/2014, (EU) No 652/2014 of the European Parliament and of the Council and Decision No 541/2014/EU of the European Parliament and of the Council</p> <p>Rapporteur-general: Stefano PALMIERI (GRII-IT)</p>	<p>COM(2016) 603 final</p> <p>COM(2016) 604 final 2016/0283 (APP)</p> <p>COM(2016) 605 final - 2016/0282 COD</p> <p>EESC-2016-05349-PA- TRA</p> <p>ECO/417</p>
DG GROW		
2.	<p>European standardisation for 2017</p> <p>Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee. The annual Union work programme for European standardisation for 2017</p> <p>Rapporteur: Elżbieta SZADZIŃSKA (GRIII-PL)</p>	<p>COM(2016) 357 final</p> <p>EESC-2016-05417-AS- TRA</p> <p>INT/803</p>
3.	<p>Promoting innovative and high growth firms</p> <p>Rapporteur: Antonio GARCÍA DEL RIEGO (GRI-ES)</p>	<p>EESC-2016-00899-AS- TRA</p> <p>ECO/403</p> <p>own-initiative opinion</p>

4.	<p>Communication on the collaborative economy</p> <p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A European agenda for the collaborative economy</p> <p>Rapporteur: Carlos TRIAS PINTÓ (GRIII-ES) Corapporteur: Mihai MANOLIU (GRI – RO)</p>	<p>COM(2016) 356 final</p> <p>EESC-2016-03545-AS-TRA</p> <p>INT/793</p>
5.	<p>The functional economy</p> <p>Rapporteur: Thierry LIBAERT (GRIII-FR)</p>	<p>EESC-2016-00975-AS-TRA</p> <p>INT/784</p> <p>Own-initiative opinion</p>
DG CNECT		
6.	<p>Communication on online platforms</p> <p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Online platforms and the digital single market – opportunities and challenges for Europe</p> <p>Rapporteur: Thomas MCDONOGH (GRI-IE)</p>	<p>COM(2016) 288 final</p> <p>EESC-2016-04519-AS-TRA</p> <p>TEN/601</p>
7.	<p>Strengthening Europe's cyber resilience system</p> <p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Strengthening Europe's Cyber Resilience System and Fostering a Competitive and Innovative Cybersecurity Industry</p> <p>Rapporteur: Thomas MCDONOGH (GRI-IE)</p>	<p>COM(2016) 410 final</p> <p>EESC-2016-04559-AS-TRA</p> <p>TEN/608</p>
DG TAXUD		
8.	<p>Proposal for a Council Directive amending Directive (EU) 2016/1164 as regards hybrid mismatches with third countries</p> <p>Proposal for a Council Directive amending Directive (EU) 2016/1164 as regards hybrid mismatches with third countries</p> <p>Rapporteur-general: Mihai IVAȘCU (GRIII-RO)</p>	<p>COM(2016) 687 final - 2016/0339 CNS</p> <p>EESC-2016-05994-PAC-TRA</p> <p>ECO/422</p>

DG EMPL		
9.	<p>Revision of the Posting of Workers Directive (96/71/EC)</p> <p>Proposal for a Directive of the European Parliament and of the Council amending Directive 96/71/EC of The European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services</p> <p>Rapporteur: Vladimíra DRBALOVÁ (GRI-CZ) Rapporteur: Ellen NYGREN (GRII-SE)</p>	<p>COM(2016) 128 final - 2016/0070 COD</p> <p>EESC-2016-02470-AS-TRA</p> <p>SOC/541</p>
DG FISMA		
10.	<p>An appropriate framework for the transparency of companies</p> <p>Rapporteur: Vladimíra DRBALOVÁ (GRI-CZ)</p>	<p>EESC-2016-00828-AS-TRA</p> <p>ECO/404</p> <p>Own-initiative opinion</p>
11.	<p>Regulation amending the European Venture Capital Fund (EuVECA) and European Social Entrepreneurship (EuSEF) Fund regulations</p> <p>Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 345/2013 on European venture capital funds and Regulation (EU) No 346/2013 on European social entrepreneurship funds</p> <p>Rapporteur: Giuseppe GUERINI (GRIII-IT) Corapporteur: Michael IKRATH (GRI-AT)</p>	<p>COM(2016) 461 final - 2016/0221 COD</p> <p>EESC-2016-04486-AS-TRA</p> <p>ECO/413</p>
12.	<p>Key information documents for packaged retail and insurance-based investment products</p> <p>Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1286/2014 of the European Parliament and of the Council on key information documents for packaged retail and insurance-based investment products as regards the date of its application</p> <p>Rapporteur-general: Daniel MAREELS (GRI-BE)</p>	<p>COM(2016) 709 final</p> <p>EESC-2016-06321-APA-TRA</p> <p>INT/811</p>

DG HOME		
13.	<p>Towards a coherent EU labour immigration policy with regard to the EU Blue Card (own-initiative opinion)</p> <p>Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment</p> <p>Rapporteur: Peter CLEVER (GRI-DE)</p>	<p>COM(2016) 378 final - 2016/0176 COD</p> <p>EESC-2016-02508-AS-TRA</p> <p>SOC/539</p>
14.	<p>Common European Asylum System Reform Package II</p> <p>Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast)</p> <p>Proposal for a Regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents</p> <p>Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU</p> <p>Rapporteur: José Antonio MORENO DÍAZ (GR II-ES) Co-rapporteur: Cristian PÎRVULESCU (GR III-RO)</p>	<p>COM(2016) 465 final - 2016/0222 COD</p> <p>COM(2016) 466 final - 2016/0223 COD</p> <p>COM(2016) 467 final - 2016/0224 COD</p> <p>EESC-2016-04410-AS-TRA</p> <p>SOC/547</p>
DG MARE		
15.	<p>Multiannual plan for demersal stocks in the North Sea and fisheries exploiting those stocks</p> <p>Proposal for a Regulation of the European Parliament and of the Council on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008</p> <p>Rapporteur: Thomas MCDONOGH (GR I-IE)</p>	<p>COM(2016) 493 final - 2016/0238 COD</p> <p>EESC-2016-05444-AS-TRA</p> <p>NAT/697</p>

16. EEAS co-lead	<p>Arctic policy</p> <p>Joint communication to the European Parliament and the Council. An integrated European Union policy for the Arctic</p> <p>Rapporteur: Stéphane BUFFETAUT (GRI-FR)</p>	<p>JOIN(2016) 21 final</p> <p>EESC-2016-04426-AS-TRA</p> <p>REX/470</p>
DG MOVE		
17.	<p>Aviation package II</p> <p>Proposal for a Regulation of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and repealing Regulation (EC) No 216/2008 of the European Parliament and of the Council</p> <p>Rapporteur: Raymond HENCKS (GR11-LU) Co-rapporteur: Stefan BACK (GRI-SE)</p>	<p>COM(2015) 613 final - 2015/0277 COD</p> <p>EESC-2016-02832-AS-TRA</p> <p>TEN/597</p>
DG ECHO		
18.	<p>Lives in dignity: from aid-dependence to self-reliance</p> <p>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Lives in dignity: from aid-dependence to self-reliance. Forced displacement and development</p> <p>Rapporteur: Michael McLOUGHLIN (GR11-IE)</p>	<p>COM(2016) 234 final</p> <p>EESC-2016-04538-AS-TRA</p> <p>REX/469</p>

DG CLIMA		
19.	<p>Effort sharing decision in 2030 climate and energy policy framework and emissions and removals from land use, land-use change and forestry (LULUCF)</p> <p>Proposal for a Regulation of the European Parliament and of the Council on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry into the 2030 climate and energy framework and amending Regulation No 525/2013 of the European Parliament and the Council on a mechanism for monitoring and reporting greenhouse gas emissions and other information relevant to climate change</p> <p>Proposal for a Regulation of the European Parliament and of the Council on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 for a resilient Energy Union and to meet commitments under the Paris Agreement and amending Regulation No 525/2013 of the European Parliament and the Council on a mechanism for monitoring and reporting greenhouse gas emissions and other information relevant to climate change</p> <p>Rapporteur: Tellervo KYLÄ-HARAKKA-RUONALA (GRI-FI) Co-rapporteur: Mindaugas MACIULEVIČIUS (GRIII-LT)</p>	<p>COM(2016) 479 final - 2016/0230 COD</p> <p>COM(2016) 482 final - 2016/0231 COD</p> <p>EESC-2016-04477-AS-TRA</p> <p>NAT/696</p>
DG ESTAT		
20.	<p>Extending the 2013-2017 European statistical programme for the 2018-2020 period</p> <p>Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 99/2013 of the European Parliament and of the Council on the European statistical programme 2013-17, by extending it to 2018-2020</p> <p>Rapporteur: Petru Sorin DANDEA (GRII-RO)</p>	<p>COM(2016) 557 final - 2016/0265 COD</p> <p>EESC-2016-05294-AS-TRA</p> <p>ECO/415</p>
DG TRADE		
21.	<p>Enhancement of the EU-Turkey bilateral trade relations and the modernisation of the Customs Union</p> <p>Rapporteur: Dimitris DIMITRIADIS (GRI-EL)</p>	<p>EESC-2016-03440-AS-TRA</p> <p>REX/468</p>

DG AGRI		
22.	<p>The main underlying factors that influence the Common Agricultural Policy post-2020</p> <p>Rapporteur: Simo TIAINEN (GRIII-FI)</p>	<p>EESC-2016-00801-AS-TRA</p> <p>NAT/682</p> <p>Own-initiative opinion</p>
DG JRC		
23.	<p>Towards applying Nudge Thinking to EU policies</p> <p>Rapporteur: Thierry LIBAERT (GRIII-FR)</p>	<p>EESC-2016-01333-AS-TRA</p> <p>NAT/685</p> <p>Own-initiative opinion</p>
DG ECFIN		
24.	<p>Extension of the duration of EFSI (EFSI 2.0)</p> <p>Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) No 1316/2013 and (EU) 2015/1017 as regards the extension of the duration of the European Fund for Strategic Investments as well as the introduction of technical enhancements for that Fund and the European Investment Advisory Hub</p> <p>Rapporteur: Alberto MAZZOLA (GRI-IT)</p>	<p>COM(2016) 597 final - 2016/0276 COD</p> <p>EESC-2016-05518-AS-TRA</p> <p>ECO/416</p>

<p>N°1 Mid-term revision of the Multiannual Financial Framework (MFF) 2014-2020 COM(2016) 603 final, COM(2016) 604 final, COM(2016) 605 final - EESC 2016/5349 - ECO/417 521st Plenary Session - December 2016 Rapporteur: Mr Stefano PALMIERI (GRII-IT) DG BUDG – Commissioner OETTINGER</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>The European Economic and Social Committee:</p> <ul style="list-style-type: none"> - welcomes the provisions for flexibility to deal with the unexpected crises of recent years; - considers that the current framework is not enough to tackle the challenges and priorities of the European Union; - recommends to use the mid-term review to prepare the next Multiannual Financial Framework; - singles out the initiatives which have the greatest European Union added value: major investments and innovation (European Fund for Strategic Investments), the contribution of migrants to the economy and labour market, the European Structural and Investment Funds and the social pillar; - agrees with the increases proposed for Horizon 2020, Connecting Europe Facility, Erasmus+, the European Union Programme for the Competitiveness of Enterprises and Small and Medium-sized Enterprises (COSME), Free Wi-Fi for Europeans (WiFi4EU), the European Fund for Strategic Investments and the Youth Employment Initiative (YEI); - agrees with the additional resources to 	<p>The Commission takes note of the European Economic and Social Committee opinion and its broad support for the Commission proposal for the Mid-term revision of the Multiannual Financial Framework.</p> <p>With respect to what is referred to as the 'qualitative' aspects of the Mid-term Review, the Commission will cooperate with the European Economic and Social Committee in the context of the ongoing, separate work stream dedicated to the legislative proposals relating to the revision of the Financial Regulation/ Omnibus Regulation.</p> <p>At this stage of the procedure, no further follow-up from the Commission is required.</p>

<p>tackle the migration and security challenges;</p> <ul style="list-style-type: none">- agrees with the simplification proposals;- warns against indiscriminate application of the principles of better spending and performance-based budgeting to programmes which are less easy to evaluate than others;- makes recommendation as to the duration of the next Multiannual Financial Framework;- supports the introduction of new own-resources and calls for an independent, transparent and fair own-resources system.	
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<p>N°2 European standardisation for 2017 COM(2016) 357 final - EESC 2016/5417 - INT/803 521st Plenary Session - December 2016 Rapporteur: Ms Elżbieta SZADZIŃSKA (GRIII-PL) DG GROW - Commissioner BIENKOWSKA</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.1. The European Economic and Social Committee welcomes the European Union's 2017 annual work programme on European standardisation, which forms part of a comprehensive standardisation package.</p>	<p>The Commission welcomes the European Economic and Social Committee opinion on this essential point.</p>
<p>1.2. The Commission's proposed annual plan follows on from, and adds to, the measures outlined in the 2016 plan, on which the Committee has already commented in earlier opinions.</p>	<p>The Commission welcomes the European Economic and Social Committee opinion on this essential point.</p>
<p>1.3. The European Economic and Social Committee reiterates the importance of standards for making the single market more competitive and developing innovative products and services, and for increasing their quality and safety for the benefit of consumers, workers, businesses and the environment.</p>	<p>These objectives have also been highlighted in the recent Commission Communication on "European standards for the 21st century"¹.</p>
<p>1.4. As the representative of organised civil society, the European Economic and Social Committee supports such a standardisation system which meets the needs both of society and the economy.</p>	<p>The Commission has recognised the importance of a deeper understanding of economic and societal impacts of standards and therefore the Annual Union Work Programme for 2017 foresees a study focused on that objective.</p>

¹ COM(2016) 358 final.

<p>1.5. The European Economic and Social Committee points out once again that ensuring the pluralism of European standardisation systems by including the organisations referred to in annex III of Regulation (EU) No 1025/2012² guarantees greater transparency and access to this system. The participation of society representatives in the standardisation system must not be limited to the European Union level. These stakeholders should be involved in national standardisation systems too.</p>	<p>The Commission in implementation of Regulation (EU) No 1025/2012 provides financial support to the organisations representing SMEs, consumers, environmental interests and social interests. In addition to the financial contribution, the Commission takes actions to ensure the presence and effective participation of the Annex III organisations in important meetings and events. Through these actions the Commission aims to create the conditions enabling the Annex III organisations to achieve a higher level of participation of their members in the standardisation system at national and European levels.</p>
<p>1.6. Standards are developed in support of European Union legislations and policies ("new legislative approach" related standards, Energy Union, etc.). In addition, the development of digitalisation in industry, the supply chain and services means that Information and Communications Technology standards and standards for services are key to conducting business in different sectors of the economy. The Commission recognised in this connection that measures in both of these areas will be a priority and this is welcomed by the European Economic and Social Committee.</p>	<p>The Commission welcomes the European Economic and Social Committee opinion on this essential point.</p>
<p>1.7. At the same time, the European Economic and Social Committee points out that competitiveness of small and medium-</p>	<p>The Commission is working with the European Standardisation Organisations and the organisation</p>

² Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council Text with EEA relevance, OJ L 316, 14.11.2012.

<p>sized enterprises should be supported by involving them in the process of drafting and implementing standards, and by adopting appropriate educational measures to raise awareness of the benefits of standards.</p>	<p>representing small and medium-sized enterprises' interests with this objective in mind.</p>
<p>1.8. The Transatlantic Trade and Investment Partnership negotiations currently being conducted by the Commission and the completed Comprehensive Economic and Trade Agreement negotiations show that standardisation, on account of the various systems involved, is a major point of discussion. According to the European Economic and Social Committee, therefore, stakeholders need to be informed about the differences between the standardisation systems of the negotiating parties and the potential risks and benefits arising from these differences.</p>	<p>The Commission welcomes the European Economic and Social Committee opinion on this point and has committed itself to transparency³. Explanation and comparison of the negotiating parties' standardisation systems take place at the very beginning of any negotiations on the Technical Barriers to Trade chapter (see for Transatlantic Trade and Investment Partnership http://trade.ec.europa.eu/doclib/docs/2015/january/tradoc_153003.2%20TBTs.pdf and http://trade.ec.europa.eu/doclib/docs/2015/january/tradoc_153025.pdf).</p>
<p>1.9. The European Economic and Social Committee supports the proposal to establish an interinstitutional dialogue on standardisation - a view it has already expressed in an earlier opinion.</p>	<p>The Commission welcomes the European Economic and Social Committee opinion on this essential point.</p>
<p>1.10. The European Economic and Social Committee also welcomes the Commission proposal to carry out research into the impact of standards on the economy and society.</p>	<p>The Commission welcomes the European Economic and Social Committee opinion on this essential point.</p>

³ See C(2014) 9052 final.

<p>N°3 Promoting innovative and high growth firms (own-initiative opinion) EESC 2016/0899 – ECO/403 521st Plenary session - December 2016 Rapporteur: Mr Antonio GARCÍA DEL RIEGO (GRI-ES) DG GROW – Commissioner BIENKOWSKA</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.1. The European Economic and Social Committee encourages the Commission to pursue its efforts to develop policy proposals aimed at promoting the creation of innovative and high growth firms and recommends that these initiatives are conducted, led and coordinated by a single unit responsible for assessing, monitoring and achieving synergies between innovative policies delivered by different Directorates-General. These policy proposals should strengthen the single market, reinforce the clusters and ecosystems in which innovative start-ups are created, develop the equity component of the European capital markets, encourage an academic agenda focusing on jobs for the future and minimise the cost and red tape involved in starting a new entrepreneurial venture.</p>	<p>The Commission welcomes the European Economic and Social Committee's support for promoting innovative and high growth firms. The Commission closely coordinates and streamlines its policy initiatives aiming at supporting the creation of start-ups and their growth.</p> <p>The main lines of action that the Commission is planning to take in this area are presented in the Start-up and Scale-up Initiative ⁴ adopted in November 2016. The Start-up and Scale-up Initiative brings together a range of existing and new actions to make it easier for start-ups to grow and do business across Europe.</p> <p>In particular, the Single Digital Gateway will provide citizens and businesses easy online access to Single Market high quality comprehensive information, effective assistance and problem solving services and efficient procedures regarding rules applicable to them when exercising their rights in</p>

⁴ COM(2016) 733 final.

	<p>the field of the internal market.</p> <p>A set of European rules on business insolvency adopted in November 2016⁵ aims to (1) guarantee an early-warning mechanism and the availability of restructuring frameworks in Member States in order to restore viability and avoid insolvency, in particular for small and medium-sized enterprises; (2) allow honest entrepreneurs to benefit from a second chance and (3) enhance the efficiency of restructuring, insolvency and discharge procedures.</p> <p>The Capital Markets Union includes a package of measures supporting venture capital and risk capital financing. The Commission is assessing the different tax regimes in Member States for Venture Capital in order to determine best practice and is looking into the added value that incentives to venture capital can provide to further promote equity investments. In addition, the recent proposal for the Common Consolidated Corporate Tax Base makes it possible for innovative start-ups and scale-ups to ensure that equity and debt financing are treated equally from a tax point of view.</p> <p>The Commission aims to foster ecosystems where start-ups can connect with potential partners such as investors, business partners, universities and research centres. To that end, a number of pilot measures on matchmaking will be put in place, linking start-ups, mid-caps and larger enterprises. Further actions will focus on enhancing innovation opportunities</p>
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⁵ COM(2016) 723 final.

	<p>for start-ups, for example by using the Innovation Radar⁶ to connect potential business partners and investors with Horizon 2020-funded innovators to help them to scale up.</p> <p>The revamped European Observatory for Clusters and Industrial Change will systematically collect information on start-ups and scale-ups, conduct analysis, and provide evidence to Member States to help them design policy and its implementation.</p>
<p>1.1.5.1. The European Economic and Social Committee encourages the Commission to remove any legal constraints to student and young entrepreneur exchanges, for example with the creation of an Erasmus programme for young entrepreneurs</p> <p>3.1.3. An Erasmus Programme for young entrepreneurs could be encouraged. It fits in with the guiding principle of growth and jobs, and it is an initiative that would facilitate mobility and would be well received by businesses.</p>	<p>The Commission created the Erasmus for Young Entrepreneurs Programme in 2009 to facilitate the exchange of experiences, learning & networking for New Entrepreneurs through time spent with Experienced Host Entrepreneurs in another country. About 4 600 entrepreneurs participated already in the Programme and the objective is to have 10 000 exchanges by 2020. The Programme is financed by the European Union Programme for the Competitiveness of Enterprises and Small and Medium-sized Enterprises (COSME)⁷. Reducing administrative burden and constraints has been a priority from the Commission since the start of the Programme.</p>
<p>1.2. The European Investment Fund and the European Investment Bank are asked to support innovative firms with specific venture and seed capital to facilitate technological transfer from universities and research centres. This could be structured in the form of first loan guaranties that would help to overcome initial resistance to private</p>	<p>Access to finance has been identified as a key barrier for companies with growth ambitions.</p> <p>The Commission has reinforced existing financial instruments under the European Fund for Strategic Investments and the European Union</p>

⁶ <https://ec.europa.eu/digital-single-market/en/innovation-radar>.

⁷ The EU Programme for the Competitiveness of Enterprises and SMEs.

<p>funding.</p> <p>1.3. The European Fund for Strategic Investments, a EUR 21 billion fund made up of European Union guarantees and European Investment Bank capital, should play a critical role in helping innovative projects attain scale and make it to the market. Moreover, the European Fund for Strategic Investments could be a model for future European Union budgets, moving from a traditional grant-based method of financing projects to a more efficient investment-led model, which would "crowd in" funds for projects. The European Fund for Strategic Investments has successfully funded relatively risky areas that could have been easily overlooked.</p>	<p>Programme for the Competitiveness of Enterprises and Small and Medium-sized Enterprises (COSME), mobilising additional financing for small and medium-sized enterprises in the start-up and scale-up phases.</p> <p>The Commission and the European Investment Bank Group are launching a Pan-European Venture Capital Fund of Funds. The European Union will provide cornerstone investments of up to a maximum budget of EUR 400 million, and the fund manager(s) must raise at least three times as much from private sources, triggering a minimum of EUR 1.6 billion in venture capital funding.</p>
<p>1.4. The European Economic and Social Committee calls for building a broader investment toolkit to stimulate growth-stage investment, including "asymmetric funds", which deliver different returns to different classes of asset investors, and alternative finance vehicles, such as crowdfunding⁸. The creation of sub-markets should also be considered in order to facilitate access to markets for European small and medium-sized enterprises.</p>	<p>The Commission acknowledges that alternative sources of finance for fast-growing firms become more and more important. During 2017, the Commission will coordinate a pan-European platform where Member States' best practice on crowdfunding can be shared, together with an assessment of financing gaps in alternative sources of finance, to understand whether further public financing or other measures are needed.</p> <p>In its recent Start-up and Scale-up initiative, the Commission announced that it will look into the potential added value of additional incentives to venture capital through, for instance, schemes allowing privately owned and managed investment funds to benefit from public guarantee when raising debt financing in order to make equity</p>

⁸ Ibid, p. 5.

	and debt investments in start-ups and scale-ups. Moreover, the Commission proposed initiatives on crowdfunding, complementing the actions proposed under the Capital Markets Union.
1.5. The Commission should address regulatory asymmetries between European and the United States regarding the treatment of investments in software, and remove the regulatory constraints that hamper the European financial sector in investing in digital development.	With the Digital Single Market package launched in April 2016, the Commission is building on and complementing the various national initiatives for digitising industry. The Commission uses its policy instruments, financial support, coordination and legislative powers to trigger further public and private investments in digital development in all industrial sectors.
3.3. High growth and innovative businesses are often more likely to be rejected for bank loan financing because they lack capital, which forms a key part of banks' credit assessments ⁹ . Equity finance is therefore fundamental for start-ups and for businesses with significant expansion plans but uncertain or negative-forecasted cash flows. Bank lending should thus be complemented by improving the diversity and flexibility of funding sources with special emphasis on the role of equity finance.	As part of the Juncker Commission's priority to boost jobs, growth and investment across the EU, the Capital Markets Union initiative aims at fostering access to complementary sources of finance, thereby reducing small and medium-sized enterprises' high dependence on bank finance. The Action Plan ¹⁰ addresses many issues including venture capital, access to public capital markets, securitisation, crowd-funding and small and medium-sized enterprise credit information.
3.4.1.4. Also problematic is the insufficient involvement of private investors. Over the last decade, the European venture capital sector has become increasingly reliant on public sector institutions, which contributed 31% ¹¹ of the total investment in 2015, up from a mere 15% ¹² in 2007. The	In order to address this and other issues, the Commission and the European Investment Fund invest in the new, independently managed Pan-European Venture Capital Fund of Funds alongside major private investors to increase the size of

⁹ *Supporting investors and growth firms* – T. Aubrey, R. Thillaye, and A. Reed, 2015, p. 40.

¹⁰ COM(2015) 468 final.

¹¹ <http://www.investeurope.eu/media/476271/2015-european-private-equity-activity.pdf>.

¹² http://www.investeurope.eu/media/340371/141109_EVCA_FOF_scheme.pdf.

<p>aim should not be less public money but more private sources. The investor base needs to be broadened and diversified if the industry is to become self-sustaining in the long run.</p>	<p>Venture Capital Funds in Europe and overcome current fragmentation. The European Union cornerstone investments will be up to EUR 400 million.</p>
<p>3.5. Different tax treatments across Member States and between different types of financing pose an obstacle to the development of pan-European capital markets, with an impact on both investors and issuers.</p> <p>3.5.1. Most corporate tax systems in Europe favour financing by debt rather than equity, by allowing a deduction for interest costs; there is no deduction for dividend payments in the case of equity. Such debt bias could be addressed through tax deductions for the cost of both equity and debt financing¹³.</p> <p>3.5.1.1. Tax incentives play an important role in the provision of finance to high growth early-stage companies, and several governments around the world allow tax deductions for individuals and companies invested in high technology start-ups or qualified venture capital funds¹⁴.</p>	<p>See above.</p> <p>Moreover, the recently adopted proposals to re-launch the Common Consolidated Corporate Tax Base contain incentives for businesses to grow and expand cross-border within the Single Market. In addition to the advantages outlined above, for innovative start-ups and scale-ups that would opt in the Common Consolidated Corporate Tax Base, it will incentivise Research and Development spending, which is crucial for growth, with a super-deduction.</p>

¹³ Serena Fatica, Thomas Hemmelgarn and Gaëtan Nicodème, "The Debt-Equity Tax Bias: Consequences and Solutions", European Commission Taxation Papers / Working Paper 33-2012: http://ec.europa.eu/taxation_customs/resources/documents/taxation/gen_info/economic_analysis/tax_papers/taxation_paper_33_en.pdf.

¹⁴ E.g. point 4.3.

N°4 Communication on the collaborative economy
COM(2016) 356 final – EESC 2016/3545 – INT/793
521st Plenary Session - December 2016
Rapporteur: Mr Carlos TRIAS PINTÓ (GR11-ES)
Corapporteur: Mr Mihai MANOLIU (GR1 – RO)
DG GROW - Commissioner BIENKOWSKA

Points of the European Economic and Social Committee opinion considered essential

Commission position

1.4. For their part, digital platforms, in particular those that support gainful activity deserve the full attention of the Commission, in order to regulate and harmonise their activity and ensure a level playing field on the basis of transparency, information, full access, non-discrimination and appropriate use of data. In particular, it is essential to redefine the concept of legal subordination with regard to the economic dependence of workers, and guarantee labour rights regardless of the type of activity.

1.5. The challenge, therefore, consists in drawing a line between the different forms that this economy can take and proposing differentiated regulatory approaches¹⁵, giving priority to those digital initiatives that are founded on democratic, solidarity-based and inclusive governance, in harmony with social innovation, which results in the need to inform consumers about their identity-giving values and their organisation and management arrangements. In this regard, the European Economic and Social Committee recommends carrying out qualitative research into the network of relationships established by its agents in the collaborative economy environment itself.

The Commission is fully aware that freelancers, unions, cooperatives, and startups can adapt a platform co-op model to build more sustainable livelihoods and reinforce more efficiently workers' rights.

In spring 2017, the Commission will hold a workshop on the impact on digitalisation and new technologies for social economy organisations. One item of the workshop will be how social economy players, via platforms, can play a role in shaping an e-environment that can deliver better outcomes for workers and consumers over the long haul.

The Commission has been requested to implement the European Parliament pilot project (budget EUR 2 million) on the Shared Economy using the resources available in the Enterprise Europe Network¹⁶. A mapping of the collaborative economy initiatives and platforms available in different regions, to identify the main players for supporting the collaborative economy, will be carried out. One issue that will be investigated will be the assessment of the needs of small and medium-sized enterprises and social enterprises with a high

¹⁵ OJ C 51, 10.2.2016, p. 28.

¹⁶ <http://een.ec.europa.eu/>

	<p>potential to grow, and facilitating the integration of their activities with these collaborative platforms. The report should also assess the social aspects of the identified platforms, the different legal forms they can take (collaborative economy promoting models of community based on membership rather than usage) and potential for cross-sectoral or geographical expansion.</p>
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<p>N°5 The Functional Economy (own-initiative opinion) EESC 2016/0975 – INT/784 521st Plenary Session - December 2016 Rapporteur: Mr Thierry LIBAERT (GR11-FR) DG GROW – Commissioner BIENKOWSKA</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>The European Economic and Social Committee calls for an assessment of the environmental, social, economic or other impacts of the functional economy.</p>	<p>The functional economy is conceptually close to new economic models such as the collaborative economy. The latter is a broader concept, but also includes the idea of access to products or services rather than individual ownership.</p> <p>The Commission agrees that the functional economy and the collaborative economy as a whole could be positive for the environment under certain conditions and that further assessment is needed. Economic and social impacts also need to be systematically assessed.</p> <p>To this end, the Commission recently launched a study ¹⁷ on the environmental potential and impact of the collaborative economy. This study will also assess, to a lesser extent, the corresponding economic and labour impacts. Results will be available in January 2018.</p> <p>Other studies being carried out on the collaborative economy in 2017 are:</p> <p>i) a study on the assessment of the regulatory aspects affecting the</p>

¹⁷ ENV.F.1/ETU/2016/0029.

	<p>collaborative economy in the tourism accommodation sector (already launched).</p> <p>ii) a study to assess the economic development of the collaborative economy in the European Union at sector level (target launch – second quarter of 2017).</p> <p>iii) a study to monitor the business environment affecting the collaborative economy in Members States (target launch – second quarter of 2017).</p>
<p>The European Economic and Social Committee recommends fostering new methods of production and consumption connected to the functional economy, in particular product eco-design to factor in the environmental impact of goods throughout their lifecycle, and make products more repairable and modular.</p>	<p>In this respect, the Commission took the following related commitments in the Communication on Circular Economy¹⁸:</p> <p>The Commission will specifically consider proportionate requirements on durability and the availability of repair information and spare parts in its work on Ecodesign, as well as durability information in future Energy Labelling measures.</p> <ul style="list-style-type: none"> - In the revised Waste proposals, the Commission proposes new rules which will encourage reuse activities; - The Commission will prepare an independent testing programme under Horizon 2020 to help the identification of issues related to possible planned obsolescence.
<p>The European Economic and Social Committee calls for promoting labelling to indicate the environmental, social economic or other impacts of the product or service acquired through the functional</p>	<p>As regards the environmental impact, the European Union Ecolabel helps consumers identify products and services that have a reduced environmental impact.</p>

¹⁸ COM(2015)614 final.

<p>economy.</p>	<p>Moreover, the Commission is finalising a pilot phase on Environmental Footprint, where the Environmental Footprint European methods adopted by the College in 2013¹⁹ are being tested in collaboration with 24 different industrial sectors. The Environmental Footprint methods might provide a credible and verifiable way to calculate and communicate the environmental performance of products and services to stakeholders (including citizens). On the basis of the results of the pilot phase, policy actions might follow as part of the Circular Economy Action Plan.</p>
<p>The European Economic and Social Committee points out that [Commission's] efforts in this area are weak. By way of illustration, it states that the Commission's Closing the Loop Communication on the circular economy does not contain a single reference to the functional economy.</p>	<p>The Commission notes that its Communication "Closing the Loop – An European Union action plan for the Circular Economy"²⁰ contains several references to the need for new technologies, processes, services and business models, stating, inter alia that "innovative forms of consumption can also support the development of the circular economy, e.g. sharing products or infrastructure (collaborative economy), consuming services rather than products", which is the main idea behind the functional economy.</p> <p>The Communication "Closing the Loop" also states that "innovative forms of consumption can also support the development of the circular economy, e.g. sharing products or infrastructure (collaborative economy), consuming services rather than</p>

¹⁹ 2013/179/EU: Commission Recommendation of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations Text with EEA relevance, OJ L 124, 4.5.2013.

²⁰ COM(2015)614 final.

	<p>products, or using Information Technology or digital platform. The Commission supports these new business and consumption models through Horizon 2020 and through Cohesion Policy funding. As announced in the Single Market Strategy, the Commission presented a European agenda for the collaborative economy in June 2016²¹ with guidance to support consumers, businesses and public authorities to engage confidently in the collaborative economy. However, one size might not fit all and, as pointed out by the European Economic and Social Committee, obstacles and limitations exist and it is necessary to assess impacts (also economic and social) during the decision process for specific measures.</p>
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²¹ COM(2016) 356 final.

<p>N°6 Online Platforms and the Digital Single Market COM(2016) 288 final – EESC 2016/4519 – TEN/601 521st Plenary Session - December 2016 Rapporteur: Mr Thomas McDONOGH (GRI-IE) DG CNECT – Vice-President ANSIP</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.6. The European Economic and Social Committee calls for cross-sectoral cooperation and monitoring of online platform development in order to address issues that occur over time.</p>	<p>The Commission is closely monitoring the development of online platforms in general, and in the collaborative economy in particular. The sector-specific and problem-driven policy approach that was announced in the Communication on Platforms²² is at the same time already being implemented to tackle important issues, for example as part of the updated Telecoms, e-privacy, copyright and audio-visual media services frameworks. All these efforts depend on – and depart from – a good cross-sectoral collaboration within the Commission.</p>
<p>1.8. The European Economic and Social Committee calls for programmes to raise awareness and provide greater digital literacy for all citizens of all ages, among whom the youngest and the oldest are the most vulnerable. The European Economic and Social Committee would welcome the introduction of systematic education on this as a European standard.</p>	<p>The Commission agrees that ensuring digital and media literacy of all ages and in particular equipping young Europeans with a deeper digital competence are of key importance. In its recent policy documents, such as Opening up Education²³, the Digital Single Market²⁴, the New Skills Agenda for Europe²⁵, and Improving and Modernising Education²⁶, the Commission repeatedly stressed the</p>

²² COM(2016) 288 final.

²³ COM(2013) 654 final.

²⁴ COM(2015) 192 final.

²⁵ COM(2016) 381 final.

²⁶ COM(2016) 941 final.

	<p>importance of improving digital competences to enable full participation in social and civic life and the labour market. The Council has agreed (2015/C 417/04) on the implementation of the Education and Training 2020 Framework, which sets digital competence provision as a joint European priority. The Commission has undertaken a variety of activities supporting Member States in increasing the teaching of and with digital technologies. The Erasmus+ Programme supports thousands of projects each year, a large proportion of which focus on the teaching of digital competences or the integration of digital technologies in education. A dedicated Education & Training 2020 Working Group on Digital Skills and Competences has been established and provides exchange, expert input and peer learning activities. In addition, the European Union Expert Group on Media Literacy already facilitates the exchange of best practices, including how to empower citizens with media literacy skills. Web platforms such as eTwinning, the School Education Gateway and OpenEducationEuropa help to spread knowledge and expertise among educators and education administrators. Practical tools such as the European Frameworks for Digital Competence of Citizens or Digitally Competent Organisations or policy recommendations for Opening up Education have been developed by the Joint Research Centre and are actively used by Member States. In December 2016 the Commission has in addition launched the Digital Skills and Jobs</p>
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	<p>Coalition. Building on the positive results of the Grand Coalition for Digital Jobs 2013-2016 and the European Union e-skills strategy, and in coordination with the work under Education and Training 2020, the Commission will bring together Member States and stakeholders, including social partners, to pledge actions and to identify and share best practices, so that they can be more easily replicated and scaled up.</p>
<p>1.9. The European Economic and Social Committee calls on the Commission to study the need for platforms to display user-friendly summaries, to make clear when personalised pricing is taking place and the basis on which they rank results, and also to enable unconditional and administratively easy exercise of the right to be forgotten.</p>	<p>The Commission acknowledges the need to study online platforms' practices concerning transparency, pricing and ranking. The Commission has in this regard already commissioned comprehensive studies in respect of personalised pricing in online markets, advertising in social media and transparency in online platforms. In the context of the fitness check (REFIT) of the European Union's consumer and marketing law, the Commission is currently also assessing the transparency obligations of online intermediaries. In addition, the Commission is conducting an analysis into algorithmic accountability, at the request of the European Parliament. Given the multi-sided nature of the markets in which online platforms operate, the issues highlighted by the European Economic and Social Committee are moreover also relevant for businesses and the ongoing fact-finding on business-to-business practices will equally cover these. The Commission at the same time stresses that online platforms are already subject to certain transparency</p>

	<p>requirements, as explained in its guidance on the Directive on unfair commercial practices²⁷. Also, the abovementioned efforts come in addition to the Commission's prior work in the domain of online platforms, for example including an important set of key principles agreed with online comparison tool providers. As regards the right to be forgotten, the Commission refers to Article 17 of the 2016 General Data Protection Regulation²⁸. It does note that, although the interests of the data subject in protecting his or her personal data should generally prevail, a balance of all rights involved needs to be made in accordance with the GDPR and the exercise of the right to be forgotten is, therefore, not unconditional.</p>
<p>1.10. The European Economic and Social Committee welcomes the Commission's indication that it is working with online platforms on a code of conduct designed to combat online hate speech and content harming minors. However, the European Economic and Social Committee thinks that some kinds of sanctions also need to be introduced for those negligent in removing such content when they are aware of it.</p>	<p>The Commission would like to recall that under the existing intermediary liability regime of the e-commerce Directive²⁹, online platforms that fail to expeditiously remove illegal content upon obtaining knowledge thereof cannot benefit from the liability exemption set out in that Directive and may thus, depending on the applicable rules of national law, already incur liability and be subject to sanctions. The code of conduct is a voluntary</p>

²⁷ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (Text with EEA relevance), OJ L 149, 11.6.2005.

²⁸ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), OJ L 119, 4.5.2016.

²⁹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce').

	<p>commitment meant to streamline and expedite the takedown process, to prevent the (viral) spread of hate speech online. The Commission is actively measuring progress in this respect and recently demanded the participating Information Technology firms to do even more. In addition, the Commission is currently exploring complementary measures that may help platforms in tackling key issues such as incitement to terrorism and hate speech, including formal procedures for flagging and removing this problematic online content.</p>
<p>1.11. The European Economic and Social Committee is disappointed that the Commission has once again overlooked the social dimension of online platforms. The European Economic and Social Committee stresses that platforms' social responsibility towards their workers, both those regularly employed and employees working in new forms of employment, needs to be more precisely defined. Special attention should be paid to the latter, and fair working conditions, adequate social protection, occupational health and safety, training, collective bargaining and union rights³⁰ should be provided to all platforms' workers, recognising the challenges brought forth by online platforms in the collaborative economy.</p>	<p>The Commission is well aware of the social issues related to digitalisation in general and the development of new working patterns in particular. In the Communication 'A European agenda for the collaborative economy'³¹, the Commission elaborates on the criteria for an European Union definition of a worker. Given that European Union labour law does not cover all aspects of social legislation applicable to work relationships, collaborative economy actors are advised to refer to national labour legislation applicable in the country where the service is provided. In its Communication on the collaborative economy, the Commission also refers to the European Pillar of Social Rights, a final proposal for which will be presented in spring 2017. The Commission welcomes that the European Social Partners have recognised that digitalisation is not just</p>

³⁰ OJ C 71, 24.2.2016, p. 65.

³¹ COM(2016) 356 final.

	<p>a technological issue, but that it is a question of economic development and social cohesion. The Commission has invited social partners to include the Digital Single Market in their social dialogue at European level and they have responded positively. The Commission is furthermore funding relevant research, including the Smart Society Future Emerging Technologies project, which includes work on a Social Charter for Smart Platforms. Finally, in its Communication on 'Digitising European Industry'³², the Commission explained that digital transformation comes with social challenges and it committed in this respect to a comprehensive dialogue with all stakeholders involved in all aspects of work, education and training.</p>
<p>1.12. Contrary to the Commission's assessment that the existing legal framework is largely sufficient, the European Economic and Social Committee calls for an European Union framework on crowd working to prevent the undermining or circumventing of minimum pay rates, working time regulations and social security regulations.</p>	<p>The Commission takes note of the proposal by the European Economic and Social Committee while emphasising that no such proposal currently exists.</p>
<p>1.13. The European Economic and Social Committee urges the Commission to study the fiscal aspects related to the activity of online platforms, counteracting practices that run counter to a level playing field.</p>	<p>One of the priorities of this Commission is to ensure a fair corporate taxation, and in addition to its Action Plan for Fair and Efficient Corporate Taxation, the Commission may also issue in 2017 a proposal to increase oversight of promoters and enablers of aggressive tax planning schemes. In parallel, the Commission's</p>

³² COM(2016) 180 final

	<p>Competition department is pursuing cases on tax planning practices by Apple and others. The Commission is also studying fiscal aspects related to the activity of online platforms, including the effects of taxation on entrepreneurship in the context of the collaborative economy. Finally, the Commission has already specifically targeted the level playing field issue in the area of audio-visual media services, where its proposed revised Audiovisual Media Services Directive (relating to Directive 2010/13/EU³³) gives the possibility for Member States to require on-demand services to equally contribute to the promotion of European works, including through levies payable to a fund.</p>
<p>3.4., 3.6. The European Economic and Social Committee acknowledges that harmonisation of contract law and consumer protection is critically important to the sustainable development and scaling-up of online platforms. Currently the 50 or so major European Union e-commerce operators are subject to 28 different national regulatory frameworks, whereas the six biggest operators in the American market and the three giants of the Chinese market are governed by a single regulatory framework.</p>	<p>Consumer contract law differences between Member States were identified as part of the Commission's Digital Single Market Strategy as an important barrier to cross-border e-commerce. Following on the Strategy's objective to ensure "better access for consumers and businesses to online goods and services across Europe", the Commission adopted the Digital Contracts proposals³⁴, which aim to harmonise the key rights and obligations of the parties to a contract for the supply of digital content and the online sale of goods. By reducing contract law-related costs for</p>

³³ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance)

³⁴ Proposal for a directive of the European Parliament and of the Council on certain aspects concerning contracts for the supply of digital content (COM (2015) 634 final) and Proposal for a directive of the European Parliament and of the Council on certain aspects concerning contracts for the online and other distance sales of goods (COM(2015) 635 final).

	<p>businesses, creating legal certainty and boosting consumers' confidence in digital and online sales, these two proposed directives can significantly contribute to a faster growing Digital Single Market.</p>
<p>4.5. The online dispute resolution platform could be used for alternative dispute resolution for business to business disputes, however, effective implementation of the online dispute mechanism for business to consumer disputes should first be ensured.</p>	<p>The functioning of the Online Dispute Resolution platform is based on the European Union-wide availability of Alternative Dispute Resolution procedures for consumer-to-business disputes, as mandated by Directive 2013/11/EU on consumer Alternative Dispute Resolution³⁵. This Directive establishes binding quality requirements for such procedures that are tailored to the specificities of consumer-to-business disputes. There is currently no comparable availability of Alternative Dispute Resolution procedures for business-to-business disputes. The use of the Online Dispute Resolution platform can therefore not simply be expanded to business-to-business disputes. The Online Dispute Resolution platform was successfully launched in early 2016, is fully functional and has attracted a considerable number of consumer complaints so far. The Commission is working to ensure the platform's full effectiveness.</p>
<p>4.6. Fear of commercial retaliation by the online platforms on which they depend may prevent complainants from approaching competition authorities. The European Economic and Social Committee recommends new measures to protect</p>	<p>The Commission is already bound to respect any informant's request for anonymity in the Commission's antitrust proceedings. Also, the relevant procedural rules also provide that if there is a risk of retaliatory measures</p>

³⁵ Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR), OJ L 165, 18.6.2013.

<p>complainants in these markets.</p>	<p>the Commission will protect the anonymity of the authors by providing access only to a non-confidential version or summary of the responses in question.</p> <p>Beyond competition proceedings, the Commission is undertaking a fact-finding exercise into potentially unfair business-to-business trading practices engaged in by online platforms vis-a-vis their business users. By the end of 2017, the Commission will prepare actions to address the issues of unfair contractual clauses and trading practices identified in platform-to-business relationships, including by exploring dispute resolution, fair practices criteria and transparency.</p>
<p>4.9. The acquisition of companies with low turnover is not covered under the current notification requirements, even in cases where the acquired company holds commercially valuable data or has considerable market potential. The existing merger control regime could be modified by complementing thresholds based on turnover by means of additional notification requirements based on transactional volume.</p>	<p>The Commission decided to carry out an evaluation of procedural and jurisdictional aspects of European Union merger control. This includes a public consultation that ran from October 2016 until 13 January 2017. The evaluation comprises the topic of the effectiveness of the purely turnover-based jurisdictional thresholds in European Union merger control. It addresses the question as to whether there is currently a regulatory gap, and if so how large it is, regarding highly valued transactions where the target company does not (yet) generate significant turnover. The Commission is currently processing the numerous replies to the public consultation. The outcome of the evaluation will inform the type of follow-up, in particular as to whether or not to propose a legislative</p>

	change to the European Union Merger Regulation ³⁶ .
<p>4.11. Online platforms often request various information from their users not directly relevant to the platform's content, and require them to accept terms and conditions they would not accept under normal circumstances but must in order to be able to use the platform service.</p> <p>4.12. Personal data is the currency of today's digital market but many consumers seem to be unaware that they trade their personal data in exchange for access to many of the so-called free services and that their data may be sold or shared with third parties.</p>	<p>The Commission fully shares the viewpoint that consumers should be equally protected, regardless of whether they pay a price to obtain a product or a service or provide personal or other data.</p> <p>The General Data Protection Regulation offers state of the art safeguards for the protection of personal data of all natural persons in the European Union, notably by reinforcing the conditions for a valid consent. Furthermore, the recently proposed ePrivacy Regulation modernises the mechanisms under which users can give an informed consent to the processing of their communications data and the processing and storage capabilities of their terminal equipment.</p> <p>The Proposal for a European Electronic Communications Code³⁷ includes in its scope contracts where the consumer does not pay a counter-performance in money.</p> <p>Similarly, the proposal for a Directive on Contracts for the Supply of Digital Content³⁸ gives consumers clear and effective remedies when digital content or digital services are defective, even when they do not pay a price but provide personal or other data when accessing such content or services.</p>

³⁶ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (Text with EEA relevance), *OJ L 24, 29.1.2004*.

³⁷ Proposal for a Directive of the European Parliament and of the Council establishing the European Electronic Communications Code (Recast) (COM(2016) 590 final).

³⁸ Proposal for a directive of the European Parliament and of the Council on certain aspects concerning contracts for the supply of digital content (COM (2015) 634 final).

<p>N°7 Strengthening Europe's Cyber Resilience System and Fostering a Competitive and Innovative Cybersecurity Industry COM(2016) 410 final – EESC 2016/4559 - TEN/608 521st Plenary Session – December 2016 Rapporteur: Mr Thomas McDONOGH (GRI-IE) DG CNECT – Vice-President ANSIP</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.5. and 1.6. The European Economic and Social Committee believes that any extension of the European Union Agency for Network and Information Security's mandate should include a greater operational role for the agency to more effectively increase cyber-attack threat awareness and response across the Union, as well as more direct responsibility for cybersecurity education and awareness programmes especially targeted at citizens and small and medium-sized enterprises.</p> <p>The European Economic and Social Committee asks the Commission to evaluate the possibility of changing the status of the European Union Agency for Network and Information Security into an European Union-level authority for cybersecurity, analogous to the central authority in the aviation industry, the European Aviation Safety Agency. If this change of mandate for the European Union Agency for Network and Information Security is not feasible, then the The European Economic and Social</p>	<p>The Commission has started the process of evaluation of the European Union Agency for Network and Information Security, required by the European Union Agency for Network and Information Security's Regulation³⁹, and included the revision of the Regulation itself in the Commission Work Programme for 2017.</p> <p>The revision of the Regulation, which will be supported by an impact assessment, will take into account the results of the evaluation as well as emerging needs in the cybersecurity and digital privacy context to choose policy options that are fit for the future. On 18 January 2017, as part of the evaluation process, the Commission launched a public consultation that will feed into both the evaluation of the European Union Agency for Network and Information Security over the period 2013-2016 and a possible revision of the current mandate. The consultation closed on 12 April 2017. In particular, the Commission sought views on how the European Union Agency for Network and Information Security has</p>

³⁹ Regulation (EU) No 526/2013 of the European Parliament and of the Council of 21 May 2013 concerning the European Union Agency for Network and Information Security (ENISA) and repealing Regulation (EC) No 460/2004 Text with EEA relevance, OJ L 165, 18.6.2013.

<p>Committee advocates the creation of such an authority from scratch.</p>	<p>achieved its objectives, mandate and tasks. With a view to defining future policy options, the Commission also asked for input on the current and future challenges and on how to best address them, including possible roles for an European Union body such as the European Union Agency for Network and Information Security.</p>
<p>1.9. Considering the importance of cybersecurity and the ever-growing threat of cybercrime, the European Economic and Social Committee calls for the allocation of adequate funding and resources to the European Cybercrime Centre at Europol and the European Defence Agency.</p>	<p>The Commission thanks the European Economic and Social Committee for its recommendation. In recent years the Commission has provided Europol with an additional eight posts for the European Cybercrime Centre under the 2017 Europol budget, in order to enhance its role in facilitating law enforcement cooperation in fighting cybercrime. The Commission will present its assessment of the resources needs of the European Cybercrime Centre when setting out its proposal for the Europol annual budget.</p> <p>As far as the European Defence Agency is concerned, the European Union Cyber Defence Policy Framework foresees several tasks for the European Defence Agency in Common Security and Defence Policy cyber defence objectives. European Defence Agency also runs a Cyber Defence Project Team consisting of Member States' cyber experts. European Defence Agency is funded by the Member States, and they will be made aware of this comment.</p>
<p>1.8. and 1.11. The European Economic and Social Committee notes that the Commission will consider the need to update the 2013 European Union Cybersecurity Strategy in the near future, and the European Economic and Social</p>	<p>The Commission welcomes the European Economic and Social Committee's input. The European Union Cybersecurity Strategy from 2013 forms part of the core policy response on cybersecurity challenges. As announced in the Digital</p>

<p>Committee looks forward to being consulted on the Commission's thoughts in due course. It also highlights the points on which the European Economic and Social Committee considers that an European Union cybersecurity strategy and policy need to deliver</p>	<p>Single Market mid-term review⁴⁰, given the rapidly evolving nature of the threat, the Commission, together with the High Representative will review the 2013 European Union Cybersecurity Strategy to address the risks faced today, help improve the security in the Union and Member States and increase the confidence and trust of businesses and people in the digital economy and society. This will build on an assessment of the achievements of the 2013 European Union Cybersecurity Strategy.</p>
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⁴⁰ http://europa.eu/rapid/press-release_IP-17-1232_en.htm.

<p>N°8 Proposal for a Council Directive amending Directive (EU) 2016/1164 as regards hybrid mismatches with third countries COM(2016) 687 final - EESC 2016/5994 - ECO/42 521st Plenary Session - December 2017 Rapporteur-General: Mr Mihai IVAȘCU (GR11-RO) DG TAXUD – Commissioner MOSCOVICI</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>The European Economic and Social Committee agrees with the Commission on most issues regarding the Directive and broadly supports it.</p>	<p>The Commission would like to thank the European Economic and Social Committee for its positive stance and its constructive comments.</p>
<p>The European Economic and Social Committee underlines that third countries should introduce similar rules otherwise the single market could lose some of its attractiveness.</p>	<p>A comprehensive framework on hybrid mismatches has been provided by the Organisation for Economic Co-operation and Development. Recommendations by the Organisation for Economic Co-operation and Development have been endorsed by all members of the Organisation for Economic Co-operation and Development and G20 countries, which participated in the Base Erosion and Profit Shifting project. Thus, it could be expected that third countries will introduce similar rules. With this directive the European Union is doing its part by tackling hybrid mismatches involving a taxpayer in the European Union.</p>
<p>The European Economic and Social Committee considers that further clarification should be given to imported mismatches.</p>	<p>The rules on imported mismatches have been inserted to ensure the effectiveness of the overall approach and support the other hybrid mismatch rules. They should deter multinational enterprises from engaging in structures</p>

	<p>in which a hybrid mismatch between corporations in third countries is shifted into the European Union. The explanatory memorandum includes examples on imported mismatches which will be helpful for Member States when implementing the directive. Furthermore, as these rules are based on the Organisation for Economic Co-operation and Development's report on hybrids, Member States could also use that report as a source of illustration and interpretation, provided of course that it is consistent with European Union law.</p>
<p>The European Economic and Social Committee proposes that the Commission will draw up on an annual basis a broad report describing the status of implementation of the directive as well as a comprehensive study on the implementation of the Organisation for Economic Co-operation and Development's recommendations by third countries. Furthermore, the European Economic and Social Committee recommends including in this report any disturbances of national legislative frameworks, should these occur, and a broad single market impact assessment.</p>	<p>The Commission will monitor the transposition and application of the rules of the directive by Member States. The Commission will evaluate the implementation of the directive four years after its entry into force and report to the Council thereon. To this end Member States should provide the Commission with all the relevant information. The Commission will consider the suggestion to conduct a study on the implementation of the Organisation for Economic Co-operation and Development's recommendations in third countries. In this regard the Commission mentions that this will also be discussed in other international bodies, in particular at the Organisation for Economic Co-operation and Development.</p>
<p>The European Economic and Social Committee considers that Member States should also look at the causes of hybrid mismatches, close potential loopholes and</p>	<p>Hybrid mismatches are the result of differences between national tax systems in the qualification of entities, financial instruments or a commercial presence. The directive intends to</p>

<p>prevent aggressive tax planning.</p>	<p>remove the harmful tax consequences due to these differences. Furthermore, the hybrid mismatch rule in the Commission proposal on the Anti-Tax Avoidance Directive⁴¹ was based on Member States applying the same qualification. However, it appeared that Member States wanted to follow a different approach. Moreover, a harmonisation of Member States' legal systems could only be discussed taking into account the broader question of subsidiarity and the allocation of competencies. In addition to the rules for addressing hybrid mismatches, the Anti-Tax Avoidance Directive also includes a number of other rules to prevent aggressive tax planning.</p>
<p>The European Economic and Social Committee points out that the rules applicable in the EU are dependent on whether or not the third country applies hybrid mismatch rules to the specific situation.</p>	<p>Clearly the rules of the directive cannot apply if there is no mismatch. However, the rules of the directive are intended to neutralise hybrid mismatches regardless of whether the third country has hybrid mismatch rules or not.</p>

⁴¹ OJ L 193, 19.7.2016.

<p>N°9 Proposal for a Directive amending Directive 96/71/EC concerning the Posting of Workers in the framework of the provision of services COM(2016) 128 final – EESC 2016/2470 - SOC/541 521st Plenary Session - December 2016 Rapporteurs: Ms Vladimira DRBALOVÁ (GRI-CZ) and Ms Ellen NYGREN (GRII-SE) DG EMPL – Commissioner THYSSEN</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.6. The European Economic and Social Committee regrets that the Commission did not launch a proper consultation of the social partners, ahead of adopting the proposal, according to Article 154 (2) of the TFEU.</p>	<p>The Commission consulted the social partners on the Mobility Package in June 2015 and received a wide number of written contributions from European Union and national social partners. The Commission took into consideration their views during the preparation of its proposal.</p>
<p>1.7. The European Economic and Social Committee considers that the rule on long-term posting (understood as a "maximum duration of posting") should apply after six months, instead of after 24 months.</p>	<p>The Commission would like to clarify that no limit of duration is set to postings. The Commission proposes that long-term postings should be subject to a higher degree of protection with respect to short-term postings.</p> <p>The Commission considers its proposed limit of 24 months as appropriate, also being in line with the Regulation on Social Security Coordination⁴².</p>
<p>1.8. The European Economic and Social Committee calls for the Posting of Workers Directive to include a clarification that the Directive sets out a minimum standard, not a maximum, and thus to extend the legal basis.</p>	<p>The Commission considers that the current legal basis is adequate to maintain a balance between the objectives of free provision of services across borders and of protection of posted workers. If the Directive set a</p>

⁴² Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (Text with relevance for the EEA and for Switzerland), OJ L 166, 30.4.2004.

	<p>minimum standard upon which host Member States could build further protection rules with no limitation, this would prejudice the freedom to provide services.</p>
<p>2.9. The European Economic and Social Committee recommends that the Commission should assess the adequacy and appropriateness of all the measures introduced and applied by the Enforcement Directive in its report due by 2019, including the adequacy of the data available relating to postings.</p>	<p>The Commission confirms that it will comply with the obligation set out in Article 24 of the Enforcement Directive⁴³.</p>
<p>4.1.5. The European Economic and Social Committee regrets that the Commission has proposed to delete the reference to the national determination of the concept of remuneration/minimum rates of pay</p>	<p>The Commission underlines that recital (12) of the Commission's proposal clearly states that "it is within Member States' competence to set rules on remuneration in accordance with their law and practice".</p>
<p>4.2.3. The European Economic and Social Committee calls for a rule stipulating that periods of posting be aggregated from the first day, and not after at least six months in case of replacement.</p>	<p>The Commission believes that a period of posting of at least six months in the territory of another Member State is necessary to justify the consideration of a posted worker replacing another as "habitually working" in that Member State, in the context of a provision of service whose total duration exceeds 24 months.</p>
<p>4.2.5. The European Economic and Social Committee considers it problematic that Recital 8 of the proposed directive makes reference to the Rome I Regulation, allowing an individual employment contract to be governed by</p>	<p>The Rome I Regulation⁴⁴ sets out conflict of law rules applicable, inter alia, to employment contracts, which is a principle of international private law. Since the Posting of Workers Directive sets no specific conflict of law rule</p>

⁴³ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') Text with EEA relevance, OJ L 159, 28.5.2014.

⁴⁴ Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I), OJ L 177, 4.7.2008.

<p>the law chosen by the parties.</p>	<p>(and neither does the proposal), it is appropriate to refer to the Rome I Regulation and to the freedom of choice of the law applicable to the employment contract, which under the Rome I Regulation is subject to certain restrictions with a view to protecting the worker.</p>
<p>4.3.2. The European Economic and Social Committee regrets that the Commission has not presented any analysis of existing arrangements on pay rules in subcontracting chains and on the potential impact of its proposed provision in this regard.</p>	<p>The Commission notes that the proposed rule does not build up on any existing national arrangement.</p> <p>Given the facultative nature of the proposed rule, and the degree of freedom left to the Member States on the way that it could be applied in each national context, the Commission considered that an impact assessment of this rule would not be possible.</p>
<p>4.3.3. The European Economic and Social Committee considers that, as regards the rule on subcontracting, a reference to the joint and several liability (Article 12 of Directive 2014/67/EU) should be added.</p>	<p>The Commission considers that the addition of a reference to Article 12 of Directive 2014/67/EU would not be necessary because the proposal deals with the terms and conditions to be applied in case of subcontracting. The joint liability remains regulated by Article 12 of the Enforcement Directive.</p>
<p>4.3.4. The European Economic and Social Committee believes that the provision "certain terms and conditions of employment covering remuneration" is vague and will lead to legal uncertainty.</p>	<p>The Commission considers that such wide expression may allow Member States to transpose the rule in the most appropriate way, taking into account national rules and practices on wage bargaining.</p>
<p>4.3.5. and 4.3.6. The European Economic and Social Committee calls upon the Commission to clarify how non-discrimination and proportionality tests would be applied to this provision, and to</p>	<p>The co-legislators have already introduced the non-discrimination and proportionality tests in other rules concerning posting of workers, in particular in Article 12 of the</p>

<p>introduce provisions to check the genuine self-employment status of subcontractors.</p>	<p>Enforcement Directive.</p> <p>The Commission sees no need to clarify how the tests would apply specifically concerning subcontracting.</p>
<p>4.4.2. As regards temporary agency work, the European Economic and Social Committee believes that the provision proposed by the Commission under Article 1(3)(c) is unnecessary.</p> <p>On the other hand, the European Economic and Social Committee notes that a situation of mismatch could arise from the more extensive provisions provided for by Article 5 of Directive 2008/104/EC than those set out in Article 3(9) of the Posting of Workers Directive⁴⁵.</p>	<p>The Commission aims at improving legal clarity by creating an explicit link between the Posting of Workers Directive and the Temporary Agency Work Directive⁴⁶. Therefore, the mandatory nature of the application of the same terms and conditions applicable to cross-border temporary agency workers as domestically-recruited agency workers is necessary.</p> <p>The Commission sees no possible mismatch since it proposes to delete Article 3(9) of the Directive.</p>
<p>5.1. The European Economic and Social Committee recommends the Commission to encourage Member States to transpose the Enforcement Directive and proceed with the assessment of its effects in a two-year time</p>	<p>The Commission has already assisted Member States in transposing the Directive by organising meetings of national experts during 2015 and 2016. Moreover, in September 2016, the Commission launched Infringement procedures against non-compliant Member States.</p> <p>As stated in the reply to point 2.9. above, the Commission confirms that it will comply with the obligation set by Article 24 of the Enforcement Directive 2014/67/EU.</p>
<p>5.2. The European Economic and Social Committee recommends the Commission to provide an in-depth analysis of the situation on posting in the Member States, including quantitative</p>	<p>The Commission publishes a yearly report on the Posting of Workers on the basis of social security data (PD A1forms) communicated by the Member States.</p>

⁴⁵ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, OJ L 18, 21.1.1997.

⁴⁶ Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work, OJ L 327, 5.12.2008.

<p>information and mode of implementation of the Directive.</p>	<p>The information contained in these reports will be included, amongst other sources, in the assessment, which will be provided in compliance with the obligation set by Article 24 of the Enforcement Directive 2014/67/EU.</p>
<p>5.4. To ensure fair competition, the European Economic and Social Committee encourages the Commission to combat unfair practices, in particular letterbox companies.</p>	<p>The Commission recalls that the fight against fraud and abuse on the posting of workers is one of the objectives of the Enforcement Directive 2014/67/EU.</p>
<p>5.5. The European Economic and Social Committee calls upon the Commission to speed up economic and social convergence within the EU, besides ensuring fair mobility of workers.</p>	<p>The Commission considers that this recommendation lies outside the scope of this Directive.</p> <p>However, the Commission is currently developing a European Pillar of Social Rights aimed at supporting upwards social convergence.</p>
<p>5.6. The European Economic and Social Committee recommends the Commission to consult the social partners, recognise their autonomy and respect collective agreements.</p>	<p>Please see reply to point 1.6. above.</p>
<p>5.7. The European Economic and Social Committee calls for extending the legal basis of the Posting of Workers Directive and to ensure that the terms and conditions of employment set therein represent a minimum, rather than a maximum standard.</p>	<p>Please see reply to point 1.8. above.</p>

<p>N°10 An appropriate framework for the transparency of companies (own-initiative opinion) EESC 2016/0828 - ECO/404 521st Plenary Session - December 2016 Rapporteur: Ms Vladimíra DRBALOVÁ (GRI-CZ) DG FISMA – Vice-President DOMBROVSKIS</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>The European Economic and Social Committee considers it essential that companies are transparent, and supports any initiative that helps to make doing business sustainable and predictable over the long term. Transparency is important for all parties, for the companies themselves, and for improving their image and boosting the trust of workers, consumers and investors.</p>	<p>The Commission agrees that company transparency is very important for sustainable growth and employment.</p>
<p>The European Economic and Social Committee recognises that most companies operating in the EU are indeed transparent. Even so, a series of scandals have recently shown that transparency needs to be improved to become generally a part of companies' sustainable strategies. Investors and shareholders are increasingly paying attention not only to the profitability indicators of businesses but also to qualitative Corporate Social Responsibility⁴⁷ indicators that help reduce social risks and ensure that businesses can develop in a sustainable way. To meet the needs of enterprises and other stakeholders, information should be material and cost-effective to collect.</p>	<p>Available information suggests that approximately 2 000 European Union companies disclose relevant environmental and social information. Directive 2014/95/EU on disclosure of non-financial information⁴⁸ will require by 2018 relevant disclosures from large public-interest companies with more than 500 employees, raising the number of transparent companies to approximately 6 000.</p>
<p>The European Economic and Social</p>	<p>The Commission agrees that there is a</p>

⁴⁷ COM(2011) 681 final

⁴⁸ OJ L 330, 15.11.2014.

<p>Committee notes that Member State governments should motivate and encourage companies to make transparency an asset because it is also a good opportunity for business, and support them in fulfilling these requirements.</p>	<p>business case for company transparency. Studies consistently suggest that transparent companies perform better over the long-term.</p>
<p>The European Economic and Social Committee thinks it important to focus simultaneously on both the effectiveness and scope of the information being filed and on its quality and veracity. Improving transparency should focus both on the results achieved and the process of reporting and disclosing information. Reporting should be forward looking as well as providing information on past performance.</p>	<p>The Commission considers that information disclosed by companies should be relevant, comprehensive, forward-looking, and include both narrative and quantitative disclosures.</p>
<p>The European Economic and Social Committee recommends that the Commission sets further steps to enable companies to meet their transparency obligations and to remain globally competitive.</p>	<p>The Commission is already preparing non-binding guidelines to make easier for companies the disclosure of non-financial information by the second quarter of 2018. Further improving company disclosures on sustainability is also part of the discussion of the recently established High Level Expert Group on Sustainable Finance which is due to prepare operational recommendations for integration of sustainability considerations in European Union financial regulation.</p>
<p>Generally the European Economic and Social Committee understands that small and medium-sized companies are operating under different conditions. For this reason the rules for them should be simplified to allow them to report in a more suitable way in order to ensure full transparency. The European Economic and Social Committee welcomes the capacity-building project to assist small and medium-sized enterprises to</p>	<p>The Commission is very vigilant with regard to avoiding any undue administrative burden for companies, in particular the smaller ones. Directive 2014/95/EU only applies to some large companies with more than 500 employees, and does not impose any new legal obligations on small and medium-sized enterprises.</p>

meet these challenges.	
The European Economic and Social Committee believes that any further initiative on disclosure of information should focus on the information that stakeholders really need which should include a common set of indicators and at the same time should take into consideration the nature of the company and the sector in which it is operating.	The Commission agrees that disclosed information should be relevant and that attention should be paid to render information comparable as much as possible. Directive 2014/95/EU takes a non-prescriptive approach and companies are granted significant flexibility.
The European Economic and Social Committee stresses that Corporate Social Responsibility and transparency policy within an enterprise are ineffective without the commitment of its employees and they should therefore be involved in consultations between the social partners.	The Commission considers that consultations with stakeholders, and in particular employees, are useful and appropriate.
While the audience of corporate reporting is increasing, more stakeholder groups are interested in more aspects of corporate affairs. The European Economic and Social Committee thinks it is important, therefore, to evaluate the current reporting model and to make it appropriate to its purpose.	The Commission agrees that there is a growing interest in company transparency. Directive 2014/95/EU includes a review clause mandating for an evaluation of its reporting model by end of 2018.

<p>N°11 Regulation amending the European Venture Capital Fund (EuVECA) and European Social Entrepreneurship Fund (EuSEF) regulations COM(2016) 461 final - EESC 2016/4486 - ECO/413 521st Plenary Session - December 2016 Rapporteur: Mr Giuseppe GUERINI (GRIII-IT) Corapporteur: Mr Michael IKRATH (GRI-AT) DG FISMA –Vice-President DOMBROVSKIS</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>The European Economic and Social Committee welcomes and supports the European Commission's initiative to anticipate the review of the Regulations on European venture capital funds and European social entrepreneurship funds.</p>	<p>The Commission welcomes the European Economic and Social Committee's support.</p>
<p>The European Economic and Social Committee believes that the instrument of a regulation can reduce the danger of different interpretations at national level, thus promoting the establishment of a capital markets union. It also calls for the existing differences of interpretation at national level to be eliminated.</p>	<p>The Commission agrees with the European Economic and Social Committee.</p>
<p>The European Economic and Social Committee also calls on the European Union to commit to strengthening synergies between the objectives of the Europe 2020 strategy, such as the digital single market and the energy union/ the 2015 United Nations Climate Change Conference (COP 21), and the United Nation's 17 Sustainable Development Goals, in order to provide long-term investments with high impact.</p>	<p>The Commission agrees with the European Economic and Social Committee.</p>
<p>The European Economic and Social Committee recommends that the European Union Institutions strongly promote productive investment in the real economy</p>	<p>The Commission agrees with the European Economic and Social Committee.</p>

<p>and discourage high-risk financial speculation.</p>	
<p>The European Union is urged, also in the framework of the European Venture Capital Fund /European Social Entrepreneurship Fund, to adopt measures to promote and strengthen the financing of the green economy (in the wake of 2015 United Nations Climate Change Conference (COP 21)) in order to forestall financial speculation in this area.</p>	<p>The Commission takes note of the European Economic and Social Committee's position; however consultation feedback showed little appetite to broaden European Social Entrepreneurship Fund investment criteria.</p>
<p>At European Union level there are now a large number of substantial financing sources, such as InnovFin under Horizon 2020, the European Union Programme for the Competitiveness of Enterprises and Small and Medium-sized enterprises (COSME) and the Programme for Employment and Social Innovation (EaSI), to list only the main sources, alongside the European Structural and Investment Funds and the European Fund for Strategic Investments. The European Economic and Social Committee therefore expects there to be close coordination in connection with the new direction of the European Venture Capital Fund and the European Social Entrepreneurship Fund. It should be ensured that the hitherto very restrictive access criteria, as well as other restrictive conditions, are significantly relaxed by the Commission in order to enable the funds to achieve their objectives much more effectively. A high degree of flexibility should be the guiding principle.</p>	<p>The Commission agrees with the European Economic and Social Committee and has ensured that the European Venture Capital Fund and the European Social Entrepreneurship Fund are already eligible under such programmes.</p>
<p>In order to expand participation in such investment funds, the European Economic and Social Committee proposes the establishment of “funds of funds”. This could increase the involvement of non-</p>	<p>The Commission, via the European Investment Fund, has launched an invitation for applications for setting up and managing one or more private sector-led, market-driven Pan-</p>

<p>institutional investors — including interest groups — by setting up guarantee funds supported by public money and managed at European level. Such funds should support investment in businesses and institutions with a strong social dimension.</p>	<p>European Venture Capital Funds-of-Funds.</p>
<p>The European Economic and Social Committee, in line with its opinion TEN/584, "e-seniors, a potential 25% of the European Population", calls for the "Silver Economy's" access to financing to be made easier in connection with the European Venture Capital Fund and the European Fund for Strategic Investments.</p>	<p>The Commission takes note of the European Economic and Social Committee's position. The Commission does not propose to open up investment to retail investors of less than €100k given that the additional consumer protection requirements that would have to be put in place would increase costs and reduce attractiveness of the funds.</p>

<p>N°12 Key information documents for packaged retail and insurance-based investment products COM(2016) 709 final - EESC 2016/6321 - INT/811 521st Plenary Session - December 2016 Rapporteur: Mr Daniel MAREELS (GRI-BE) DG FISMA –Vice-President DOMBROVSKIS</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.1. The European Economic and Social Committee can accept the Commission's proposal that the date of application of the Packaged Retail and Insurance-based Investment Products Regulation ⁴⁹ is deferred by one year until 1 January 2018.</p>	<p>The Commission takes note of the European Economic and Social Committee's support.</p>
<p>1.6. The European Economic and Social Committee takes the view that, if the application of the Regulation had not been deferred, the set objectives could have been compromised, which would have been extremely unfortunate.</p>	<p>The Commission agrees with the European Economic and Social Committee.</p>
<p>1.7. The European Economic and Social Committee stresses that this deferral must remain a one-off exception and that the intervening period must be used to adopt and publish the definitive delegated act as soon as possible.</p>	<p>The Commission agrees with the European Economic and Social Committee.</p>
<p>1.8. The amendments to the forthcoming Delegated Act should fit into the Packaged Retail and Insurance-based Investment Products L1 Regulation. The current changes should contribute to increasing consumer trust and remain consistent with</p>	<p>The Commission agrees with the European Economic and Social Committee.</p>

⁴⁹ OJ L 352, 9.12.2014.

rules in the Markets and Financial Instruments Directive ⁵⁰ and its delegated act. Any lessons from the actual implementation could be taken into account in the review of L1 foreseen for 2018.	
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⁵⁰ OJ L 173, 12.6.2014.

<p>N°13 Towards a coherent EU labour immigration policy with regard to the EU Blue Card COM(2016) 378 final - EESC 2016/2508 – SOC/539 521st Plenary Session - December 2016 Rapporteur: Mr Peter CLEVER (GRI-DE) DG HOME – Commissioner AVRAMOPOULOS</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.5. The proposal presented by the European Commission to reform the Blue Card system goes too far in the present circumstances, because it takes away the Member States' scope to maintain their own routes for admitting highly qualified workers – routes that are geared to their specific needs. It is nevertheless right to endeavour to ensure that in future more use is made of the Blue Card to admit into the European Union highly skilled workers from non-European Union countries. Like the Green Card in the United States, the Blue Card could then be a hallmark making the European Union attractive as a destination region for highly skilled immigration.</p>	<p>The Commission warmly welcomes the European Economic and Social Committee's support to further develop the Blue Card into a scheme which will make the European Union a more attractive destination for highly skilled workers in view of the intensifying global competition.</p> <p>However, the Commission does not share the European Economic and Social Committee's conclusions regarding parallel national schemes.</p> <p>In its impact assessment⁵¹ supporting the proposal, the Commission closely examined the existing schemes for highly skilled workers in the Member States applying the Directive. The impact assessment also made comparisons to systems in countries such as the United States, Canada and Australia, all of which currently outperform the European Union in attracting the necessary talent and skills. The impact assessment concluded that having different parallel rules, procedures, conditions and rights for the same category of third-country</p>

⁵¹ SWD(2016) 193 final.

	<p>nationals was neither effective nor efficient as it created costs and administrative burden, not only for the individuals but also for employers, including for small and medium-sized enterprises, which have fewer resources to invest in support services (e.g. immigration lawyers) compared to big companies.</p> <p>The Commission believes that within the current global competition, the European Union can be a stronger player with one shared voice rather than with a patchwork of schemes applied by individual Member States. A successful outcome requires that the European Union Blue Card is built into a streamlined yet flexible instrument which is well-known and attractive for both employers and third-country workers. The Commission has proposed changes to the existing Directive to achieve this goal, having learnt from best practices across Member States. Crucially, the new European Union Blue Card would be inclusive and adaptable enough to replace competing national schemes and be an effective tool across the European Union.</p>
<p>1.7. The measures to facilitate granting of the card are also correct. However, the application of lower salary thresholds has to be viewed with scepticism. A level for highly qualified workers below the average income is not acceptable.</p> <p>5.7.1. The current salary thresholds of at least 1.5 times the average gross national salary, or 1.2 times for shortage occupations, may be a hurdle in certain Member States, especially for workers just</p>	<p>The Commission does not fully share the European Economic and Social Committee's opinion on the salary threshold.</p> <p>As the European Economic and Social Committee acknowledges, reducing the salary threshold is a sensible step. The impact assessment showed that the current high and thus exclusive salary threshold (at least 1.5 times the average salary) is one of the major</p>

beginning their careers. Lowering these thresholds is probably a sensible step, but one the trade unions are critical of. In the European Economic and Social Committee's view, it must be ensured that highly qualified recent graduates are on no account paid below the average wage. The Commission's proposal of 0.8 is too low.

5.7.2. This estimate is based on all people in employment being included in the calculation of average national salary and on the assumption that highly qualified workers, even if they have only just started their careers, should generally be earning above-average salaries in jobs commensurate with their qualifications. If there are shortages of skilled workers in a Member State, it makes sense to set relatively low salary thresholds for granting the European Union Blue Card, but if unemployment is high even among highly qualified workers, higher thresholds are generally needed. Moreover, it is necessary to avoid the impression that the European Union Blue Card is being used to import "cheap" labour into the European Union. This could also undermine the necessary acceptance of the rules.

5.7.3. It should also be noted that the Directive is still unclear on how the average salary benchmark is to be calculated, which may have a major impact on the salary thresholds that will ultimately be obtained.

shortcomings of the Blue Card Directive in place. Lowering the threshold is therefore an important element of the review to make the Blue Card more inclusive and effective.

The proposal gives Member States the flexibility to set their own national salary threshold within a range established in the Directive (1.0 to 1.4 times the national average salary). The general threshold can therefore not be set below the average income. Furthermore, it should be noted that the salary threshold only sets the absolute minimum level. In addition, the salary has to respect applicable laws, collective agreements and practices in the Member State concerned. This enables Member States to counteract social dumping and prevent the use of the European Union Blue Card as a means to import "cheap" labour.

The proposal foresees additional flexibility for recent graduates and certain workers in selected shortage occupations as the Commission's assessment shows that these groups face particular difficulty meeting a general threshold. A lower threshold of 80 % of the general threshold would therefore apply in this case which indeed leads to the possibility of setting these thresholds below the average salary. Such flexibility is necessary to make the Blue Card effective and adaptable to the realities in the labour markets of Member States, especially taking into account the differences in salary distribution.

Regarding the determination of average salary per Member State, the

	<p>Commission takes note of the European Economic and Social Committee's concern about the clarity of the proposal. The proposal, however, harmonises the dataset to be used for the calculation (national accounts data submitted to Eurostat), contrarily to the current situation. The Commission will consider the European Economic and Social Committee's recommendation to further specify the calculation of the salary benchmark in light of the future negotiations between the co-legislators.</p>
<p>1.8. The same goes for the optional possibility of replacing a university degree with equivalent professional experience. The possibility should be considered of reducing the amount of equivalent professional experience required from five to three years; it would also make sense to give at least an indication of the criteria on which this would be assessed.</p> <p>5.8.2. Continuing the option of allowing relevant professional experience to be considered equivalent to a higher education qualification should be regarded as positive, but should remain non-compulsory. Reducing the amount of equivalent professional experience required from five to three years is a change that should also be reconsidered. There should at least be an indication here of what criteria the assessment is to be based on, so as to avoid Member States' interpretations varying too widely.</p>	<p>The Commission does not support the observations of the European Economic and Social Committee for the following reasons:</p> <p>One key element of the Blue Card review is to shift the focus from formal qualifications to actual skills which the worker may have acquired through different learning paths. The purpose is to enable employers to engage the professionals they need without excessive formality, following the example of some successful national schemes. For this reason, the proposal would oblige Member States to create the possibility of recognising professional experience as an alternative to educational qualifications. However, Member States would be free to decide how this assessment is done, in line with the general competence they hold in the recognition of foreign qualifications.</p> <p>While the proposal lowers the minimum number of years of experience from five to three, it must be underlined that “higher professional</p>

	<p>skills” mean “skills attested by at least three years of professional experience of a level comparable to higher education qualifications and which is relevant in the profession or sector specified in the work contract or binding job offer” and “professional experience” would mean “the actual and lawful pursuit of the profession concerned”. The assessment would therefore be more qualitative than quantitative. The actual number of required years may consequently be higher if, for a particular profession, more years of professional experience would be required in order to be considered comparable to skills obtained through higher education qualifications. In addition, not all kinds of experience may be taken into account, as the experience must be directly relevant to the job concerned and it should have been obtained by exercising the profession concerned. Finally, the evaluation and validation of the equivalence of these higher professional skills remains a competence of the Member State concerned.</p>
<p>3.1. In the context of a joint strategy to promote legal migration of highly qualified workers, measures should be framed at European level to address and recruit workers from non-European Union countries. A very promising approach here could be a European skills database where – along the same lines as the European Job Mobility Portal, EURES – non-European Union workers interested in migrating to a European Union country can register their qualifications and be approached directly</p>	<p>The Commission agrees with the European Economic and Social Committee that the efforts to attract highly skilled migrants in the European Union should not end with the proposal for a new European Union Blue Card. An enhanced immigration scheme should rather be seen as a first step towards a comprehensive approach to make the European Union more attractive and accessible for skills and talent. The Blue Card proposal was</p>

by employers. Other elements of a European strategy to attract skilled workers should include the provision of information services on the European Union, relevant immigration rules and the labour market situation in the Member States. An appropriate framework should also be introduced for the mobility within the European Union of workers from third countries, as well as an agreed procedure for recognising qualifications from third countries and a welcoming culture in Europe to counter anti-immigrant feeling among the local population. National and European social partners should be involved in designing this framework.

therefore accompanied by a new section on the European Union Immigration Portal to promote the Blue Card online and provide up-to-date information about admission per Member State.

In line with the European Agenda on Migration ⁵², the Commission is currently looking into possible ways to make European Union labour migration policies more responsive, to help the European Union attract the skills and talents needed to address demographic challenges and skills shortages, and to facilitate the matching of potential migrants with employers. To begin with, the Commission has launched a regulatory fitness check of the existing European Union legal migration acquis in 2017 to identify and assess existing gaps.

In addition, a study has been launched with the Organisation for Economic Co-operation and Development to examine "expression of interest" models currently in place in some of the countries that compete with the European Union in attracting skilled migrants, and to see how they could be adapted to the European context. The underlying idea of these models is to create a pool of pre-screened candidates from which candidates are selected according to a certain set of criteria.

While the recognition of qualifications of third-country nationals remains in the remit of national authorities, several European Union instruments

⁵² COM(2015) 240 final.

	<p>aim at facilitating it. The Legal Migration Directives guarantee that third-country nationals benefit from equal treatment with nationals as regards the recognition of qualifications. Moreover, the proposal for revising the Blue Card Directive includes an obligation for Member States to facilitate the validation and recognition of qualifications.</p> <p>Regarding the specific case of regulated professions, the Professional Qualifications Directive⁵³ covers third-country nationals moving between Member States under certain conditions (i.e. after recognition of qualification in a first Member State and three years of experience acquired there). The Directive is however otherwise limited in its scope to European Union citizens with European Union qualifications.</p> <p>Finally, in the proposals under the New Skills Agenda for Europe, the Commission took into account the third-country dimension, in particular in the proposals related to the European Qualifications Framework Recommendation⁵⁴ and the Europass Regulation.</p> <p>The Commission agrees with the need to counter anti-immigrant attitudes among the local population. Promoting "active participation and social inclusion" of third country nationals is one of the priority areas of the Commission's Action Plan on integration adopted in June 2016.</p>
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⁵³ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, OJ L 255, 30.9.2005.

⁵⁴ COM(2016) 383 final.

3.5. To stem illegal immigration, the European Union is planning to conclude further special migration partnerships with key countries of origin and transit. Such partnerships should also be used to promote legal migration. Very little use has been made of this option within the framework of migration partnerships. Specific measures to develop skilled labour in the partner countries and easier immigration to Europe (if necessary subject to quotas) could be agreed on. This is also a way of combating illegal migration, because it creates a legal alternative for many people interested in migrating. This alternative generally requires further investment in training, with potential positive effects on the level of education in countries of origin.

The European Union has already concluded Mobility Partnerships with a number of third countries. Mobility Partnerships offer a political framework for comprehensive, enhanced and tailor-made dialogue and cooperation with partner countries, including a set of targets and commitments as well as a package of specific support measures offered by the European Union and interested Member States. The Mobility Partnerships aim at increasing mobility and legal migration opportunities, including circular migration projects and preventing irregular migration.

In addition, the Communication establishing a new Partnership Framework with third countries under the European Agenda on Migration of 7 June 2016⁵⁵ announced the launching of compacts with a limited number of priority countries, distinguishing between short and long term priorities, with a strong geographical element primarily aimed at preventing irregular migration through the Central Mediterranean route. These first priority countries are Niger, Nigeria, Senegal, Mali and Ethiopia. In parallel to a focus on these priority countries, work is also ongoing with countries such as Tunisia, Libya, Lebanon and Jordan.

The aim of the compacts is to bring together all possible policy tools available at both the European Union and Member State level in order to create a meaningful partnership with the chosen countries, including legal

⁵⁵ COM(2016) 385 final.

	migration aspects.
<p>5.5. The Commission proposes that highly qualified migrant workers from non-European Union countries should no longer be issued with any residence permit other than the European Union Blue Card. The only exceptions would be special categories such as self-employed workers and scientists. This rigidity makes it difficult for Member States to design their immigration policy to reflect their labour needs and to respond specifically to particular labour shortage situations. It is therefore not advisable to completely prohibit other access routes for highly qualified employees. Rather, Member States must have the option of still retaining their national systems.</p>	<p>The Commission does not share the opinion of the European Economic and Social Committee for the following reasons:</p> <p>The general logic of replacing the national schemes with the European Union Blue Card has been explained in response to point 1.5. When it comes to the ability of Member States to react to the needs arising in their respective labour markets, it is important to note that the proposal contains a number of elements ensuring flexibility: for instance a range for setting national salary thresholds, a lower salary threshold for shortage occupations, and the possibility to introduce labour market tests in case of serious disturbances. Moreover, Member States maintain the Treaty-based prerogative to determine the volumes of admitted third-country national workers.</p>
<p>5.8.3. It would make sense to offer the European Union Blue Card to people from outside the European Union with protection status who meet the requirements for skilled migrants, since well-qualified refugees must be given easier access to the labour market.</p>	<p>The Commission welcomes the European Economic and Social Committee's support for opening the European Union Blue Card scheme to highly skilled beneficiaries of international protection. The Commission believes that this step is important in promoting labour market opportunities across the European Union, while the Blue Card conditions still have to be fulfilled. The Commission expects a positive impact on labour market integration of these skilled migrants.</p>
<p>6.4. Although the integration plan</p>	<p>The Commission Action Plan on the</p>

contains certain measures on highly qualified workers, such as closer cooperation in accrediting non-European Union education qualifications, it is still essentially intended for other immigration groups with greater support needs, and rightly so. But a common strategy to attract skilled workers from non-European Union countries should go beyond the existing integration plan to pool targeted integration opportunities for highly qualified workers. In this connection, attention is drawn to the recommendations adopted by the European Forum on Migration in April 2016.

Integration of third country nationals⁵⁶ has a comprehensive approach, not targeting a specific group but providing a common policy framework which should help Member States as they further develop and strengthen their national integration policies for migrants from third countries, and describes the policy, operational and financial support which the Commission will deliver to support them in their efforts. The improvement of the general policy and funding framework for integration will benefit all migrants, including highly skilled workers. Furthermore, several of the specific actions proposed in the Action Plan can directly benefit highly skilled workers, among other groups.

⁵⁶ COM(2016) 377 final.

<p>N°14 Common European Asylum System Reform Package II COM(2016) 465 final, COM(2016) 466 final, COM(2016) 467 final - EESC 2016/4410 – SOC/547 521st Plenary Session - December 2016 Rapporteur: Mr José Antonio MORENO DÍAZ (GR1I-ES) Corapporteur: Mr Cristian PÎRVULESCU (GR1I1-RO) DG HOME – Commissioner AVRAMOPOULOS</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.1.6. The European Economic and Social Committee is concerned about the limitation of fundamental rights, such as the restriction of free movement, the limitation of the right of minors to education, the application of a procedure to unaccompanied minors at the border, the possible lack of a case-by-case approach when analysing the safe country concepts, the limitation of guarantees for subsequent applications and accelerated procedures, the automatic review of protection statuses, and the punitive approach of the restrictions on reception conditions.</p>	<p>Limitation of the right of minors to education:</p> <p>Considering the limited time the minor is to stay in a different Member State than the one in which he or she is required to be in accordance with the Dublin proposal, it is deemed appropriate to only ensure suitable educational activities pending the transfer of the minor.</p> <p>Punitive approach to the restrictions on reception conditions:</p> <p>The Commission considers the approach justified and proportionate, serving the objective of limiting secondary movements, which is necessary in order to ensure an orderly management of migration flows.</p> <p>Limitations on guarantees for subsequent applications and the accelerated examination procedure:</p> <p>The same procedural guarantees apply to accelerated examination procedures (exception at the appeal stage with regard to suspensive effect or otherwise of an appeal); reduced guarantees for subsequent applications are justified</p>

	<p>since that applicant would already have benefited from all the guarantees throughout the procedure for the first application; it is a way to prevent abuse.</p> <p>As regards the triggers to status review, in addition to the substantive review triggered by the information provided by the European Asylum Support Office, Member States should also check when renewing the residence permits whether the need for protection still exists and whether the person no longer merits protection in the meantime on the grounds of public security.</p>
<p>1.1.7. The European Economic and Social Committee recommends the standardisation of protection statuses, elimination of the differences between refugee status and subsidiary protection status as regards the period of the residence permit, its renewal, and the limitation placed on social assistance for beneficiaries of subsidiary protection.</p>	<p>It is essential to harmonise the period for which the residence is granted, as current differences can trigger secondary movements. As to the proposed harmonised period for refugees and beneficiaries of subsidiary protection, the Commission proposal is in line with the majority practice of Member States.</p>
<p>1.2.2. The burden of proof should be shared between the applicant and the determining authority, as stipulated by the Court of Justice of the European Union case-law, maintaining the determining authority's obligation to "cooperate actively with the applicant".</p>	<p>Article 4(1) of the Qualification Regulation provides for the applicants' obligations, whereas Article 4(3) of the same Regulation provides for the obligations of the determining authority. According to the proposal, the burden of proof is shared.</p>
<p>1.2.4. A case-by-case analysis in procedures for reviewing international protection statuses should be guaranteed, taking the specific circumstances into account and granting any procedural guarantees in these procedures that cannot be applied automatically.</p>	<p>In a withdrawal procedure, the Commission proposal established the right for an individual to a personal interview while under the current legislation this could be excluded. In addition, applicants would have the right to interpretation, the right to request free legal assistance and</p>

	assistance from the United Nations High Commissioner for Refugees.
1.2.6. It is necessary to distinguish between the cessation, exclusion, withdrawal, non-renewal and end of protection statuses, avoiding repetition and confusion regarding the factual circumstances giving rise to each case and including restrictive criteria for their application.	The proposal for the Qualification Regulation considers cessation (Articles 11 and 17) and exclusion (Articles 12 and 18) as grounds for the withdrawal of protection along with other additional reasons as stipulated by Articles 14 and 20.
1.2.8. Article 44 of the Qualification Regulation amending the Directive on long-term residents to restart the five-year period of residence if the person is found illegally outside the Member State that recognised him or her should be eliminated, on the grounds that this is contrary to the aim of the European Agenda on Migration of May 2015.	As stated in the Commission's Communication on the Common European Asylum System reform ⁵⁷ , Member States should provide for effective, dissuasive and proportionate sanctions for irregular secondary movements. Deleting the amendment proposed in Article 44 would run counter to that objective.
1.3.2. The European Economic and Social Committee recommends eliminating the automatic application of the concepts of safe third country, first country of asylum and safe country of origin, and of time limit reductions, and recommends guaranteeing the automatic suspensive effect of appeals.	<p>The application of the concepts of safe countries is without prejudice to the obligation to carry out an individual examination of each application.</p> <p>There is an automatic suspensive effect as regards safe third countries. There is no automatic suspensive effect as regards the first country of asylum and safe country of origin, but guarantees which used to apply only to procedures at the border are now also applicable in case of an accelerated examination procedure – which rules on whether or not an applicant may remain on the territory of the Member State responsible. In such cases, the applicant must receive interpretation and legal assistance, and must have</p>

⁵⁷ COM(2016)197 final.

	sufficient time to prepare. In addition, the court would be able to examine the decision refusing to grant protection in terms of fact and law.
1.3.3. The European Economic and Social Committee recommends the guarantees of case-by-case assessment, based on the criteria of proportionality, necessity and exceptional circumstances, in cases of restriction of freedom or detention should be increased.	Additional procedural guarantees were included in Article 7 concerning residence and freedom of movement, including individual assessments and proportionality. Such guarantees already exist concerning detention.
1.3.4. The European Economic and Social Committee recommends guarantees in the context of administrative detention, setting clear detention time limits and restricting it to exceptional cases, should also be increased.	Detention pursuant to the Reception Conditions Directive continues to be justified only (1) when it proves necessary, (2) on the basis of an individual assessment of each case and (3) if other less coercive alternative measures cannot be applied effectively. All the guarantees already provided for in the current Reception Conditions Directive regarding detention remain unchanged.
1.3.5. The European Economic and Social Committee recommends eliminating the exclusion of the right to free legal assistance in the case of applications considered unfounded or subsequent applications containing no fresh evidence or arguments, on the grounds that this violates the right to an effective remedy as provided for under Article 13 of the European Convention on Human Rights.	Free legal assistance may be refused where the application has no tangible prospect of success (not when it is unfounded). Currently no free legal assistance is provided at the administrative stage; there is a general exclusion which is not limited to the cases specified in the draft Asylum Procedure Regulation.
1.3.6. The European Economic and Social Committee recommends laying down the same procedural guarantees for accelerated procedures, border posts and subsequent applications as for the regular procedure.	See comment under 1.1.6.
1.3.7. Before starting the actual	Making an application is not a formal

<p>application, the applicants should be offered a period to rest and recover.</p>	<p>step but it guarantees that the applicant starts to benefit from the right to remain in the Member State under the proposed Asylum Procedure Regulation and the rights that derive from the proposed Reception Conditions Directive. Individuals should lodge their application, within ten working days from the making of an application, provided the applicant is given an effective opportunity to lodge the application within that time limit. Once the application is lodged, timelines for the administrative procedure start to run.</p>
<p>1.4.1. The European Economic and Social Committee considers it necessary to adopt a positive incentives approach in order to prevent secondary movements, rather than a punitive approach of excluding, reducing, withdrawing or replacing reception conditions, etc. This is particularly disproportionate in the case of applicants not requesting international protection in the first country of irregular entry or legal residence.</p>	<p>The proposed Directive is adopting a balanced approach by clarifying that accommodation, food, clothing and other essential non-food items may not be reduced or withdrawn. Only daily allowances may, in certain circumstances, be reduced or, in exceptional and duly justified cases, be withdrawn. In order to ensure an orderly management of migration flows, it is important to ensure that migrants have a strong incentive to apply for asylum in the first country of irregular or legal entry.</p>
<p>1.4.2. The same legal tool should be used to regulate reception conditions, procedures and eligibility criteria so as to avoid disparities in the direct application of interrelated provisions.</p>	<p>A recast of the Reception Conditions Directive together with an extended mandate for the European Union Agency for Asylum to promote a uniform implementation of reception standards is considered sufficient to meet the objectives of the proposal. In light of the existing significant differences in Member States' social and economic conditions, the complete harmonisation of Member States' reception conditions is not considered</p>

	<p>either feasible or desirable. There are therefore no reasons for transforming the Reception Conditions Directive into a Regulation.</p>
<p>1.4.3. Undefined legal concepts such as "dignified standard of living" or "risk of absconding" should be restricted or eliminated given the serious consequences they entail and the discretion of Member States in setting the defining criteria.</p>	<p>The concept of "dignified standard of living" is further defined by jurisprudence from the European Court of Human Rights. The Reception Conditions Directive proposal refers to the main elements of this jurisprudence in Recital 32. The proposal also includes a definition of "risk of absconding" already used in the Return Directive⁵⁸ and the Dublin Regulation⁵⁹.</p>
<p>1.4.4. Other family members such as siblings and other relatives should be included, in line with the Dublin Regulation proposal.</p>	<p>Extending the definition of family members in the Reception Conditions Directive to siblings would make it possible for national law to also provide reception conditions to applicants' siblings, something that was not considered in accordance with political objectives. Siblings may make their own application for international protection and receive reception conditions as applicants.</p>
<p>1.4.5. Labour market access should not be excluded for applicants from safe countries of origin as this would constitute discrimination on the basis of nationality.</p>	<p>The proposal does not discriminate based on nationality. Instead, access to the labour market shall not be granted to applicants whose applications are likely to be unfounded and whose applications are therefore assessed under the accelerated procedure.</p>

⁵⁸ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008.

⁵⁹ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, OJ L 180, 29.6.2013.

<p>1.4.6. It is necessary to eliminate conditions on the right of access to employment, social security and social assistance.</p>	<p>The proposal aligns the Reception Conditions Directive with Directive 2014/36/EU⁶⁰ establishing rules for other third country nationals temporarily working in the European Union. In view of the possibly temporary nature of the stay of applicants, Member States should be able to exclude equal treatment with regard to certain conditions of employment.</p>
<p>1.4.7. It is also necessary to ensure the absolute right of minors to education, in the same terms as the right to health.</p>	<p>See comment under point 1.1.6.</p>
<p>3.3. With regard to exceptions, the definition of unfounded and inadmissible claims must be clarified.</p>	<p>The draft Asylum Procedure Regulation establishes the grounds for an application to be considered unfounded or inadmissible. No further definitions are considered necessary.</p>

⁶⁰ OJ L 94, 28.3.2014.

<p>N°15 Proposal for a Regulation of the European Parliament and of the Council on establishing a multi-annual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks and repealing Council Regulation (EC) 676/2007 and Council Regulation (EC) 1342/2008 COM(2016) 493 final - EESC 2016/5444 – NAT/697 521st Plenary Session - December 2016 Rapporteur: Mr Thomas McDONOUGH (GRI-IE) DG MARE – Commissioner VELLA</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>The European Economic and Social Committee opinion is positive overall.</p>	<p>The Commission welcomes the opinion and its positive messages.</p>
<p>The European Economic and Social Committee considers an independent commission should be set up to review national quotas.</p>	<p>This is outside the scope of this legislative proposal.</p>
<p>The European Economic and Social Committee considers more research needs to be carried out into the effects of fish farming on wild stocks.</p>	<p>This is outside the scope of this legislative proposal which does not cover research activities.</p>
<p>The European Economic and Social Committee considers measures need to be taken to reverse the decline in eel fishery.</p>	<p>This is outside the scope of this legislative proposal; it is covered by the European Union eel recovery plan (Council Regulation (EC) No 1100/2007⁶¹).</p>
<p>The European Economic and Social Committee considers that penalties should be increased for violations of the fishing laws.</p>	<p>This is outside the scope of this legislative proposal; it is covered by the European Union Control Regulation (Council Regulation (EC) No 1224/2009⁶²).</p>
<p>The European Economic and Social</p>	<p>This is outside the scope of this</p>

⁶¹ OJ L 248, 22.9.2007.

⁶² OJ L 343, 22.12.2009.

<p>Committee considers that strong measures should be taken against the employment of illegal immigrants on fishing boats.</p>	<p>legislative proposal, as it is not related to fisheries management.</p>
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**N°16 An integrated European Union policy for the Arctic
 JOIN(2016) 21 final - EESC 2016/4426 - REX/470
 521st Plenary Session – December 2016
 Rapporteur: Mr Stéphane BUFFETAUT (GRI-FR)
 DG MARE – High Representative/Vice President MOGHERINI**

Points of the European Economic and Social Committee opinion considered essential	Commission position
<p>1.2. The European Economic and Social Committee is equally aware of the fact that the European Union only acts as an observer in the Arctic Council, even if it has <i>de facto</i> been able to go beyond the strict role of an observer. The European Economic and Social Committee has previously expressed its desire for the EU to play a bigger role in the Arctic region (see opinion REX/371 by Mr Filip HAMRO-DROTZ).</p>	<p>The Arctic Council has acknowledged receipt of the European Union’s application for observer status and, pending a final decision by the Arctic Council, has issued a standing invitation for the European Union to attend Arctic Council meetings at all levels. For many years the European External Action Service and various Commission services have actively attended Arctic Council meetings at all levels and will continue to do so. The European Union is also actively engaged on the Barents Euro Arctic Council as a full member, and the European Union operates the Northern Dimension policy framework. The European Economic and Social Committee’s encouragement to engage more in the Arctic is thus actively being pursued and highlighted in the 2016 Arctic Joint Communication.</p>
<p>1.4. The European Economic and Social Committee suggests reversing the order in which the European Union's objectives are presented so as to make them clearer and more effective, especially as the objectives and projects mentioned by the Commission are commendable and their intention can scarcely be criticised.</p>	<p>The Commission welcomes the European Economic and Social Committee's support for the objectives and actions outlined in the Joint Communication. However, it considers that there is no need to reverse the order of the objectives as these are presented in a logical way, starting from the challenges facing the Arctic</p>

	<p>(impacts of climate change and safeguarding the environment), then looking at unlocking its potential (promoting sustainable development) and finally to focusing on the means to achieve this (advancing international cooperation).</p>
<p>1.5. One of the consequences of climate change has been to open up new waterways in the north: the famous North West Passage vainly sought for by Chateaubriand in the late 18th century. This development opens up specific opportunities for shipping, fishing, and even mining, which in turn mean an increased risk of "perils of the sea" and drilling incidents requiring rescue infrastructure which is not present in those locations. The European Economic and Social Committee therefore recommends treating the issues of safety and security – not only in terms of transport but also in terms of drilling – as being of the utmost importance, and underlines the fact that the environmental consequences of these new waterways, opened up by the melting ice, are not yet known.</p>	<p>The issues of safety and security in the context of Arctic maritime transport, drilling and infrastructure and the environmental consequences of the increased use of Arctic waterways have the full attention of Arctic States as well as the European Union. For this reason, the European Union and its Member States have engaged for example in the International Maritime Organisation where a Polar Code has been agreed and entered into force in January 2017.</p>
<p>1.6. In this regard, the European Economic and Social Committee emphasises that the deployment of Galileo has the potential to contribute to monitoring and preventing pollution and maritime disasters and that it will be of particular use with regard to the Arctic.</p>	<p>The Commission welcomes the highlighting of space programmes as regards the Arctic. It notes however that while Galileo can help prevent pollution and maritime disasters, it cannot monitor them.</p> <p>The European Union Copernicus Programme on the other hand, is relevant to the monitoring of pollution and maritime disasters, in particular with regard to the Arctic.</p>
<p>1.8. The preservation of Arctic regions and the fight against climate change must not</p>	<p>The Joint Communication provides for the setting up of a temporary European</p>

<p>be undertaken without consideration for inhabitants or in a way that is detrimental to them.</p>	<p>Union Arctic Stakeholder Forum, bringing together European Union institutions, indigenous peoples and governments, regional and local authorities to identify key investment priorities for European Union funds in the region for the coming years. The Forum has been set up and has met three times already. Engagement with Arctic indigenous peoples and local communities continues also through the annual dialogue meetings.</p>
<p>1.9. The objectives of the integrated European Union policy for the Arctic cannot be pursued without the agreement and support of countries that are not – and never will be – European Union Member States. Some of them are global superpowers that do not necessarily have the same economic and strategic objectives as the European Union.</p>	<p>The European Economic and Social Committee's emphasis on international cooperation is fully in line with the spirit of the 2016 Arctic Joint Communication, which stresses that the European Union's Arctic policy requires continued and increased engagement in Arctic-specific forums, in multilateral forums which negotiate agreements with impacts on the Arctic (e.g. under the United Nations Framework Convention on Climate Change), as well as with Arctic States, Arctic indigenous peoples, civil society organisations, etc.</p>
<p>3.2. In order to be better able to meet these challenges, the Commission stresses the importance of Arctic research and monitoring efforts and mentions the funding dedicated to this end. It highlights the need for enhanced international cooperation and calls for transnational access to research infrastructure and data.</p>	<p>The Commission stresses that the Copernicus programme makes an important contribution through its operational monitoring programme, giving full free and open access to data and information.</p>
<p>3.9. The size of the Arctic and its low population density mean that the use of space technologies is particularly appropriate. The Copernicus and Galileo programmes will be invaluable to the region. The European Economic and Social</p>	<p>The Commission welcomes the importance attached to the Copernicus and Galileo programmes. It further considers that space technologies should also address needs related to</p>

Committee can only support the Commission's approach in this regard.	telecommunications.
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<p>N°17 Aviation package II COM(2015) 613/ - EESC 2016/2832 – TEN/597 521st Plenary Session – December 2016 Rapporteur: Mr Raymond HENCKS (GRII-LU) Corapporteur: Mr Stefan BACK (GRI-SE) DG MOVE – Commissioner BULC</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.1. and 3.5. The European Economic and Social Committee is favourable to the new approach based on risk assessment and performance, provided that prescriptive rules remain in place wherever required to ensure safety. The European Economic and Social Committee considers that successful implementation of this change in working methods and culture requires time and adequate resources. The European Economic and Social Committee also underscores that this transition must take place with the close involvement of staff and stakeholders.</p>	<p>The Commission shares this view of the European Economic and Social Committee which concurs with the outcome of the support study on performance schemes and performance based approach carried out in the context of the impact assessment in preparation of the proposal. This is also reflected in Article 4 (1)(e) of the proposal which sets out that a performance-based approach should be taken only where possible.</p>
<p>1.4. and 4.3.2. The European Economic and Social Committee welcomes the inclusion of ground handling in the scope of this Regulation and suggests considering a certification requirement on ground handling providers and staff with safety-critical roles.</p>	<p>What was important for the Commission was to provide for clear rules directly applicable to ground handling at European Union level, against which the competent authority can carry out its oversight. Currently, where there are no national rules, this can only be done indirectly through the airlines without clear criteria. The Commission opted for a declaration and not a certification procedure based on the consultations and impact assessment carried out in preparation of the proposal. The Commission considers this a proportionate approach</p>

	<p>that also strikes a balance between the different practices of Member States. The means of a national competent authority to oversee an organisation on the basis of a declaration do not differ from those provided on the basis of a certification. The Commission addressed the question of a certification requirement for ground handling providers in the impact assessment, carried out in preparation of Commission proposal on common rules in civil aviation and establishing a European Union Aviation Safety Agency⁶³, as well as during stakeholder consultations. The result of that assessment was that the regulatory instrument of a declaration would ensure a proportionate approach.</p>
<p>1.5 and 4.5 The European Economic and Social Committee welcomes the development of certification standards for cabin crew but regrets that the Commission does not propose a licensing system for cabin crew.</p>	<p>The Commission wishes to clarify that an attestation referred to in Article 21 of the Commission proposal is a form of certification, just as a licence. This becomes clear from the definition of the term “certificate” in Article 3 (9) of the Commission proposal. An attestation does not entail fewer rights than a licence. Cabin crew attestations issued in accordance with the regulation are valid throughout the European Union just like a licence or any other certificate (see Article 56 of the Commission proposal).</p>
<p>1.7 and 4.4.1 The European Economic and Social Committee would warn against unnecessary complexity and the duplication of certification or control requirements regarding aerodrome equipment, except</p>	<p>The Commission proposal maintains the possibility of the certification of aerodrome equipment independently from the certification of the aerodrome (such a possibility is not new and is</p>

⁶³ COM(2015) 613 final.

<p>where clearly warranted for safety reasons.</p>	<p>already provided for in the current Regulation (EC) No 216/2008⁶⁴). The details of such a certification scheme would have to be set out in a delegated act.</p>
<p>1.12. and 4.15. The European Economic and Social Committee also takes note of the proposal to introduce a provision on charges for Single Sky Services as a means of financing the European Aviation Safety Agency activities despite the fact that the substantive rules on these charges will be inserted in provisions that are not yet in place. It is furthermore not clear how the planned charges are to relate to the route-charging system currently managed by Eurocontrol on behalf of the States Parties to a multilateral agreement. Bearing this in mind, the European Economic and Social Committee considers that it would be premature to legislate on the use of a charge that does not yet exist and where several options are possible as to its configuration. The European Economic and Social Committee therefore suggests that this proposal be rejected.</p>	<p>As regards en route charges as a source of revenue for the European Aviation Safety Agency, the Commission proposal only provides for a legal basis in Article 109(1) (f) that would allow the European Aviation Safety Agency to receive revenue stemming from the collection of en route charges. It should be underlined that the Commission does not propose a new or additional tax, but does include the possibility of including costs incurred by the European Aviation Safety Agency with regard to Air Traffic Management/ Air Navigation Services authority tasks in the cost-base for establishing en route charges under the existing charging scheme governed by Regulation (EC) No 550/2004⁶⁵. To ensure cost-neutrality, the inclusion of costs of the European Aviation Safety Agency in the common charging scheme would have to go along with a reduction of the amount of airspace user charges attributed to Eurocontrol reflecting the transfer of Air Traffic Management competences from Eurocontrol to the European Aviation Safety Agency which took place in 2009, but which was not accompanied by the transfer of</p>

⁶⁴ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (Text with EEA relevance), OJ L 79, 19.3.2008.

⁶⁵ Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) (Text with EEA relevance), OJ L 96, 31.3.2004.

	funding.
<p>1.14. and 4.19. The European Economic and Social Committee strongly opposes the proposal to amend the provisions of Regulation (EC) No 1008/2008⁶⁶ on leasing. Since the assessment of this Regulation is scheduled to take place in 2017-2018, it should be dealt with separately.</p> <p>With regard to the proposal to alleviate formalities on the wet lease of aircraft, the European Economic and Social Committee points out that the proposal primarily deals with safety, whereas issues concerning wet lease relate to commercial operations, market access and competition. They may also have a significant socio-economic dimension. The European Economic and Social Committee therefore advises against amending the substantive provisions on wet lease at this stage and considers that this issue should be addressed when Regulation (EC) No 1008/2008 is reviewed.</p>	<p>The amendments to Regulation (EC) No 1008/2008 proposed in the Commission proposal regard an amendment necessary to enable the transfers of competences for Air Operator Certificates between a Member State and the Agency, as well as between Member States. Furthermore, it proposes the removal of a prior safety approval for wet leasing arrangements which do not involve a third country operator. The Commission wishes to underline that the proposal does not affect any other conditions concerning wet-leasing.</p> <p>These amendments are also without prejudice to a separate full assessment of Regulation (EC) No 1008/2008.</p>
<p>4.7.4. The European Economic and Social Committee takes note of the introduction of the possibility for multinational operators to select the European Aviation Safety Agency as their competent authority. In line with its views on the voluntary transfer of responsibilities, the European Economic and Social Committee can approve this proposal, subject to the consent of the national authority or authorities concerned and provided that that the measure does not adversely affect the employment terms and conditions of the staff involved.</p>	<p>The Commission welcomes the support of this voluntary mechanism. The Commission considers it essential that the Member State(s) concerned are consulted on a transfer of responsibilities to the Agency and that their views are duly taken into account. The proposal refrains however from requiring Member State consent. In the absence of objective criteria on which the decision of the Member State could be based, requiring prior Member State consent could bear the risk of a</p>

⁶⁶ Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast) (Text with EEA relevance), OJ L 293, 31.10.2008.

	discriminatory decision.
<p>4.14. The European Economic and Social Committee believes that the current system of fines and periodic penalty payments has been proven ineffective. The wording of Article 72 (1) stating that "the Commission may [...] impose on a legal or natural person [...] a fine" should be changed to "the Commission shall [...]....". It should be recalled that Article 72 (3) still grants a margin of discretion. When considering whether or not to levy a penalty, the Commission must liaise with the relevant national authorities to ensure an approach consistent with national law enforcement.</p>	<p>The Commission does not share the view that it simply executes a request from the Agency to impose a fine or periodic penalty payments. The decision involving discretionary powers has to remain with the Commission. Article 72 sets out the elements that have to be taken into account in its deliberations. Obliging the Commission at the same time to impose a fine or periodic penalty payment would go counter to this.</p>
<p>4.16.1. Stakeholder involvement is and must remain an essential feature of the European Aviation Safety Agency's work. Therefore, the European Economic and Social Committee suggests that the wording "whenever necessary" be removed from Article 104(1)(b) to avoid arbitrary decisions on whether or not stakeholders will be involved in the activities of the Agency.</p>	<p>Today it is the rule that stakeholders are involved in the rulemaking procedures of the Agency. However, the Agency's rulemaking procedure adopted by the European Aviation Safety Agency Management Board foresees the possibility of the Agency developing a certain rulemaking task using only its own resources, i.e. without involving external parties until the public consultation phase. This possibility is particularly useful when there are urgent rulemaking tasks, or in the case of simple, non-controversial topics. This rulemaking procedure is not used often as is evident from the Agency's rulemaking programme, but the Commission wished to maintain this option in the basic Regulation.</p>
<p>4.18. Internal structure</p> <p>The proposed wording of Article 90 will give significantly more power to the Commission at the expense of the European Parliament. The European Economic and Social Committee therefore insists that one</p>	<p>The Commission wishes to clarify that Article 90 refers to the Executive Board and implements the Common Approach agreed in the Joint Statement of the European Parliament, the Council and the Commission on</p>

<p>representative of the Commission and one representative of the European Parliament be given a place on the Management Board.</p>	<p>decentralised agencies. The Common Approach does not set out any participation of representatives of the European Parliament in the Executive Board. As regards the composition of the Management Board, two representatives of the Commission should participate. Where appropriate and without prejudice to the relevant arrangements for existing agencies, one member designated by the European Parliament could also be included. Hence, the Commission disagrees that one seat should be ceded to the European Parliament.</p>
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<p>N°18 Lives in dignity: from aid-dependence to self-reliance COM(2016) 234 final – EESC 2016/4538 - REX/469 521st Plenary Session - December 2016 Rapporteur: Mr Michael McLOUGHLIN (GR11-IE) DG ECHO – Commissioner STYLIANIDES</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>The Communication's principal approach to demonstrating the operational dimension of the change envisaged is by way of current examples. These are very valuable. While the operational dimension may be for the future, it would be valuable to clarify and develop this. In other words, what will it look like, what are the actual instruments, will it be driven by just aid? [...]</p>	<p>In addition to the steps mentioned in the Communication and the Staff Working Document, Commission services in cooperation with the European External Action Service are currently looking into ways of rolling out this approach further.</p> <p>The Communication argues in favour of joint and early engagement of humanitarian and development, but also of political actors. It calls for a synergetic combination of humanitarian, development and political instruments in relation to their respective mandates.</p> <p>On the operational level, the European Union thus already mobilizes a broad set of instruments and actions, ranging from humanitarian and development funding (including trust funds), the Instrument for Stability and Peace, political dialogue and, as in the case of Jordan, simplified rules for exports. By capitalising on existing good practices, identifying remaining gaps and promoting learning lessons the European Union will continue to adapt the way it addresses forced displacement situations in line with its new approach.</p> <p>On a related and more general note, Council conclusions on operationalising</p>

	<p>the Humanitarian-Development Nexus planned for adoption at the Foreign Affairs Council on 19 May 2017 will also call for cooperation between humanitarian and development actors and their respective roles during the different phases of a crisis.</p>
<p>It is reasonable to ask what approach will be taken in the future. As with all policy changes there will be a transition. Will there be a backlog or a two tier system? 25.1 million people are currently seen as being protractedly displaced. How will a different environment be managed if this situation continues?</p>	<p>Please see the Commission's response to the above point.</p>

<p>N°19 Effort sharing decision in 2030 climate and energy policy framework and emissions and removals from land use, land-use change and forestry (LULUCF) COM(2016) 479 final, COM(2016) 482 final – EESC 2016/4477 - NAT/696 521th Plenary Session – December 2016 Rapporteur: Ms Tellervo KYLÄ-HARAKKA-RUONALA (GRI-FI) Corapporteur: Mr Mindaugas MACIULEVIČIUS (GRIII-LT) DG CLIMA – Commissioner ARIAS CAÑETE</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.1. The European Economic and Social Committee welcomes the timely proposals from the Commission to implement the European Union's commitment to reducing its greenhouse gases by 2030 in all sectors of the economy and society.</p>	<p>The Commission welcomes the European Economic and Social Committee's opinion and will take into account its general and specific suggestions within subsequent negotiations with the other Institutions.</p>
<p>In recommendation 1.1. and several other paragraphs, the European Economic and Social Committee emphasises the need to take into account the Paris long-term objective of carbon neutrality.</p>	<p>The European Union's 2030 target of at least 40% domestic greenhouse gas emission reductions is consistent with the medium term ambition of the Paris Agreement⁶⁷.</p>
<p>1.2., also 4.1 to 4.3. With regard to effort sharing, the European Economic and Social Committee fully agrees with the view that differences between Member States have to be taken into account to ensure fairness and cost-effectiveness. To achieve genuine cost-effectiveness in a fair way, effort sharing calculations should, however, address both aspects at the same time across all Member States and set the targets in such</p>	<p>The Commission proposal takes into account the differences between Member States to ensure fairness and cost-effectiveness, as agreed by the European Council in October 2014. The Member State targets are calculated based on fairness (Gross Domestic Product per capita) and take account of cost-efficiency considerations. In addition, Member States can benefit from a number of flexibilities to achieve</p>

⁶⁷ See COM(2016) 110 final, COM(2011)112 final and SEC(2011)288 final.

<p>a way that the relative costs are the same for each country.</p>	<p>targets cost-efficiently.</p>
<p>1.2., also 4.1 to 4.3. Due to the shortcomings of effort-sharing, the European Economic and Social Committee feels it is important to introduce flexibility mechanisms and develop them further.</p>	<p>The Commission agrees with the European Economic and Social Committee on the importance of introducing flexibility mechanisms.</p> <p>The Commission welcomes the European Economic and Social Committee's support for the two new flexibilities proposed; the one-off flexibility with the European Union Emissions Trading System and Effort Sharing (4.8.) and the Land Use, Land-use Change and Forestry flexibility (4.9.).</p>
<p>The European Economic and Social Committee underlines the importance of active forest management (recommendation 1.3.), stresses the role of forests as an effective means of carbon sequestration (recommendation 1.5.) and of the use of wood as a raw material for products and the substitution of fossil fuels with bioenergy (recommendation 1.6.). The European Economic and Social Committee recommends that European Union climate policy should not restrict the use of forests (recommendation 1.6.).</p> <p>To this end, the national forest reference levels should be established by Member States in accordance with the projected use of forest resources (recommendation 1.7.), while ensuring that annual harvesting does not exceed annual growth in the long term.</p>	<p>The Commission agrees on the importance of sustainable forest management for the enhancement of forest carbon sinks. The Commission proposal balances the right incentives for an active, forest-based bioeconomy and the need to ensure environmental integrity.</p> <p>The Commission agrees that Forest Reference Levels should reflect the projected evolution of forest resources and of their use under the continuation of forest management practices and intensity (for instance, by reflecting the impact of age structure of forests on projected harvest levels in the period 2021-2030). However, the Commission stresses that this projection should not reflect the future impact of policies, for instance renewable energy policies which incentivize the harvest of forest biomass. This would not ensure proper accounting for emissions originating from the use of bioenergy, and would invalidate the "zero-rating" provisions</p>

	<p>for bioenergy under the Emissions Trading System and outside the Emissions Trading System (for small generators below 20 Megawatt).</p> <p>The Commission emphasizes that nationally constructed forest reference levels place no limit on the level of harvests. Instead, the policy on harvest levels is to be determined by the Member State in accordance with its sustainable forest management and climate policy goals.</p>
<p>1.4. The European Economic and Social Committee stresses the importance of ensuring coherence between climate change mitigation and adaptation, the latter element being particularly important in the agriculture and forest sectors.</p> <p>The European Economic and Social Committee also underlines the importance of ensuring food security and a sustainable increase in agricultural productivity.</p>	<p>The Commission proposals include an accounting framework which will encourage Member States to support climate-smart agriculture practices, seeking synergies between productivity, resilience and emissions reductions.</p> <p>The European Union Strategy on Adaptation to Climate Change adopted in 2013⁶⁸ encourages and supports Member States to adopt comprehensive adaptation strategies in vulnerable European Union policy sectors. It specifically addresses agriculture.</p> <p>The Common Agricultural Policy, through the cross compliance, "greening" of direct payments and the Rural Development Programmes, helps to boost the sustainable productivity of the farming sector.</p>
<p>1.7. The European Economic and Social Committee recommends that the European Union should develop a precise satellite-based tool for the global monitoring of forests.</p>	<p>In its Communication on a "Space Strategy for Europe"⁶⁹, the Commission has confirmed its commitment to strengthen the services and data provided by the Earth</p>

⁶⁸ COM(2013) 216 final.

⁶⁹ COM(2016) 705 final

	Observation Programme Copernicus, including monitoring greenhouse gas emissions in land use and forestry.
1.9. The European Economic and Social Committee encourages the Commission, in addition to the existing financing facilities, to set up a separate financing instrument, in conjunction with the European Investment Bank, to support the achievement of its climate goals.	The Commission has already in place several financing instruments that can support the goals of the Land Use, Land-use Change and Forestry Regulation. Examples are: (i) grants for climate-friendly land use and forestry through the Common Agricultural Policy; (ii) grants for the development of innovative land use and forestry management practices through Horizon 2020 and LIFE (the EU's environment Programme); (iii) concessional loans through the deployment of financial instruments such as the Natural Capital Financing Facility.
3.3. and 3.4. The European Economic and Social Committee calls to also evaluate options and possibilities for a more coherent community approach in the non-Emissions Trading System sector with regard to European Union climate policy for the post-2030 period. A sectoral approach is another possible climate policy route. The European Economic and Social Committee considers it important to distinguish between single market-related issues and those that are national in nature.	Already now there are a number of single market-related Community policies which support non-Emissions Trading System target achievement, such as eco-design standards and labels to foster energy efficiency, Carbon Dioxide standards to reduce greenhouse gas emissions of vehicles and the Fluorinated greenhouse gases Regulation ⁷⁰ to phase down Hydrofluorocarbons.
3.10. The European Economic and Social Committee calls for consistency of the two proposals with the National Emissions Ceilings Directive, in particular for the agriculture sector.	The Commission agrees on the importance of policy coherence for the agriculture sector and seeks to minimize the risk of overlapping burdens. To this end, the methane ceilings that

⁷⁰ OJ L 150, 20.5.2014.

	<p>were originally part of the proposal for the revised National Emission Ceilings directive have not been included in the adopted Directive. Methane emissions are instead covered by the proposal for the Effort Sharing Regulation. The proposal gives flexibility to the Member States to meet the proposed national greenhouse gas targets in the way they feel is appropriate. The possibility of using Land Use, Land-use Change and Forestry credits to cover for lower mitigation potentials gives additional flexibility to Member States to meet their targets and contributes to minimising costs.</p>
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<p>N°20 Extending the 2013-2017 European statistical programme for the 2018-2020 period COM(2016) 557 final – EESC 2016/5294 – ECO/415 521st Plenary Session – December 2016 Rapporteur: Mr Petru Sorin DANDEA (GRII-RO) DG ESTAT – Commissioner THYSSEN</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1. The European Economic and Social Committee endorses and supports the Commission's proposal to extend the current European Statistical Programme to cover the 2018-2020 period.</p>	<p>The Commission welcomes the favourable opinion of the European Economic and Social Committee and its support for the preferred policy option chosen.</p>
<p>3. The European Economic and Social Committee considers that improving existing products and developing new ones is necessary to measure the European Union's progress on the 17 goals and 169 targets of the United Nations sustainable development strategy and must be a priority for the European Statistical System.</p>	<p>The Commission takes note of the European Economic and Social Committee's opinion and will investigate how the role of Eurostat and the European Statistical System in the monitoring of the Sustainable Development Goals in line with the Communication on "Next steps for a sustainable European future – European action for sustainability"⁷¹ could be further strengthened.</p> <p>Eurostat, in close cooperation with its partners in the European Statistical System, is already playing a key role in developing a reference indicator framework as an important element to support a more detailed regular monitoring of the Sustainable Development Goals in a European Union context from 2017 onwards.</p>

⁷¹ COM(2016) 739 final.

<p>5. The European Economic and Social Committee considers that the new statistical products proposed by the Commission measuring globalisation should include statistical surveys measuring the positive or negative effects on the single market, such as the impact of relocations on the EU labour market or pressure of unfair competition based on cheap labour and non-compliance with International Labour Organisation standards on employment relationships, particularly in the European industrial and services sector.</p>	<p>The Commission takes note of the European Economic and Social Committee's opinion. The statistical measurement of the manifold socio-economic impacts of globalisation is high on the agenda of Eurostat and the European Statistical System. For example, in the context of the European Statistical Programme 2018-2020, a deeper understanding of global value chains and the effects of relocations of multi-national enterprises will be sought. Social statistics, in particular data on inequalities, skills, access to employment for all and social protection expenditures will be further improved in line with the Commission proposal on Integrated European Social Statistics and supporting the European Pillar on Social Rights⁷².</p>
<p>6. and 7. The European Economic and Social Committee endorses the Commission proposal to begin exploratory work on a future European Union social survey. This survey should also include data on the suitability of social security systems and their sustainability in the new demographic situation.</p> <p>Given the increase in migration flows, the European Economic and Social Committee recommends that shortcomings in statistical surveys on migration and asylum be identified swiftly and redressed. The programme on the integration of migration statistics needs to be implemented fully, in cooperation with national statistics institutions.</p>	<p>The Commission takes note of the European Economic and Social Committee's opinion. Eurostat is trying to quickly react to new policy needs and adapt its programme to cover new emerging areas.</p> <p>For example, Eurostat population projections will be updated on an annual basis for the analysis of the economic and budgetary implications of population ageing, the sustainability of public finances in the light of ageing populations and the impacts of migration.</p> <p>Current and planned work as regards migration statistics in support of the European Agenda on Migration</p>

⁷² COM(2016) 551 final.

	<p>focuses on the quality assurance of data and further developments of existing data collections. The feasibility of new data collection is being assessed, touching on asylum and managed migration as well as classical demography defined migration. More explanatory variables like education level of migrants are also being looked at.</p>
<p>8. and 9. The European Economic and Social Committee recommends that Member States step up investment in developing the European Statistical System so that it can cope with the growing demand for statistics, which it must also be able to develop and disseminate swiftly.</p> <p>The European Economic and Social Committee reiterates the proposal put forward in previous opinions, calling for Eurostat as well as national statistical institutions to have the best possible human, financial and Information Technology resources, because this is essential to fulfilling the increasingly demanding tasks inherent in providing high-quality statistical information in an ever shorter timeframe.</p>	<p>The Commission welcomes the opinion of the European Economic and Social Committee and underlines that the Economic and Financial Affairs Council in November 2015 has supported calls for the European Statistical System to be adequately resourced.</p> <p>Subject to the outcome of negotiations with the other Institutions, the European Statistical Programme 2018-2020 will be supported by a moderate increase in the allocations from the European Union budget. The increased budget will also be used to support the work of national statistical institutes but should be mirrored by the provision of adequate and sustainable human and financial resources at Member State level.</p>

N°21 Enhancement of EU-Turkey bilateral trade relations and modernisation of the Customs Union
EESC 2016/3440 - REX/468
521st Plenary Session - December 2016
Rapporteur: Mr Dimitris DIMITRIADIS (GRI-EL)
DG TRADE – Commissioner MALMSTRÖM

<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.1. The European Economic and Social Committee believes that ongoing developments have rendered the current Customs Union agreement obsolete and that the parties to the agreement will have to start serious negotiations on strengthening their economic ties by establishing a new type of trade agreement that reflects current needs.</p> <p>1.3. The European Economic and Social Committee believes that the procedure regarding the Customs Union can be carried out by means of either a review of Decision No 1/95, a new decision of the Association Council, or ultimately a new protocol to the Accession Agreement.</p> <p>1.9 It should be borne in mind that over the 20 years since the Customs Union came into effect, the European Union acquis has widened to include areas that were not regulated previously.</p> <p>1.10. The European Economic and Social Committee considers that a new, modern Customs Union agreement is needed and rejects the idea of maintaining the status quo or converting it into a Regional Trade Agreement as being unrealistic. It believes that the new agreement should contain new chapters that reflect the additions to</p>	<p>Turkey is the European Union's 5th largest partner in trade in goods. The value of bilateral trade in goods has increased more than fourfold since the entry into force of the Customs Union in 1996 and currently amounts to EUR 140 billion annually (with a positive balance of EUR 17 billion for the European Union). For Turkey, the European Union is the most important trading partner, representing 41% of Turkey's global trade. Moreover, two thirds of foreign direct investment in Turkey currently originates in the European Union.</p> <p>The Commission shares the assessment that the current trade arrangements with Turkey require an update to adjust them to the new reality of an advanced bilateral economic relationship and to further increase the benefits for both sides. It has therefore decided on 21 December 2016 to request the Council to authorise the Commission to open negotiations to both modernise the functioning of the CU as well as to extend the scope of the bilateral preferential trade relationship. This request is now being discussed in Council.</p> <p>The Commission's proposal is supported</p>

European Union law and practice, since these continue to expand and be revised, together with updated provisions addressing the areas that have proven to be problematic in the implementation of the Customs Union with Turkey and the preliminary requirements.

1.11. The European Economic and Social Committee also thinks that the new negotiations ought to focus especially on the immediate implementation of the necessary radical reforms of Turkish legislation.

1.13. The European Economic and Social Committee considers that, as regards the asymmetry affecting Turkey's trade relations with third countries with which the European Union is concluding a new type of trade agreement, the relevant clause cannot be improved beyond providing political incentives for the European Union's partner countries, with the further option for the Commission to provide effective intermediation services.

by a publically available Impact Assessment. A wide public consultation, a study of an external consultant as well as the results of an ex-post evaluation carried out by the World Bank in 2014 have fed into the Commission's Impact Assessment.

The Impact Assessment followed the preparatory work undertaken by a Senior Officials Working Group established in February 2014, whose results were agreed between the European Union's Trade Commissioner and the Turkish Minister of Economy in May 2015.

Subject to the outcome of the discussions and decisions by the Council, the Commission envisages the following main components to be the key elements during the negotiations:

a) Extension of the scope of the bilateral preferential trade relationship:

In line with current ambitious liberalisation efforts of the European Union with third countries, preferential treatment should be extended to reflect new economic and trading realities and cover areas such as services, public procurement, agricultural trade and Sanitary and Phytosanitary trade, as well as a specific chapter on small and medium-sized enterprises.

b) Modernisation of the Customs Union:

The negotiations will also address the difficulties identified with regards to the functioning of the Customs Union, in particular Turkey's difficulties in negotiating preferential trade agreements with third countries with which the European Union concludes such agreements, Turkey's difficulties in

	<p>meeting its obligation on legislative alignment to European Union law, and the lack of an effective dispute settlement mechanism.</p>
<p>1.7. The new conditions in world trade that have been developing over recent years have prompted the European Union to launch a new round of global trade agreements focusing on improved provisions in a wide range of areas with the aim of promoting modern forms of trade as well as applying European Union principles and the European Union acquis. The Trade for All Communication of the Commission must constitute the basis for European Union-Turkey negotiations. The recent adjustments and best practices implemented in various trade agreements have transformed models for sustainability, transparency and the involvement of the social partners and civil society in international trade agreements.</p> <p>1.8. The European Economic and Social Committee considers that both ex-ante and ex-post impact and feasibility assessments of the negotiations must be carried out in advance in order to identify the effects on the environment, the economy and society. The social partners and civil society organisations must be involved in these procedures. The European Economic and Social Committee moreover considers that the Commission should continue to monitor closely the ongoing social and economy situation in Turkey at every step of the negotiations.</p> <p>1.14. The European Economic and Social Committee believes that any type of trade</p>	<p>In line with the Trade for All strategy⁷³ adopted in October 2015, and subject to the outcome of the discussions and decisions of the Council, the Commission will strive to include a trade and sustainable development chapter in the negotiations to modernise the Customs Union.</p> <p>Also in line with the Trade for All strategy and the Commission's overall Better Regulation agenda, the Commission will involve all stakeholders closely throughout the negotiation as well as the implementation phase. This involves dedicated meetings of the Directorate-General for Trade's Civil Society Dialogue, consultations during the Sustainability Impact Assessment and meetings with national and European trade unions, industry associations and non-governmental organisations.</p> <p>All trade and sustainable development chapters moreover foresee an institutionalised involvement of civil society in the implementation of trade agreements.</p> <p>As regards analysis and evaluations of trade agreements, the Commission has commissioned an ex-post analysis by the World Bank in 2014 of the Customs Union. The Commission's decision to request the authorisation to start the negotiations has also been accompanied by an Impact Assessment. During the</p>

⁷³ http://trade.ec.europa.eu/doclib/docs/2015/october/tradoc_153846.pdf.

<p>agreement between the European Union and Turkey will have to include effective consultation and inclusion of the social partners (employers and employees) and of civil society organisations at both the negotiating and implementation stages.</p>	<p>negotiations, a Sustainability Impact Assessment will be conducted by an independent external consultant, providing the Commission with an assessment of the economic, social and environmental implications of the negotiations. The assessment will also include a wide consultation of stakeholders, both in the European Union and Turkey. As is the case with all new trade agreements, an ex-post analysis will be done once the new trading arrangements will have been in force for sufficient time to ensure availability of meaningful data.</p>
<p>1.2. The European Economic and Social Committee still considers that Turkey remains a very important partner and that the political will exists to increase levels of cooperation, but only provided that compliance with the fundamental European values and the principles of democracy, the rule of law and human rights is ensured.</p> <p>1.4. The European Economic and Social Committee condemns the coup attempt of 15 July 2016, but is also very concerned by the response of the Turkish Government and subsequent political developments in Turkey, which go far beyond the prosecution of those behind the coup, do not reflect measures consistent with the rule of law and are contrary to democratic principles.</p> <p>1.5. The European Economic and Social Committee calls on Turkey as a European Union accession candidate to protect and uphold universal human rights and to comply with democratic principles and abide by the rule of law. The European Economic and Social Committee deplors the attempt to overturn the democratically</p>	<p>Turkey, as a European Union accession candidate country, benefits from a permanent monitoring in terms of protection of human rights in the framework of the accession negotiations. The Commission reports annually on the situation in its Reports on Turkey as part of the annual Enlargement package. Recent developments in Turkey in the aftermath of the coup attempt of 15 July 2016 were assessed in the 2016 Annual Report issued on 9 November 2016. Further continuous monitoring is exercised via regular high level political dialogues as well as yearly meetings of the Association Council, the Association Committee and relevant sub-committees.</p> <p>The Commission sees the respect of human rights as an underlying principle of the modernised Customs Union. In addition, a modernised Customs Union should contain a chapter on Trade and Sustainable Development in line with established European Union policy, covering amongst others principles on labour rights.</p>

elected government of Turkey, but also voices its disquiet at the response of the Turkish authorities and expressly calls for human rights to be fully upheld and applied without discrimination, especially freedom of expression and the particular way in which it is manifested in the freedom of the press, and for the rule of law to be completely restored.

1.6. In the European Economic and Social Committee's view, Turkey must effectively demonstrate that it remains attached to the status of an accession state, which by law and under the Treaties it still holds, by continuing negotiations with the European Union as well as by strict compliance with the European Union acquis and all the requirements as agreed to date.

<p>N°22 The main underlying factors that influence the Common Agricultural Policy post-2020 (own-initiative opinion) EESC 2016/0801 - NAT/682 521st Plenary Session – December 2016 Rapporteur: Mr Simo TIAINEN (GR11-FI) DG AGRI - Commissioner HOGAN</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>1.3. (4.6.). Extension the term of the current Common Agricultural Policy by two to three years.</p> <p>4.5. The European Economic and Social Committee considers it is important not to rush into another Common Agricultural Policy without thorough assessment of the current Common Agricultural Policy.</p>	<p>Point 1.3.</p> <p>On timing of future reform the Commission takes note of the demand for an extension of the present Common Agricultural Policy.</p> <p>Point 4.5.</p> <p>The evidence base is constantly growing.</p> <p>Over the past two years, monitoring and evaluation has been continuously carried out by European Commission services (Common Monitoring and Evaluation Framework, green evaluation after first year, Agricultural Markets Task Force report).</p> <p>Specifically on greening, the review after one year has been completed. The progress report on implementation of Ecological Focus Areas is due by 30 March 2017. The evaluation of the implementation of greening has been launched and will be completed by the end of 2017.</p> <p>Various Common Agricultural Policy evaluations are under way, e.g. forestry measures under rural development and viable food production with results expected for 2017. Other evaluations to be launched in 2017 are on marketing standards, climate change and greenhouse gases and state aids.</p> <p>All of these will feed into the 2017 debate on future policy developments.</p>

<p>1.4. (4.7.) Alignment of institutional calendars</p>	<p>The Commission takes note of the request for alignment of the institutional calendar.</p>
<p>The European Economic and Social Committee report contains a catalogue of requests for future policy making:</p> <p>1.4. Young farmers</p> <p>1.5. Diversity of farming models and Common Agricultural Policy objectives/maintain farming in all regions of Europe</p> <p>3.6. Maintain agriculture across the European Union and pay attention to needs of regions with specific problems</p> <p>3.7. Synergies of two pillars to be reinforced; 5.21. Retaining two pillar structure</p> <p>3.8. Coupled payments for specific types of farming; clear focus on encouraging active farmers and production</p> <p>5.2. /5.11. Promote innovation</p> <p>5.3. Support farm income with direct payments in the current situation</p> <p>5.4. The Common Agricultural Policy should provide specific tools to manage agricultural risks; 5.5. Current risk management tools should be maintained or developed; 5.6. A clear need for new tools – market observatory and insurance schemes, World Trade Organization constraint should be lifted</p> <p>5.12. Need for payments which compensate farmers for providing public goods</p> <p>5.12. Reduce agricultural emissions while keeping European model of agriculture and a cost-efficient emission reduction policy; 5.13. Coherence between food security and climate policy objectives.</p>	<p>The Commission takes note of the proposals made which will feed into upcoming work of future policy developments. The next step in this process will be the launch of a public consultation in early 2017.</p> <p>Points 5.4.-5.6.</p> <p>The Common Agricultural Policy is already making significant progress with regard to the new tools highlighted. Significant progress in market transparency has been made over the past two years, with dashboards being developed for the main agricultural products and observatories being set up for milk, pigmeat, beef and veal.</p> <p>Within the context of the Omnibus Regulation, the Commission has proposed the introduction of sector-specific income stabilisation tools, which makes it more likely that the system will be used to provide compensation to farmers in case of a severe drop in their income.</p> <p>The Commission takes note of the proposal concerning the World Trade Organization.</p>
<p>1.6./5.23. Simplification; reasonable control</p>	<p>Simplification has been a focus of</p>

<p>and sanction systems</p>	<p>Commission activity over the past two years and will be a key issue for the future. However, it is too early for concrete proposals for the future Common Agricultural Policy. The Commission takes note of the proposals made.</p>
<p>3.5. Climate change: adaptation and mitigation</p>	<p>The proposal for the Effort Sharing Regulation and the proposal to include Land Use, Land Use Change and Forestry in the 2030 Climate and Energy framework acknowledges the multiple objectives of agriculture and the land use sector, their lower mitigation potential, the need to ensure coherence between the European Union's food security and climate change objectives and the need for optimising the sector's contribution to mitigation and sequestration, including through afforestation.</p>
<p>3.1. The European Union must assume its responsibility for the world's food security.</p> <p>3.7. Continuation of link and coherence between all European Structural and Investment Funds.</p> <p>3.12. The next Common Agricultural Policy, like other European Union policies, should be consistent with the Sustainable Development Goals.</p>	<p>The Common Agricultural Policy contributes to food security by supporting sustainable agriculture, being market-orientated and open to two- way trade.</p> <p>However, is too early for concrete proposals relating to future Common Agricultural Policy content proposals. The Commission takes note of these suggestions.</p> <p>All Sustainable Development Goals are clear priorities for the Commission. Future policy development shall take Sustainable Development Goals into account in line with the Commission Work Programme 2017. The Common Agricultural Policy acts in synergy with other EU policies in addressing several Sustainable Development Goals.</p>
<p>4.8. The European Union should implement European Union preference by establishing a "Buy European Act".</p>	<p>European Union promotion policy enables Member States to market European Union products and has just been reformed. The reformed European Union promotion policy is in place since 1 December 2015: the</p>

	<p>European Union is helping the sectors' professionals to break into or consolidate international markets and make European consumers more aware of the efforts made by European farmers. The European Union is co-financing promotion programmes implemented in the European Union and third countries, with a budget estimated at 200 million per year as from 2019, to increase consumption of European Union products and gain new markets in an increasingly competitive world, under the common denominator "Enjoy, it's from Europe".</p> <p>The Commission takes note of the recommendation concerning a "Buy European Act".</p>
<p><i>Brexit</i></p> <p>5.1 Current trade flows should be used as the key for dividing the European Union World Trade Organization quota between the United Kingdom and the European Union.</p>	<p>The Commission takes note of this suggestion.</p>
<p><i>Research</i></p> <p>5.15. The European Union research programme on agriculture should be reinforced in the next programming period.</p>	<p>The Commission takes note of this suggestion without prejudice to the next Multiannual Financial Framework.</p>

<p><i>Food supply chain</i></p> <p>5.17. European regulatory frameworks. The next Common Agricultural Policy should enhance the bargaining power of producer organisation/regulatory framework for contractual relations.</p> <p>5.18. Article 219-222 of Regulation 1308/2013 on market disturbance should be made more workable for producers.</p>	<p>5.14. The current Common Agricultural Policy provides a framework for Producer Organisations that includes possibilities to collectively negotiate and the possibility for written contracts. The Agricultural Markets Task Force recommends further action in this area to improve the position of farmers within the supply chain. This includes legal clarification of the possibilities of Producer Organisations to concentrate supply through joint selling and the occurrence of unfair trading practices in the supply chain. The Commission will assess these recommendations.</p> <p>5.15. The Commission has made a thorough use of the toolbox of policy options offered by these articles. Measures adopted include targeted aid for dairy farmers, provisions authorising agreements and decisions on the planning of production in the milk sector, an exceptional adjustment aid, an aid for milk production reduction and exceptional aid in the fruit and vegetables sector. In total, more than EUR 1 billion has been mobilised in the form of emergency measures over the past two and a half years, proving the workability of these provisions.</p>
<p><i>Trade</i></p> <p>5.20. The Common Agricultural Policy and trade policy should enable European producers to compete on a level playing field with imported products. Therefore, the European Union should require that imported products meet the same standards.</p>	<p>The European Commission works to ensure that Europe's food supply is the safest in the world. The same standards of food safety apply to all products regardless of origin.</p>
<p><i>Participation of civil society</i></p> <p>5.25. It is important that civil society is involved in the Common Agricultural Policy's reform work.</p>	<p>In line with the Commission Work Programme for 2017, the Commission will consult widely. This will be done, <i>inter alia</i>, in the framework of the Civil Dialogue Groups, meetings with stakeholders, conference attendance and public</p>

	consultation.
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<p>N°23 Towards applying Nudge Thinking to EU policies (own-initiative opinion) EESC 2016/1333 – NAT/685 521st Plenary Session – December 2016 Rapporteur: Mr Thierry LIBAERT (GRIII-FR) DG JRC - Commissioner NAVRACSICS</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>2.3.5. The European Union has created a ‘<i>Foresight and Behavioural Insights Unit</i>’ under Xavier Troussard. In 2016, it published a report which highlights the fact that European Union public policies are increasingly incorporating elements of behavioural economics. The report states that exchanges on the subject should be developed between universities and the political sphere. Above all, it recommends increasing the use of behavioural economics tools in all stages of public policy-making, but also improving discussion of their use and understanding of their impact.</p>	<p>The European Commission has been incorporating behavioural insights in policy-making since 2009, for instance, when adopting the proposal for a Consumer Rights Directive. In 2014, the European Commission created the current “Foresight, Behavioural Insights and Design for Policy” Unit, within the Joint Research Centre. In 2016, the Joint Research Centre published the "Behavioural Insights Applied to Policy: European Report 2016" which highlights the fact that European Union public policies are increasingly informed by behavioural insights. The Report recommends that exchanges on the subject should be developed between universities and policy maker circles. Above all, it advocates increasing the use of behavioural insights in all stages of public policy-making, but also raising awareness of their potential use and impact.</p>

<p>N°24 Extension of the duration of the European Fund for Strategic Investments (EFSI 2.0) COM(2016) 597 final – EESC 2016/5518 – ECO/416 521st Plenary Session - December 2016 Rapporteur: Mr Alberto MAZZOLA (GRI-IT) DG ECFIN – Vice-President KATAINEN</p>	
<p>Points of the European Economic and Social Committee opinion considered essential</p>	<p>Commission position</p>
<p>The European Economic and Social Committee proposes the extension of the scope of the European Fund for Strategic Investments to other branches of finance apart from banks: financial sectors, the bond market and insurance and investment funds.</p>	<p>From the outset, one of the objectives of the European Fund for Strategic Investments has been to leverage scarce public resources by attracting private investors and crowding-in a maximum of private sector finance. There are no restrictions on the type of private sector capital for co-investment alongside the European Investment Bank Group for European Fund for Strategic Investments-backed projects.</p>
<p>The European Economic and Social Committee proposes allowing more flexibility for Member States in difficult situations to increase public investments. In addition, the European Economic and Social Committee states that contributions to the European Fund for Strategic Investments from Member States should not be included in budget deficit calculations and wants to see this principle extended to investment programmes, e.g. in the form of a full-blown Golden Rule for strategic public investment.</p>	<p>The Statement by the Commission attached to the European Fund for Strategic Investments Regulation⁷⁴ and Recital 10 in the European Fund for Strategic Investments Regulation state that "without prejudice to the prerogatives of the Council in the implementation of the Stability and Growth Pact, one-off contributions by Member States, either by a Member State or by national promotional banks classified in the general government sector or acting on behalf of a Member State, into the European Fund for</p>

⁷⁴ Regulation (EU) 2015/1017 of the European Parliament and of the Council of 25 June 2015 on the European Fund for Strategic Investments, the European Investment Advisory Hub and the European Investment Project Portal and amending Regulations (EU) No 1291/2013 and (EU) No 1316/2013 — the European Fund for Strategic Investments, OJ L 169, 1.7.2015.

	<p>Strategic Investments or thematic or multi-country investment platforms established for the implementation of the Investment Plan, should in principle qualify as one-off measures".</p> <p>The Commission Communication of 13 January 2015 on "Making the best use of the flexibility within the existing rules of the Stability and Growth Pact"⁷⁵ provides further guidance on the best possible use of the flexibility that is built into the existing rules of the Stability and Growth Pact, without changing these rules.</p>
<p>The European Economic and Social Committee notes that the rules of the single market for capital, such as Solvency II, hamper infrastructure investment by European insurance and pension funds and should be changed.</p>	<p>The European Commission proposed an amendment to Solvency II, namely a reduction of capital charges for insurers investing in qualifying infrastructure projects, as part of the Capital Markets Union Action Plan launched on 30 September 2015. This amendment to a delegated act under Solvency II entered into force on 2 April 2016.</p>
<p>The European Economic and Social Committee calls for the admissibility criteria for European Fund for Strategic Investments-backed projects to include the requirement that supported projects address market failures and sub-optimal investment situations, and that cross-border infrastructure projects and related services are specifically identified as projects that intrinsically meet the requirement of additionality:</p>	<p>The Commission's proposal on the extension of the European Fund for Strategic Investments proposes a more detailed definition of additionality, and specifies that operations under the European Fund for Strategic Investments have to address clearly identified market failures or sub-optimal investment situations as part of the eligibility criteria.</p> <p>In view of their importance for Europe, the Commission's proposal on the extension of the European Fund for Strategic Investments identifies cross-border infrastructure projects,</p>

⁷⁵ COM(2015) 12 final.

	including related services, as providing additionality.
The European Economic and Social Committee calls for the role of the European Investment Advisory Hub and that of National Promotional Banks to be expanded to also ensure better communication between local and regional authorities.	The Commission's proposal on the extension of the European Fund for Strategic Investments proposes an enhancement of technical assistance services through the European Investment Advisory Hub, including the facilitation of the provision of advisory support at local level.
The European Economic and Social Committee calls for the European Fund for Strategic Investments to provide funding inter alia to dual technologies related to the security and defence industries supporting the launching of a single strong and more clearly defined European Defence Technological and Industrial Base with "stronger coordination and joint planning, with a view to moving towards a European Defence Union".	In line with its policies and statutory mission, the European Investment Bank already finances investments in Research and Development where civilian and dual use technologies are concerned. The European Investment Bank currently includes, in its list of activities excluded from financing, the following: ammunition and weapons, military/ police equipment, or infrastructure.
The European Economic and Social Committee calls for the Investment Committee to be entirely independent of outside interference and to include sector-specific experts that can provide specialist knowledge on the situation of geographical markets for intervention. In addition, it also proposes to rotate representation from the Commission, except for the Directorate-General for Economic and Financial Affairs, and the European Investment Bank in the Steering Board.	The European Fund for Strategic Investments Investment Committee comprises eight independent experts, appointed by the Steering Board following an open and transparent selection procedure for a fixed term of up to three years, renewable once. The European Fund for Strategic Investments Investment Committee experts have expertise in one or more of the key fields covered by the European Fund for Strategic Investments Regulation and of the geographic markets in the Union. Investment Committee decisions are taken by simple majority. The European Fund for Strategic Investments Steering Board comprises

	<p>four members, of which three are appointed by the Commission and one by the European Investment Bank for a period of three years, renewable once. All four members represent their respective Institutions and work together to determine their positions, in line with the general objectives of the European Fund for Strategic Investments. The Steering Board members appointed by the Commission naturally take account in their work of all European Union policy areas relevant to the European Fund for Strategic Investments implementation.</p>
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