

SUIVI ACCORDÉ PAR LA COMMISSION AUX AVIS DU

COMITÉ ÉCONOMIQUE ET SOCIAL EUROPÉEN

RENDUS AU COURS DU 2^{ème} BIMESTRIEL 2014

(Mars et Avril 2014)

N°	Titre	Références	Mois plénière
DG MARKT			
1.	<p>Le rôle et l'avenir des professions libérales dans la société civile européenne de 2020</p> <p>Rapporteur: M. Arno METZLER (GR III-DE)</p>	<p>CESE 1748/2013 fin INT/687 avis d'initiative</p>	mars
2.	<p>Secrets d'affaires</p> <p>Proposition de directive du Parlement européen et du Conseil sur la protection des savoir-faire et des informations commerciales non divulgués (secrets d'affaires) contre l'obtention, l'utilisation et la divulgation illicites</p> <p>Rapporteur: M. Pedro Augusto ALMEIDA FREIRE (GR I-PT)</p>	<p>COM(2013) 813 final - 2013/0402 COD CESE 8066/2013 fin - 2013/0402 COD INT/725</p>	mars
DG JUST			
3.	<p>Paquet "Droits procéduraux"</p> <p>Communication de la Commission au Parlement européen, au Conseil, au Comité économique et social européen et au Comité des Régions - Des avancées dans le programme de l'Union européenne relatif aux garanties procédurales accordées aux personnes soupçonnées ou poursuivies - Renforcer les fondements de l'espace européen de justice pénale</p> <p>Proposition de directive du Parlement européen et du Conseil portant renforcement de certains aspects de la présomption d'innocence et du droit d'assister à son procès dans le cadre des procédures pénales</p> <p>Proposition de directive du Parlement européen et du Conseil relative aux garanties procédurales accordées aux enfants soupçonnés ou poursuivis dans le cadre de procédures pénales</p> <p>Proposition de directive du Parlement européen et du Conseil concernant l'aide juridictionnelle provisoire pour les suspects et les personnes poursuivies privés de liberté, ainsi que l'aide juridictionnelle dans le cadre des procédures relatives au mandat d'arrêt européen</p> <p>Rapporteur: M. Xavier VERBOVEN (GR II-BE)</p>	<p>COM(2013) 820 final COM(2013) 821 final - 2013/0407 (COD) COM(2013) 822 final - 2013/0408 (COD) COM(2013) 824 final - 2013/0409 (COD) CESE 347/2014 fin - 2013/0407 COD, - 2013/0408 COD, - 2013/0409 COD SOC/498</p>	mars

4.	Règlement des petits litiges/Injonction de payer Proposition de Règlement du Parlement européen et du Conseil modifiant le règlement (CE) n° 861/2007 du Parlement européen et du Conseil du 11 juillet 2007 instituant une procédure européenne de règlement des petits litiges et le règlement (CE) n° 1896/2006 du Parlement européen et du Conseil du 12 décembre 2006 instituant une procédure européenne d'injonction de payer Rapporteuse: M ^{me} Reine-Claude MADER (GR III-FR)	COM(2013) 794 final - 2013/0403 COD CESE 25/2014 fin - 2013/0403 COD INT/724	mars
5.	Privation du droit de vote Communication de la Commission au Parlement européen, au Conseil, au Comité économique et social européen et au Comité des régions, relative aux conséquences de la privation du droit de vote pour les citoyens de l'Union exerçant leur droit de libre circulation Rapporteur: M. Andris GOBIŅŠ (GR III-LV)	COM(2014) 33 final CESE 1449/2014 fin SOC/504	avril
DG MOVE			
6.	Entreprise commune Shift2Rail Proposition de règlement du Conseil portant création de l'entreprise commune Shift2Rail Rapporteur général: M. Juan MENDOZA CASTRO (GR II-ES)	COM(2013) 922 final - 2013/0445 NLE CESE 553/2014 fin - 2013/0445 NLE INT/729	mars
7.	Mise en œuvre des corridors du RTE-T Communication de la Commission – Construire le réseau central dans le domaine des transports: corridors de réseau central et mécanisme pour l'interconnexion en Europe Rapporteur: M. Pierre Jean COULON (GR II-FR) Corapporteur: M. Stefan BACK (GR I-SE)	COM(2013) 940 final CESE 113/2014 fin TEN/541	avril
DG ENV			
8.	Instruments de marché destinés à favoriser le passage vers une économie à faibles émissions de carbone et efficace dans l'utilisation des ressources dans l'UE Rapporteur: M. Martin SIECKER (GR II-NL) Corapporteur: M. Lutz RIBBE (GR III-DE)	CESE 6638/2013 fin NAT/620 avis d'initiative	mars

DG TAXUD			
9.	Directive sur les sociétés mères et leurs filiales - Régime fiscal Proposition de directive du Conseil modifiant la directive 2011/96/UE concernant le régime fiscal commun applicable aux sociétés mères et filiales d'États membres différents Rapporteur: M. Petru Sorin DANDEA (GRII-RO)	COM(2013) 814 final - 2013/0400 CNS CESE 8092/2013 fin - 2013/0400 CNS ECO/360	mars
DG ENER			
10.	Marché intérieur de l'électricité/Interventions publiques Réaliser le marché intérieur de l'électricité et tirer le meilleur parti de l'intervention publique Rapporteur: M. Pierre Jean COULON (GRII-FR) Corapporteur: M. Sorin IONIȚĂ (GRIII-RO)	C(2013) 7243 final CESE 6389/2013 fin TEN/535	mars
DG ENTR			
11.	Le statut de la mutuelle européenne: perceptions, rôle et contribution de la société civile Rapporteur: M. Mario CAMPLI (GRIII-IT)	CESE 778/2014 fin INT/734 avis d'initiative	mars
12.	Les mutations industrielles dans le secteur pharmaceutique européen Rapporteur: M. Pedro Augusto ALMEIDA FREIRE (GRI-PT) Corapporteur: M. Enrico GIBELLIERI (CAT.2-IT)	CESE 6794/2013 fin CCMI/119 avis d'initiative	avril
13.	Réduction des émissions polluantes des véhicules routiers Proposition de règlement du Parlement européen et du Conseil modifiant les règlements (CE) n° 715/2007 et (CE) n° 595/2009 en ce qui concerne la réduction des émissions polluantes des véhicules routiers Rapporteur général: M. Virgilio RANOCCHIARI (GRI-IT)	COM(2014) 28 final - 2014/0012 COD CESE 1604/2014 fin - 2014/0012 COD INT/737	avril
14.	Pour une renaissance industrielle européenne Communication de la Commission au Parlement européen, au Conseil, au Comité économique et social européen et au Comité des régions – Pour une renaissance industrielle européenne Rapporteuse: M ^{me} Ulla SIRKEINEN (GRI-FI)	COM(2014) 14 final CESE 746/2014 fin INT/733	avril

15.	Relocaliser les industries de l'UE dans le cadre de la réindustrialisation Rapporteur: M. Edgardo Maria IOZIA (GR II-IT) Corapporteur: M. José Custódio LEIRIÃO (CAT.3-PT)	CESE 6859/2013 fin CCMI/120 avis d'initiative	avril
DG ECFIN			
16.	Augmentation de capital du Fonds européen d'investissement Proposition de décision du Parlement européen et du Conseil sur la participation de l'Union européenne dans l'augmentation de capital du Fonds européen d'investissement Rapporteur général: M. Michael SMYTH (GR III-UK)	COM(2014) 66 final - 2014/0034 COD CESE 1436/2014 fin - 2014/0034 COD INT/739	mars
DG EMPL			
17.	L'impact de l'investissement social sur l'emploi et les budgets publics Rapporteur: M. Wolfgang GREIF (GR II-AT)	CESE 6193/2013 fin SOC/496 avis d'initiative	mars
18.	Proposition de directive relative aux gens de mer Proposition de directive du Parlement européen et du Conseil relative aux gens de mer, modifiant les directives 2008/94/CE, 2009/38/CE, 2002/14/CE, 98/59/CE et 2001/23/CE Rapporteur: M. Christos POLYZOGOPOULOS (GR II-EL)	COM(2013) 798 final - 2013/0390 COD CESE 8036/2013 fin - 2013/0390 COD TEN/544	mars
19.	Combattre le travail forcé en Europe et dans le monde: quel rôle pour l'UE – Contribution du CESE à la conférence 2014 de l'OIT Rapporteuse: M ^{me} Béatrice OUIIN (GR II-FR)	CESE 561/2014 fin REX/395 avis d'initiative	avril
20.	Mesures intergénérationnelles et interculturelles pour favoriser l'intégration sociale des jeunes citoyens de l'UE qui exercent un emploi dans un autre État membre Rapporteuse: M ^{me} Renate HEINISCH (GR III-DE)	CESE 6218/2013 fin SOC/495 avis d'initiative	avril

21.	Employabilité des jeunes – Mise en adéquation de la formation avec les besoins des industries en période d'austérité Rapporteur: M. Dumitru FORNEA (GRII-RO) Corapporteur: M. Tommaso GRIMALDI (CAT.3-IT)	CESE 5662/2013 fin CCMI/118 avis d'initiative	avril
DG MARE			
22.	L'obligation de débarquement Proposition de règlement du Parlement européen et du Conseil modifiant les règlements (CE) n° 850/98, (CE) n° 2187/2005, (CE) n° 1967/2006, (CE) n° 1098/2007, n° 254/2002, (CE) n° 2347/2002 et (CE) n° 1224/2009, et abrogeant le règlement (CE) n° 1434/98 du Conseil en ce qui concerne l'obligation de débarquement Rapporteur: M. Gabriel SARRÓ IPARRAGUIRRE (GRIII-ES)	COM(2013) 889 final - 2013/0436 COD CESE 877/2014 fin - 2013/0436 COD NAT/631	avril
DG AGRI			
23.	Actions de promotion en faveur des produits agricoles Proposition de règlement du Parlement européen et du Conseil relatif à des actions d'information et de promotion en faveur des produits agricoles sur le marché intérieur et dans les pays tiers Rapporteur: M. Igor ŠARMÍR (GRI-SK)	COM(2013) 812 final - 2013/0398 COD CESE 10/2014 fin - 2013/0398 COD NAT/625	avril
DG SANCO			
24.	Nouveaux aliments et clonage Proposition de directive du Parlement européen et du Conseil relative au clonage des animaux des espèces bovine, porcine, ovine, caprine et équine élevés et reproduits à des fins agricoles Proposition de directive du Conseil relative à la mise sur le marché des denrées alimentaires obtenues à partir d'animaux clonés Proposition de règlement du Parlement européen et du Conseil relatif aux nouveaux aliments Rapporteur: M. José María ESPUNY MOYANO (GRI-ES)	COM(2013) 894 final - 2013/0435 COD COM(2013) 893 final - 2013/0434 APP COM(2013) 892 final - 2013/0433 COD CESE 933/2014 fin - 2013/0433 COD, 2013/0434 APP, -2013/0435 COD NAT/635	avril

25.	Protection des consommateurs et traitement approprié du surendettement pour prévenir l'exclusion sociale Rapporteuse générale: M ^{me} Reine-Claude MADER (GRIII-FR)	CESE 791/2014 fin INT/726 avis exploratoire demandé par la présidence grecque du Conseil de l'UE	avril
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<p>N°1 The role and future of the liberal professions in European civil society 2020 (own-initiative opinion) EESC 1748/2013 fin - INT/687 497th Plenary Session of March 2014 Rapporteur: Mr METZLER (GR III-DE) DG MARKT – Commissioner BARNIER</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>3.5 The regular reviews of the rules carried out by the EU are useful in this connection, and should also be established at national level. This would allow older liberal professions to be "freed up" (e.g. in construction) and rules to be introduced, where appropriate, to cover new liberal professions (e.g. in intelligence gathering or banking).</p>	<p>The Commission welcomes this statement in particular in view of the ongoing mutual evaluation of regulated professions, the objective of which is to facilitate professional mobility and access to the markets of professional services across the EU.</p>
<p>6.2 Alongside national joint professional organisations and European joint professional representative bodies, a professional organisation should be established in each Member State for each liberal profession, to compile, publish and further develop principles of professional ethics – where existing professional organisations do not already do so. These organisations should also be responsible for ensuring that the profession complies with these principles.</p>	<p>The Commission would like to point to the diversity in the Member States as regards organisation of liberal professions and the role of their associations and express some caution as to whether such a unified approach would fit with this diversity.</p>
<p>6.6 Activities in the liberal professions often involve a particular risk to highly personal legal interests of the client, and it is therefore necessary to regulate access to the professions and to impose strict requirements for authorisation to practise. As well as training, this involves other personal characteristics such as reputation, health checks, and undertaking not to carry out conflicting activities simultaneously. At</p>	<p>The Commission welcomes the reference to the relevant directives and would like to draw attention to the necessity and proportionality assessment of the regulation of access to professions which the Member States are currently undertaking in the framework of the transparency exercise stemming from Article 59 of the amended Professional Qualifications</p>

<p>EU level, this requirement is adequately covered by the Professional Qualifications Directive and by specific regulations such as the directives for doctors and dentists and Services Directive for lawyers or the Statutory Audit Directive.</p>	<p>Directive. Such an assessment may come to different results for different liberal professions.</p>
<p>6.8 In most Member States, members of the liberal professions have practically no restrictions on cooperation with members of other professions. In some Member States, however, the group of partners or shareholders is restricted to specific liberal professions, certain majority requirements are imposed in respect of partners/shareholders, voting rights or managers, and third parties are prohibited from owning part of the business. Such provisions are one possible way of ensuring that the practice of a liberal profession is not guided purely by economic imperatives.</p>	<p>The Commission would like to draw attention to the fact that such regulation should also correspond to necessity and proportionality in achieving the objectives related to public interest.</p>
<p>7.1 All Member States regulate the liberal professions, through State or professional organisations or associations. In many Member States, the concept of self-regulation as an organisational principle is inextricably linked with the concept of a liberal profession.</p>	<p>The Commission would like to point out that access to some liberal professions may be left unregulated, has recently been or currently is being subject to reforms, in some Member States.</p>
<p>7.3 Self-regulation of the liberal professions mediates between professionals' right to freedom from State interference in their activities and the State's right to lay down rules. Self-regulation by members of the liberal professions implements their right to freedom from State interference while at the same time safeguarding the general interest, and thus benefits service recipients and consumers.</p>	<p>The Commission would like to indicate that empirical evidence on the consequences of self-regulation for consumers is not always conclusive.</p>
<p>7.4 Self-regulation of the liberal professions is in line with the subsidiarity principle, according to which a matter should always be handled by the body</p>	<p>The Commission would like to point out that there are different regulatory approaches as regards regulation of regulated professions and that they</p>

<p>closest to it. Professionals are characterised by their particular subject knowledge, and are therefore the body in the best position to administer and regulate the liberal professions. This uses the principle of peer review.</p>	<p>may have each their merits, also depending on the general regulatory environment in a national context.</p>
<p>7.6 For self-regulation to work, membership of professional associations must be compulsory in those countries where this is possible under current legislation. This restriction on the right to pursue a professional activity is justified by an overwhelming public interest.</p>	<p>With regard to the compulsory membership to professional organisations, the Commission would welcome the opinion, taking into account the diversity of the regulatory models across the EU.</p> <p>The Commission would also like to draw attention to the European Council conclusions of March 2012, namely concerning the need to remove disproportionate regulatory barriers to access to some professions.</p>

<p>N°2 Secrets d'affaires COM(2013) 813 final – CESE 8066/2013 fin - INT/725 497^{ème} Session plénière de mars 2014 Rapporteur : Mr ALMEIDA FREIRE (GRI-PT) DG MARKT – Commissaire BARNIER</p>	
<p>Points de l'avis du CESE estimés essentiels</p>	<p>Position de la Commission</p>
<p>1.8 Le Comité considère que la Commission pourrait préciser dans un considérant que les informations de valeur commerciale potentielle peuvent aussi être protégées au titre des secrets d'affaires.</p> <p>5.11 Il semble ainsi trop réducteur de limiter les informations susceptibles de relever des secrets d'affaires aux informations ayant une valeur commerciale immédiate, car certaines informations de nature économique, industrielle, technique, ou scientifique peuvent ne pas avoir de valeur commerciale directe mais potentielle, notamment lorsque ces informations relèvent de données de recherche et développement technique ou scientifique.</p>	<p>Prise en compte des suggestions dans le cadre des négociations ultérieures avec les autres institutions.</p> <p>Le Conseil a proposé de modifier le considérant 8 de la proposition de directive dans le sens demandé par le CESE.</p> <p>Voir doc. du Conseil 9870/14 (texte du projet de directive présenté par la Présidence du Conseil le 19 mai 2014 en vue d'une approche générale au Conseil Compétitivité du 26 mai 2014).</p>
<p>4.9 Le CESE considère que la proposition de directive devrait également prendre en considération à l'article 4, le risque de divulgation de secrets d'affaires lié à l'obligation de "reporting" incombant aux membres de conseil d'administration ou de surveillance des sociétés cotées.</p> <p>5.12 Le CESE propose de compléter la liste définie à l'article 4.1 en ajoutant que l'obtention d'un secret d'affaires est considérée comme licite lorsqu'elle résulte:</p> <p>e) de l'exercice des obligations de reporting incombant aux membres du</p>	<p>Réserve dans l'attente des résultats des négociations avec les autres institutions.</p> <p>La proposition de la Commission prévoyait déjà une clause générale qui permet de répondre au souci du CESE. D'après l'article 4(2)(d), il n'y a pas de droit à l'application des mesures, procédures et réparations prévues par la présente directive lorsque l'obtention, l'utilisation ou la divulgation présumée du secret des affaires s'est produite pour respecter une obligation découlant de la loi.</p> <p>Faire une référence spécifique au cas</p>

<p>conseil d'administration ou de surveillance de sociétés cotées.</p> <p>5.13 De même, le CESE propose de compléter la liste définie à l'article 4.2 en ajoutant que les États membres veillent à ce qu'il n'y ait pas de droit à l'application des mesures, procédures et réparations prévues par la présente directive lorsque l'obtention, l'utilisation ou la divulgation présumée du secret des affaires s'est produite dans l'une des circonstances suivantes:</p> <p>f) divulgation du secret des affaires dans le cadre de l'exercice d'obligations de reporting incombant aux membres du conseil d'administration ou de surveillance de sociétés cotées.</p>	<p>présenté par le CESE n'est à priori pas nécessaire, mais en tout cas dépendrait des résultats des négociations avec les autres institutions.</p>
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<p>N°3 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Making Progress on the European Union Agenda on Procedural Safeguards for suspects or Accused Persons – Strengthening the Foundation of the European Area of Criminal Justice;</p> <p>Proposal for a Directive of the European Parliament and of the Council on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings;</p> <p>Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings</p> <p>Proposal for a Directive of the European Parliament and of the Council on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings COM (2013) 820 final; , COM(2013) 821 final: COM(2013) 822 final; COM(2013) 824 final; SOC/498 Procedural Rights Package</p> <p>497^{ème} Session plénière de mars 2014 Rapporteur Mr VERBOVEN (GR II-BE); DG JUST– Vice-President REDING</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>EESC welcomes and endorses the Commission proposals and considers them to be most positive</p>	<p>COM welcomes the positive opinion of the EESC</p>
<p>1. EESC has some comments of general nature:</p> <p><i>- Proposal on the Presumption of Innocence:</i></p> <p>The Committee would emphasise that no-one is guilty before the final verdict is reached and that this is an inviolable right. It would underline that public confidence in the legal system requires judges to be immune to pressure or influence of any type, including from the media.</p>	<p>COM will take into account the comments in the context of the negotiations with the other institutions (to the extent possible):</p> <p><i>- Proposal on the Presumption of Innocence</i></p> <p>The COM proposal precisely intends to ensure that the principle of presumption of innocence is strengthened. However, the prohibition of public statements and official decisions by public authorities presenting accused persons as if they had already been convicted is limited to public authorities.</p>

- Proposal on children:

The Committee feels that it would be appropriate to clarify that the right to mandatory assistance from a lawyer also applies as part of alternatives to prosecution.

- Proposal on legal aid:

The Committee would point out that legal aid in criminal proceedings must not be jeopardized because of budgetary difficulties of some Member States.

2. EESC has comments of legal-technical nature:

The Committee considers that recital six of the proposal on presumption of innocence prevents a broad interpretation of the term "criminal proceedings" and should be better deleted.

- Proposal on children:

The COM proposal provides already for mandatory assistance by a lawyer for proceedings dealt with by public prosecutors which may result in the final dismissal of the case. However, proceedings which may lead to the imposition of certain restrictive measures which are not of criminal law nature do not fall within the scope of this directive.

- Proposal on legal aid:

COM considers that creating an EU fund for legal aid in criminal proceedings is not warranted. Confiscated assets do not accrue to the EU budget but to the budget of the Member States.

COM considers that recital 6 of the proposal on POI cannot in any way preempt the ECJ to provide an autonomous interpretation of the term "criminal proceedings".

<p>N° 4 Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 861/2007 of the European Parliament and the Council of 11 July 2007 establishing a European Small Claims Procedure and Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure ; COM(2013) 794 final – 2013/0403 (COD) 497^{ème} Session plénière de mars 2014 Rapporteur Ms Reine-Claude MADER (GR III-FR) DG JUST – Vice-President REDING</p>	
Points of the EESC opinion considered essential	Commission position
The EESC supports the proposal to extend the procedure's scope by raising the ceiling to EUR 10 000 and broadening the concept of "cross-border disputes"	The Commission will sustain its proposal in the negotiations with co-legislators.
The EESC endorses the proposal to limit the costs of proceedings. The Committee recommends that the term "costs of proceedings" be clearly defined, to ensure that the measure is effective.	The Commission will take into account this suggestion in the course of the negotiations
The EESC highlights the Commission's desire to encourage the use of new technologies notwithstanding the fact that this is an approach which diverges from well-established practices and will have an impact on the working of the courts; introducing it in all small claims courts may not be an easy matter	The functioning of the justice system should respond to the needs of citizens and businesses, who use electronic communication in their daily life – they should be able to do so also in contacts with the courts. The Commission stresses that the amendments proposed by the Commission are in line with most Member States' efforts to modernise and make more efficient and accessible to citizens their justice systems. While this is an on-going process, the Commission believes that by the time this provision would need to be implemented by the Member States, they would have already made big advances in fulfilling those objectives. In that respect, the amendments ensure that the procedure remains future proof. The Commission points out, that it is for the Member States to decide which courts will be competent for the European small claims Procedure and that Member States can limit the number of courts thus having to introduce electronic communication.
The EESC considers, furthermore, that in	The Commission shares this view. The new

<p>order to be effective, the procedural forms must be clear and easy for everyone to understand</p>	<p>forms will be adopted through delegated act after the adoption of the Regulation. Special attention will be paid to their user-friendliness.</p>
<p>The Committee reiterates the need to provide for consumers and SMEs to have access to assistance throughout the proceedings, especially since the services of a lawyer are not mandatory. Resources, especially financial resources, would need to be made available for this purpose.</p>	<p>The Commission shares this opinion in particular with regard to consumers and microenterprises. The Commission points out that the Regulation obliges the courts to inform the parties about procedural issues (Article 12). The proposal reinforces Article 11 on the assistance in filling in the forms by specifying the most important elements regarding which the assistance should be provided. Member States must therefore dedicate the necessary resources for this purpose; the Commission will continue to monitor this closely in the implementation of the Regulation.</p>
<p>It is essential that the official language of the country of the parties be used, including for the proceedings and especially for the hearing. In order to comply with Articles 47 and 48 of the Charter of Fundamental Rights of the European Union on the right to an effective remedy and the right of defence, this requirement should not be confined to the translation of forms.</p>	<p>The Commission points out that today national courts work in the official language(s) of the Member State where they are sitting. No Member State is offering, in the context of civil and commercial proceedings, proceedings or free interpretation in all possible languages of the parties. This situation has never been considered to be in violation of Articles 47 and 48 of the Charter of Fundamental Rights. It also seems unrealistic in cross-border litigation to require the courts to be able to handle the possibly many different languages. Use of translation and interpretation seems therefore at this stage inevitable. However, the Union can undertake action to reduce the costs relating to this situation as much as possible. It should be noted also that parties may always apply for legal aid to help cover the costs, in accordance with Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes (OJ L26/41 of 31.01.2003)</p>
<p>The EESC draws attention to the fact that the stated aim of encouraging the regulation of small disputes will not be</p>	<p>The Commission shares the view of the EESC. The proposal extends the obligation of Member States to provide</p>

<p>achieved unless appropriate information on its existence is made available by the different stakeholders concerned, by the courts and by institutions providing legal training</p>	<p>information that would be made available for the public. The Commission points out that it has taken a number of non-legislative measures to raise awareness of the procedure and its correct application. A Practice Guide on the European Small Claims Procedure, designed for legal professionals was published in all official languages. A Users' Guide, designed for readers without legal background, in particular for consumers, is being translated into all official languages; it will be published in early autumn. In addition, training modules for judges and legal practitioners were elaborated and made available free of charge for all persons interested in training. Finally, a pilot project on cross border debt recovery provides different educational tools and information materials for SMEs, which concern also the European small Claims Procedure.</p>
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<p>N°5 Opinion on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on addressing the consequences of disenfranchisement of Union citizens exercising their right to free movement; COM(2014) 33 final; SOC/504; 498^{ème} Session plénière d'avril 2014 Rapporteur: Mr GOBINS (GR III-LV) DG JUST – Vice President REDING</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>The Committee is of opinion that all Member States should be required to ensure that voting is as straight-forward for citizens living abroad as for citizens living in the home country.</p>	<p>As part of its policy to enhance EU citizenship by removing persistent obstacles to the effective exercise of EU citizens' rights, the Commission had identified disenfranchisement in the EU Citizenship Report 2010 as one of the obstacles EU citizens from certain Member States face as political actors, i.e. losing the right to vote in national elections of their home country once they reside for a given period of time in another Member State.</p>
<p>The Committee strongly supports the COM recommendation of 29 January 2014.</p>	<p>The Commission welcomes the engagement of the European Economic and Social Committee in promoting political rights of EU citizens and appreciates its constructive and supportive approach.</p>
<p>The Committee stresses that disenfranchisement in national elections is only one example of the encroachment on citizenship rights that citizens experience when living abroad in the EU. The Committee urges the Commission to map all such encroachments in order to provide a full overview of the current state of play in Europe, whilst paying special attention to opportunities for active citizenship and participation in "day-to-day" decision making.</p>	<p>The Commission provided a factual clarification on the fact that returning nationals can re-claim the right to vote in national elections, since they fulfil the residence condition, and stressed that it acknowledges that there can be valid reasons for disenfranchisement policies, which it does not put into question. Rather, it invites Member States concerned to re-assess the proportionality of their disenfranchisement policies as regards their citizens who reside in another Member State and who may continue to be affected by and interested in the political process in their country of origin.</p>

<p>N° 6 Proposal for a Council Regulation establishing the Shift2Rail Joint Undertaking COM(2013) 922 final; INT/729 497th Plenary Session of March 2014 Rapporteur: Mr CASTRO (GR II-ES) DG MOVE- Vice President KALLAS</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>The EESC strongly backs the Shift2Rail initiative, which it sees as an important contribution to European industry in the strategic railway sector. The EESC also welcomes the close involvement of the railway companies in the project. The EESC also stresses the importance of S2R for employment.</p>	<p>The Commission welcomes the EESC's opinion, which stresses the importance of Shift2Rail for the rail sector as a whole, as well as for growth and jobs in the Union.</p>
<p>The EESC would point out that in order to meet the long-term objectives set by the Union, a radical shift - not only technical but cultural - is required. As well as setting standards and adopting harmonisation measures, the EU must encourage a transnational framework for pooling efforts.</p>	<p>The Commission fully agrees that we cannot rely on regulatory measures alone, although rules on interoperability and standards will always be necessary at EU level.</p> <p>The rail system must prepare for a step change. This will require railways to question long established principles and practices and to develop more sustainable and promising growth opportunities. Shift2Rail will serve as a transnational framework for pooling efforts.</p>
<p>The EESC appreciates the financial effort involved in S2R. However, additional funds must be added to the planned overall budget - EUR 920 million - since Shift2Rail will require investment of an estimated total of EUR 1.4 billion. Otherwise, the various Shift2Rail activities will have to be ranked by priority.</p>	<p>The Union budget made available through Shift2Rail represents a considerable increase of funding for rail research in comparison to the Seventh Framework Programme (near to tripling of the available budget). Of course, the activities that will be carried out through Shift2Rail under the Horizon 2020 framework programme will have to reflect the</p>

	<p>available resources. This may entail a certain scaling down of the initial industry proposal or, more likely, a certain degree of prioritisation. This will be the task of the Shift2Rail Master Plan and the annual work plans adopted by the Joint Undertaking.</p>
<p>The EESC considers that Shift2Rail research programmes should give priority to activities designed to increase the safety of persons and the economic efficiency of the railways. The new technologies must also improve information for rail users.</p>	<p>The Commission fully agrees that radically enhancing the user experience at a lower overall cost must be the core objective of Shift2Rail.</p> <p>Improving rail safety has always been recognised as an essential element of rail research and innovation projects in the past and providing maximal safety levels – albeit in a cost-effective manner – should remain one of the key objectives of Shift2Rail, in particular given the impact that new technology can have on safety regulations. By taking a systems approach to safety and risk, Shift2Rail will be able to identify when innovation can unlock safety barriers and when safety rules become obsolete and need to be revisited.</p>
<p>In the light of the multiple, composite financing system that has been set up and of the significant volume of Community resources involved, the EESC believes that it would be appropriate to define the use and allocation of the end products of the research to be initiated by Shift2Rail precisely. The question of intellectual property and patents is a key issue, which the Commission proposal does not address, however. Their content and mode of operation should be the subject of an article in the operative part of the regulation. The failure to do this, and the attendant risks, were pinpointed by the EESC in its opinions on the Innovative Medicines, Clean Sky, ENIAC and Fuel Cells Joint Undertakings. In this Joint Technology Initiative, this shortcoming could prove even more sensitive, insofar as the end</p>	<p>The Commission notes the concerns of the EESC in relation to the issue of intellectual property and patents.</p> <p>In principle, Shift2Rail will be subject to the general rules of Horizon 2020 concerning Intellectual Property Rights.</p> <p>Nevertheless, specific provisions can be adopted by the Joint Undertaking and these will be negotiated with the Members of Shift2Rail within the Governing Board, which will be chaired by the Commission, who will also have 50% of voting rights. This puts the Commission in a strong position to ensure that the Joint Undertaking adopts a set of clear rules governing Intellectual Property Rights and the exploitation of research results. These</p>

<p>product of the research will interest companies directly competing on the market. Inventions paid with public money should be preserved for the public interest. To this end, thought should be given to mechanisms conducive to generating a return on Community investment, and it should be ensured that the results of the research of the Joint Undertaking are exploited industrially in the EU.</p>	<p>principles will follow the Horizon 2020 principles, but go further in ensuring that such rights are clearly respected.</p>
<p>In contrast to the approach adopted by the Commission proposal, the European Railway Agency should have sole responsibility for laying down technical interoperability standards.</p>	<p>The Commission agrees that it is the European Railway Agency that should have sole responsibility for laying down technical interoperability standards. During the inter-institutional procedure, the text of the draft Regulation (Annex 1, clause 2(h)) has been amended accordingly and the role of the Shift2Rail Joint Undertaking will be limited to: "pool user requirements and propose interoperability standards to guide investment in research and innovation towards operational and marketable solutions".</p>

<p>N° 7 Opinion of the European Economic and Social Committee on the Communication from the Commission - Building the Transport Core Network: Core Network Corridors and Connecting Europe Facility COM(2013) 940 final; TEN/541 498th Plenary Session of April 2014 Rapporteur: Mr Pierre Jean COULON (Gr II-FR) Co- Rapporteur : Stefan BACK (GR I-SE) DG MOVE- Vice President KALLAS</p>	
<p>Essential EESC's points</p>	<p>Commission's position</p>
<p>The EESC appreciates the Communication overall as a valuable means to support the implementation of the core network corridors, as defined in the TEN-T Guidelines and in the CEF.</p>	<p>The Commission is satisfied with this assessment and the EESC's sustained interest in TEN-T implementation.</p>
<p>The EESC pays particular attention to the new governance system and considers it a key driver for efficient TEN-T implementation. In this context, it highlights the participatory decision-making with civil society and the need for a transparent dialog (including, where appropriate, for a conflict resolution scheme). Concretely, it calls for participation of a EESC representative in each Corridor Forum meeting.</p>	<p>The new governance system for TEN-T implementation which, in the first instance, will focus on the core network corridors, ensures that the views and interests of civil society and all the different stakeholders are duly taken into account. The meetings of the corridor fora, which are chaired by the European Coordinators, have to strike a balance between workable participants' numbers and proper representation of the most important players. Corridor Fora will therefore be extended to complementary sessions – for example working group meetings on specific topics, publicly accessible seminars or workshops etc. Representation of EESC and other EU bodies in such settings will be sought.</p> <p>Where necessary, in the framework of corridor coordination or of relevant national / bi-national project preparation processes, appropriate forms of conflict resolution are set up (e.g. dialogue for a).</p> <p>The Commission is pursuing a maximum of transparency for the whole corridor development process. Finally, the Commission undertakes the necessary steps to ensure implementation of Article 50 of the TEN-T Guidelines.</p>
<p>The EESC sees it as a matter of credibility of policy implementation, to draw on the input of all stakeholder groups, including national, regional and local authorities, market actors, transport industry employees, social partners and users. They</p>	

<p>should be represented in the corridor fora.</p>	
<p>The EESC expresses its strong regret that the governance system initially proposed by the Commission has been weakened in the legislative process, and that – as a result – "decision-making remains entirely dependent on Member States' consent".</p>	<p>The Commission appreciates the view of the EESC but draws however its attention to Article 172 (2nd paragraph) of the Treaty on the Functioning of the European Union which refers to the responsibility of Member States for projects of common interest located on their respective territory.</p>
<p>The EESC advocates the combination/coordination of different EU initiatives on the corridors (e.g. Rail Freight Corridors, NAIADES II, ports initiative). It regrets, however, that – except for the Rail Freight Corridors – such coordination is not backed by corresponding legal provisions. It proposes, at least, to ensure representation of relevant project initiatives – for example "Swiftly Green" in corridor fora.</p>	<p>The different EU initiatives are reviewed in the framework of the comprehensive corridor analysis which precedes the setting up of work plans for each corridor. This way, it is ensured that corridor-relevant measures are taken into account. The relevant players may be involved, as necessary, in the extended corridor fora activities.</p>
<p>The EESC calls for a strict use of the available CEF funding to ensure timely completion of agreed TEN-T projects. Concerned about the discrepancy between budgetary needs and available resources, it fears "a slow pace and unclear prospects under which alternative financing mechanisms (such as project bonds and PPPs) seem to develop".</p>	<p>The CEF budget is insufficient in comparison to the investment needs identified. Therefore priorities have been defined to concentrate funds and use them most efficiently. Strong governance and stimulation of financial instruments should help reaching the targets as far as possible. The use of financial instruments is a key element to plug financing gaps for strategic investments. As proven with the interim evaluation of its pilot phase, the Europe 2020 Project Bond Initiative made European institutional investors aware of the real opportunities of investing in infrastructure. According to investors, a real market is emerging, enabling to overcome the bank lending crisis and to potentially bridge the infrastructure financing gap. However, this process has been slower than expected and the lack of strong pipeline of suitable projects has been identified by the EIB and potential investors as the key bottleneck for the increased use of financial instruments. Therefore the Commission and the EIB will provide technical assistance to support the emergence of a solid project pipeline able to make use of CEF financial instruments. The Work Plans for each of the Core Network Corridors are foreseen to contribute to the establishing of such a project pipeline.</p>

The EESC questions the possibility to use "recognised methods" for cost-benefit analyses in relation to requests for CEF funding. With reference to Article 51 of the TEN-T Guidelines, it encourages rather the suggestion of one or more concrete methods in the respective calls for proposals. According to EESC, this would enhance transparency and create a level-playing field.

DG MOVE proactively contributed to define the CBA methodology for the Cohesion Policy. This methodology will be the preferred methodology for the 11.3 B€ transferred from the Cohesion Fund. This methodology will be recommended also to the other Member States.

<p>N°8 Market-based instruments towards a resource efficient and low carbon economy in the EU ; Own initiative opinion - NAT/620 497th Plenary Session of March 2014 Rapporteur: Mr SIECKER (GR11-NL); Co-rapporteur: Mr RIBBE (GR11-DE) DG ENV – Commissioner POTOČNIK</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>1.1 Progress in the transition to a resource efficient and low carbon economy has not been vigorous enough. If the EU is to achieve its objectives for 2050 in a cost-effective and socially acceptable way, as agreed by Member States and supported by various EESC opinions, faster progress is needed. This can be achieved by a combination of a clear, effective, strong and efficient regulatory framework and predictable market-based instruments (MBIs). The carbon reduction objectives agreed by Member States are designed to slow down resource depletion and global warming and so avert a future environmental crisis. The medium term objective to achieve this end will have to include a major expansion of renewables, and a substantial phasing down of coal, unless carbon capture proves to be viable and socially acceptable</p>	<p>The Commission has already submitted initiatives to accelerate progress towards a low-carbon resource-efficient economy, such as the 2030 energy and climate package. Beyond supporting renewable energy, it will be important to continue pushing for accelerated gains in energy efficiency.</p> <p>The Commission will soon present further initiatives to promote progress on resource efficiency in the context of its circular economy package, incl. a review of EU waste policy, and further initiatives on sustainable buildings and sustainable food.</p> <p>The Commission agrees that MBIs are an efficient instrument within a policy mix to achieve these objectives and its proposals will contain such instruments, as appropriate.</p>
<p>1.1. Environmental fiscal reform (EFR) aims to use market mechanisms to address negative externalities linked to the use of natural resources: this is done in a budgetary neutral way by lowering tax burdens on labour. At the same time, EFR implements the polluter-pays principle more systematically, through phasing out environmentally harmful subsidies and</p>	<p>The Commission has been advocating moves by Member States towards environmental tax reforms and a phasing out of environmentally-harmful subsidies for a long time¹.</p> <p>More recently, both issues figure in the Europe 2020 strategy and various Annual Growth Surveys as well as in Country-specific recommendations under the European Semester over the last years.</p>

¹ See for example: COM(2007) 140 final

<p>shifting taxation away from labour towards resource use. As a result, it can correct market failures, improve economic efficiency, help develop new industries that provide sustainable and local jobs, create a clear, predictable environment for eco-innovative investments and contribute to restoring fiscal stability after the recession by raising additional revenues.</p> <p>1.2. The Committee urges the Commission to make EFR an integral and permanent part of the European Semester, with a particular emphasis on encouraging energy efficiency.</p> <p>1.7. ... The European Commission should play a coordinating and driving role in promoting ETR.</p>	
<p>1.6. In addition to energy-related policies, the Committee notes that further use of MBIs can be applied to other strategies for improving the efficient use of natural resources and reducing carbon emissions, such as recycling, more sustainable waste management and more sustainable agriculture.</p>	<p>Indeed, there is scope for using MBI beyond energy. Therefore, these issues will be covered in the Commission's upcoming circular economy communication which will include a waste target review.</p>
<p>1.8. For the Committee, it is unacceptable that unjustifiable environmentally harmful activities are still subsidised in the EU, directly by public budgets and indirectly as "external costs" which are not internalised in product prices due to an insufficient implementation of the "polluter pays principle". Such subsidies distort market signals and hinder the transition to a resource efficient and low carbon economy. For years, the EU has been committed to phasing out environmentally harmful subsidies and the internalisation of external costs. Given the EU's objective of eliminating such subsidies by 2020, the Committee is concerned about the lack of</p>	<p>As mentioned above, the Commission supports and encourages moves by Member States towards a phasing out of environmentally-harmful subsidies. It identified the objective clearly in the Roadmap to a Resource-efficient Europe. Recent policy reforms, such as those of the Common Agricultural and Fisheries Policies, implement this commitment.</p> <p>Three Member States also received Country-specific recommendations to phase out environmentally-harmful subsidies in the context of the European Semester this year.</p>

sufficient activities. The Committee urges Member States to set up inventories and action plans to abolish environmentally harmful subsidies as foreseen in the objective. The Commission should be the coordinating and driving factor in this field as well, for instance by including it in the process of the European Semester.

1.10. Although the general objective of transition to a low carbon economy is widely accepted, the speed of transition and methods chosen are still the subject of intense debate. There is concern about the failure to recognise the impact of the recession and debt crisis on the carrying capacity of Europe's economy. There is also unease that accelerating transition measures, in the short to medium term, will damage competitive ability. Finally, there is ongoing disagreement about the positive economic benefits that transition measures will bring and a feeling that negative effects are being disregarded. This Opinion acknowledges these concerns and recognises that they will be the subjects of ongoing discussion. Nevertheless the Committee calls on the EU and its Member States to increase the sense of urgency in the successful delivery of the low carbon future.

The Commission agrees with the need for a sense of urgency. As stated in the Communication on a Policy Framework for Climate and Energy in the period 2020 to 2030:

"We need to make an ambitious commitment to make further greenhouse gas emission reductions in line with the cost-effective pathway described in the 2050 roadmaps, and to do so in time for the upcoming negotiations on an international climate agreement. We need to provide regulatory certainty as early as possible for investors in low-carbon technologies, to spur research, development and innovation and up-scaling and industrialisation of supply chains for new technologies. This must all be done in a way which takes account of the prevailing economic and political realities and builds on our experience of the current policy framework."

The Commission has carried out a detailed Impact Assessment supporting the Communication, showing the benefits of the low-carbon transition for human health and energy savings, as well the investment needs, energy system costs, sectoral and macro-economic impacts of climate and energy targets for 2030. The Impact Assessment confirmed the conclusions of the Energy Roadmap 2050 that the costs of a low carbon transition do not differ substantially from the costs that will be incurred anyway because of the need to renew an aging energy system, rising fossil fuel prices and adherence to existing climate and energy policies. Energy system costs are expected to rise up until 2030 to about 14% of GDP compared to 12.8% in 2010. Regarding the issues of competitiveness and

	<p>carbon leakage, the Communication states that (i) current policies to prevent carbon leakage, such as the free allocation of allowances in the EU ETS have been successful, and that (ii) as long as there are no comparable efforts undertaken in other major economies, similar policies (including an improved system of free allocation of allowances with a better focus) will also be needed after 2020 to ensure the competitiveness of Europe's energy-intensive industries.</p> <p>The Commission has also argued for a stronger focus on developing and strengthening financial instruments. Given the importance of future investments, solutions that contribute to improved finance will be required, including for those Member States with a limited capacity to invest. It will be also be important to develop financial engineering and facilitate access to finance for SMEs.</p>
<p>2.7. The shift to a low carbon economy must take the social impacts into account, in particular on employment. The Commission stated that job growth in the green economy has been positive throughout the recession and is forecasted to remain quite strong. The energy efficiency and renewable energy sectors alone could create 5 million jobs by 2020¹.</p> <p>A just transition needs active employment policies in order to ensure decent jobs. Key to this is an economic renaissance with its associated requirements in terms of energy policy, infrastructure and markets. Impacts on low-income households and energy prices have to be carefully considered.</p>	<p>The Commission's Annual Growth Surveys have repeatedly addressed the need to tap the potential of greening the economy for growth and jobs creation. This has been subsequently reflected in the European Semester process.</p> <p>The Commission Work Programme for 2014 envisages a Communication on job creation in the 'green economy', which intends to enhance action in a number of domains, such as bridging the skills gaps; anticipating change, securing transitions and promoting mobility; supporting job creation; as well as increasing transparency and data quality.</p>

¹ Communication "Towards a job rich recovery" (COM (2012) 173 final).

<p>3.2.1. The idea behind such taxes is to put a price on environmentally polluting economic activities to reveal the true costs of production and consumption not reflected in market prices, in accordance with the "polluter-pays principle". The right to impose direct and indirect taxes in the EU rests with the Member States. Only a limited number of Member States have specific environmental taxes; there are some good examples (i.e. in Finland, Sweden, Denmark, the Netherlands, Germany, United Kingdom, Slovenia and Estonia).</p>	<p>All Member States impose environmentally-related taxes to some degree. Taxes on energy products are even regulated by the EU Energy Products Taxation Directive (2003/96).</p> <p>Member States are encouraged and recommended, inter alia via the European Semester, to use such taxes more intensively.</p>
<p>3.2.3. ETR can also help in recovery from fiscal deficits. Environmental taxes can contribute to fiscal consolidation while having a less negative impact on economic growth and employment than other direct or indirect taxes such as income tax or VAT¹. The Commission should step up its approach to consider the benefits of environmental tax reforms in the Annual Growth Survey and in the European Semester.</p>	<p>The Commission has continuously encouraged the Member States to shift the tax burden from labour to tax bases that are less detrimental to growth, including environmental taxation, in both the Annual Growth Survey and via the country specific recommendations in the European Semester.</p>
<p>3.3.3. There are no comprehensive data on fossil fuel subsidies in the EU so far; figures from various sources differ. The general picture is that they are heavily subsidised. ...Environmentally harmful subsidies were not put in place to deliberately harm health or the environment and had other positive goals such as the provision of cheap energy from local sources or creating employment. The EESC urges Member States to assess whether they still want to support those goals and if so, how that can be done in an environmentally friendly way. A starting point would be an EU inventory giving an overview of these subsidies.</p>	<p>The OECD produced an inventory of fossil-fuel subsidies in the form of grants and tax derogations for all its Member Countries and the EU complemented this for its non-OECD Member States, so that a comprehensive inventory of these types of subsidies are available now. It plans to launch further work to cover other forms of subsidies.</p>

¹ Vivid Economics, Carbon taxation and fiscal consolidation: the potential of carbon pricing to reduce Europe's fiscal deficits, report prepared for the European Climate Foundation and Green Budget Europe, May 2012.

3.6.1. Promoting renewable energy is one of the essential elements in the transition to a low carbon economy; MBIs can play an important role here. The introduction of these instruments is a matter for the Member States; a number of them have opted for different instruments for subsidising renewable power: investment support and operational support including a pricing system for return delivery. Experiences in several Member States show this latter system led to the highest increase in the production of renewable energy, often by providing guaranteed and generous rates of return on investment.

Support schemes for renewable energies in Member States have been very effective, but in a number of MS very costly and with some potential for distortion of the internal market. The Commission has therefore recently adapted its assessment criteria for state aid to renewable energy to ensure more efficient forms of support¹. These new guidelines will enter into force on 1 July 2014.

¹ C(2014) 2322 – http://ec.europa.eu/competition/sectors/energy/eeag_en.pdf - preliminary version

<p>Nº9 Proposal for a Council directive amending Directive 2011/96/EU on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States COM(2013) 814 final – EESC 8092/2013 – ECO/360 497th Plenary Session of March 2014 Rapporteur: Mr DANDEA (GR11-RO) DG TAXUD – Commissioner ŠEMETA</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>o The EESC welcomes the proposal for a directive¹ amending Directive 2011/96/EU on the common system of taxation applicable in the case of parent companies and subsidiaries (Parent-Subsidiary Directive), and considers that it is a major step forward in implementing the action plan to strengthen the fight against tax fraud and tax evasion².</p>	<p>The Commission thanks the EESC for its broad support of its proposal.</p>
<p>1.4 As the General Anti-Abuse Rule (GAAR) is very broad, the EESC recommends that when implementing this directive, Member States take account of the Commission's recommendation on aggressive tax planning³ as well as the interpretation of the European Court of Justice establishing the principle whereby when combating abusive commercial practices the general principle of EU law must not be exceeded. The Committee recommends that the Commission draw up a recommendation which will help the Member States ensure that the transposition of the directive is legally correct.</p>	<p>The Commission shares the view of the EESC that it is important to ensure that the transposition of the directive by Member States is legally correct. The Commission takes note of the EESC's recommendation and it will include this topic in the discussion of the General Anti Abuse Rule (GAAR) in Council.</p>

¹ COM(2013) 814 final.

² COM(2012) 722 final.

³ C920120 8806 final.

<p>N°10 Internal electricity market/public intervention2020 C(2013) 7243 final – EESC 6389/2013 fin – TEN/535 497th Plenary Session of March 2014 Rapporteur: Mr COULON (GR11-FR) Corapporteur: Mr IONIȚA (GR11-RO) DG ENER – Commissioner OETTINGER</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>1.2 The EESC recommends that the terms "public intervention" and "state aid" be clarified. Making the most of public intervention does not mean that intervention or aid should be systematically reduced or expanded but rather that it should be optimised.</p>	<p>The Commission Communication (C(2013)7243) deliberately casts a wide net, addressing public actions generally whereby the State or public bodies intervene on electricity markets undertaken to achieve public policy objectives.</p> <p>The Commission underlines that the aim to optimise public interventions is reflected in the title of the Commission Communication.</p> <p>The Commission notes that State aid is defined by case law, based on the application of the treaties. The Commission has since clarified State aid rules in relation to energy (Guidelines on State aid for environmental protection and energy 2014-2020).</p>
<p>1.4 The EESC advises the Commission to make sure that the Communication's aims do not stand in the way of achieving the 2020 objectives.</p>	<p>The Commission recognises the necessity of ongoing public interventions to meet 2020 objectives.</p> <p>The aim of the Commission Communication (COM (2013)7243) is to help Member States achieve those objectives in the most effective and efficient manner, making full use of the benefits of the internal electricity markets.</p>

<p>1.7 The EESC supports the idea of "Europeanising" aid schemes for renewables and urges the Commission to do more to facilitate cooperation mechanisms between Member States to promote cross-border aid.</p>	<p>The Commission aims to continue to work closely with Member States on the practical steps needed to enable cross border participation in Renewable Energy Sources (RES) support schemes and capacity mechanisms.</p> <p>The Commission also intends to support the development of effective cross-border participation in RES support schemes and in capacity mechanisms when it examines such schemes in the context of competition (State aid) and internal energy market rules.</p>
<p>1.9 The EESC subscribes to the idea of developing European-level measures to empower users as key players in the European electricity market, so that they become "consumer-actors". The EESC calls on the Commission to step up its action in this respect and come up with measures and initiatives aimed at making the best possible use of public intervention to eradicate energy poverty.</p>	<p>The Commission intends to adopt a Communication on retail energy markets during 2014, building on the plans set out in the previous Commission Communications 'Making the internal energy market work' and 'Completing the internal energy market'.</p>

<p>N°11 Statute for a European Mutual Society: views, role and contribution of civil society (own-initiative opinion) EESC 778/2014 fin - INT/734 497th Plenary Session of March 2014 Rapporteur: Mr CAMPLI (GRIII-IT) DG ENTR – Vice President TAJANI</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>1.1.1 Like cooperatives, foundations and associations, mutual societies are a part of the European economic and social model. Irrespective of how enterprises are defined in national legislation, the diversity of forms of enterprise, including the spectrum of social economy enterprises, is a vital aspect of the European Union single market as well as being crucial in terms of supporting, investing in and developing the pluralism of Europe's business landscape.</p>	<p>The Commission considers that all forms of entrepreneurship are to be encouraged and refers to the Social Business Initiative adopted in 2011.</p>
<p>1.2.1. In accordance with the commitments it made at the Strasbourg event on social entrepreneurship, the EESC urges the Commission to move quickly to introduce the legislative proposal on the draft regulation on the Statute for a European Mutual Society.</p> <p>1.2.2 The EESC wishes the mutualist model to be recognised through a coherent European-level legal framework consistent with its economic weight and social role.</p> <p>1.2.3 The EESC recommends that the statute should be concerned with governance rather than activities, in order to maintain the wide variety of mutual societies.</p> <p>1.2.4 The EESC recommends that the</p>	<p>The Commission welcomes the support of the EESC in recognising the importance of mutual societies. The Commission notes that the Social Business Initiative takes into account the needs of mutual societies under point 3.3. Improving the legal environment, as well as Key action No 9.</p> <p>The Commission services are currently assessing how to best address the difficulties encountered by mutuals when looking to operate cross-border, whilst maintaining their specific features.</p> <p>At that stage no precise timetable for presentation and adoption of the draft Statute could be done.</p>

<p>statute should not aim to harmonise national laws and that it should be optional.</p> <p>1.2.5 The EESC calls for a precise timetable for the presentation and adoption of the draft Statute for a European Mutual Society to be made public.</p>	
<p>2.3.6, 2.3.7, 2.4 – 2.5 The EESC recognises the work done by the Commission on mutual societies, such as the study on the situation and difficulties of mutuals in the Single Market, followed by a public consultation on the conclusions of this study, as well as the Declaration of Strasbourg (2014).</p>	<p>The Commission welcomes the support of the EESC in recognising the efforts made studying the situation and the difficulties encountered by mutuals in the Single Market, followed by public consultation and preparation of impact assessment.</p>
<p>4.1 – 4.9 EESC expresses several reasons why it is necessary to introduce a Statute for a European Mutual Society.</p>	<p>The Commission will take into consideration all reasons mentioned.</p>
<p>5. Specific issues relating to the Statute for a European Mutual Society initiative - what form should a statute for a European mutual society take?</p>	<p>The Commission will take into consideration the specific recommendations concerning the form and provisions of a statute.</p>

<p>N°12 Industrial Changes in the European Pharmaceutical Sector (own-initiative opinion) EESC 6794/2013 - CCMI/119 498th Plenary Session of April 2014 Rapporteur: Mr ALMEIDA FREIRE (GRI-PT) Corapporteur: Mr GIBELLIERI (GRII-IT) DG ENTR – Vice President TAJANI</p>	
Points of the EESC opinion considered essential	Commission position
<p>The EESC underlines the importance of the pharmaceutical sector due to its economic and public health aspects as well as its contribution to the EU's R&D and trade surplus.</p>	<p>The Commission agrees with the EESC's assessment and acknowledgement of the pharmaceutical industry as a key sector of the European economy.</p>
<p>The EESC calls for a new European Life Sciences Strategy, with a focus on pharmaceuticals consisting of three elements:</p> <ul style="list-style-type: none"> • societal policy; • scientific policy; and • economic policy. 	<p>The Commission agrees with the EESC's view that issues related to pharmaceuticals are a key part of life science policy activities and fully concurs with the notion that such a policy should be multifaceted, i.e. respond to societal challenges as well as science, technology and economic policy issues.</p>
<p>The EESC underlines the need for Europe to strengthen and consolidate its position as a global leader in pharmaceuticals while fostering efforts to reduce inequality in access to medicines across Europe.</p>	<p>The Commission has put the revitalisation of the European economy at the forefront of its activities. This approach is also reflected in the Industrial Policy Communication of October 2012. The Process of Corporate Responsibility (2010-2013) served a dual purpose by establishing a forum addressing issues related to industrial competitiveness and access to medicine in Europe and beyond.</p>
<p>The Committee acknowledges the ramifications of globalisation and underlines that middle-income countries, while improving their prosperity, should pay their fair share of the costs of innovation in the</p>	<p>The Commission has been a defender of its legitimate economic interests. Given the significant external trade in pharmaceuticals, great attention has been given to defending the economic</p>

<p>global pharmaceutical market.</p>	<p>interests of EU pharmaceuticals manufacturers. This includes in particular addressing issues related to the effective protection and enforcement of intellectual property (IP) in third countries, non-tariff and tariff barriers including pricing and reimbursement policies, while being a staunch defender of the flexibilities foreseen in the Doha Declaration on the TRIPS Agreement and Public Health of 2001, when seeking to promote access to affordable medicines, and the terms of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).</p>
<p>The EESC acknowledges the role medicines play in the public healthcare system and the disproportionate burden of pharmaceuticals in savings in recent fiscal consolidation efforts in Member States and draws attention to the unpredictable environment for industry as a result of these policies.</p>	<p>The Commission is well aware of the implications of fiscal consolidation, especially for the pharmaceuticals industry. The Commission has been engaged in developing policies, including those concerning the economic stabilisation programme, so as to find a balanced approach between needed short-term consolidation measures and the long-term viability of the pharmaceutical sector.</p>

<p>The Committee makes explicit reference to the so-called Commission's Tajani initiative, i.e. the Process of Corporate Responsibility in the Field of Healthcare, and its different work stream, and considers it an important step forward.</p>	<p>The Process on Corporate Responsibility in the Field of Pharmaceuticals was set up in 2010 to initiate a momentum among Member States, industry and other relevant stakeholders while addressing societal and industrial challenges. The results achieved in its three independent platforms (Transparency and Ethics in the Sector, Access to Medicines in Europe, in the context of pricing and reimbursement, and Access to Medicines in Developing Countries with a Focus on Africa) will serve as a basis for future medicine-related activities.</p>
<p>The Committee urges the Commission to act without delay to put in place a strategy for the pharmaceutical sector in order to secure a thriving pharmaceutical industry in Europe along the entire value chain (research and development, manufacturing, sales and distribution), including aspects related to intellectual property.</p>	<p>The Commission is currently analysing how to address the issues best and explore concrete measures to address the multiple issues and policies which are relevant to the pharmaceutical industry.</p>

<p>N°13 Reduction of pollutant emissions from road vehicles COM(2014) 28 – EESC 1604/2014 - INT/737 498th Plenary Session of April 2014 Rapporteur: Mr RANOCCHIARI (GRI-IT) DG ENTR – Vice President TAJANI</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>The EESC has indicated a lack, or sometimes total absence, of an adequate impact assessment on some of the measures envisaged in the proposed Regulation</p>	<p>An impact assessment has been prepared for two measures presented in the Commission proposal. For the remaining measures, delegated acts were requested without setting specific provisions which could undergo an impact assessment.</p>
<p>The EESC has indicated overuse of delegated acts.</p>	<p>The reason for a number of requested delegated acts is a necessity to align provisions of the Regulation (EC) 715/2007 with the provisions of the Lisbon Treaty. The Regulation (EC) 715/2007 was not included in an Omnibus exercise, therefore delegations need to be transferred to the new Regulation.</p>

<p>N°14 For A European Industrial Renaissance COM (2014)14 final - EESC 746/2014 fin - INT/733 498th Plenary Session of April 2014 Rapporteur: :Ms SIRKEINEN (GRI-FI) DG ENTR – Vice President TAJANI</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>The main role for the EU in industrial policy is to mainstream policy areas and to disseminate best practices accordingly (par. 1.1.).</p>	<p>The main role of the Commission in the current industrial policy framework is to ensure right framework conditions to stimulate new investments and facilitate market developments speeding up the adoption of new technologies and removing barriers to limiting the growth of firms and job creation. The instruments the Commission is using are reflecting its current competences and resources based on article 173 (“Industry”) of The Treaty on the Functioning of the European Union.</p>
<p>The 20% target for industry’s share of GDP by 2020 be complemented with qualitative aspects; in particular with a view to capturing value added, competitive industrial and service sectors (par. 1.3). The 20% target should be accompanied by other targets, which the EESC calls on the Commission to explore further, in particular reflecting issues which will provide added value in an international context (par. 3.3.).</p>	<p>The Commission issues an annual report, pursuant to Article 173 of the Treaty, to review and compare the industrial performance and policies of the EU as a whole and of individual Member States. It reviews and compares industrial performance based on a set of indicators in the areas of industrial innovation, sustainability of industries, business environment and entrepreneurship.</p> <p>Moreover, in order to ensure the proper implementation of the industrial policy actions, the Commission closely monitors three key variables: Investment, Internal market trade, and SMEs, as outlined in the 2012 industrial policy Communication</p>

	(COM(2012) 582 final).
The role of services be given more attention and corresponding policies developed (par. 1.3 and 3.7).	The final report of the High Level Group (HLG) on Business Services was published on 9 April 2014. One of the main messages of the HLG is that it is necessary to look at business services and industry together. The Commission is currently reflecting on how to follow-up on the recommendations.
The Communication now covers few new features compared with the 2010 and 2012 communications. It is mainly a stock taking of past and planned action in the main priority areas of industrial policy. This reveals much unfinished work and underlines the need for implementation at both EU and Member State levels (par. 3.2).	The 2014 industrial policy Communication focuses on concrete measures to improve the implementation of established industrial policy priorities aimed at delivering industrial change. As requested by the 2014 March European Council, the Commission will present an implementation roadmap for taking work forward on the basis of the 2014 industrial policy Communication.
EU institutions need to be involved in the complex task of creating a more favourable environment for industry. Initiatives should be built on regional specialities that complement each other and interact fruitfully (par. 3.8).	Building on the work of the task forces, the Commission is currently setting up tools to create “Smart Specialisation Platforms” to help regions roll out smart specialisation programmes by facilitating contacts between firms and clusters, enabling access to the innovative technologies and market opportunities, as proposed in the 2014 Communication "For a European Industrial Renaissance".
The Commission should ensure the mainstreaming of its work by effective managerial solutions (par. 3.9).	As acknowledged in the 2014 March European Council conclusions, mainstreaming of industrial competitiveness concerns is already underway in practice. The recently adopted Guidelines in the context of the modernisation of State Aids and the industrial orientation of cohesion policy thanks to smart specialisation

	<p>are important steps in that direction. These concrete examples show how mainstreaming is proceeding through the consideration of industrial policy issues in other areas of policy.</p>
<p>SMEs in the EU are more dependent on bank financing than elsewhere. Efforts at both EU and national level should expand diversification of corporate financing to other sources like equity funds, venture capital and corporate guarantees, as well as hybrid funding methods. A plan with a life-cycle approach to financing must be developed, identifying innovative instruments (par. 4.3.3).</p>	<p>SMEs' particular dependence on bank funding has meant they suffered the most during the crisis. They are still finding it challenging to obtain loans, particularly in the periphery economies due in part to the fragmentation of the banking sector. A key issue for SME finance is facilitating the transition from start-up to SME to mid-cap. As they progress through their life cycle, SMEs use a combination of financing sources including bank debt and external equity from business angles, venture capital, private equity funds and ultimately the capital markets. SMEs often find it challenging to transition from one mix of financing sources to another.</p> <p>In March 2013 the Commission adopted a communication on long term financing (COM (2014) 168 final) which proposes targeted measures aimed at addressing also the need of better access to finance for SMEs.</p> <p>Moreover, the Commission is making available a diversified set of financial instruments for the programming period 2014-2020, mostly under COSME and Horizon 2020, aimed at contributing to fill the financing gap for SMEs across their life-cycle stages, especially through loan guarantees and venture capital.</p>

The Small Business Act (SBA) needs to be not just updated but renewed and expanded to address remaining barriers to development and growth. These reforms should be linked to the European Semester (par. 4.7.1).

The Commission is currently preparing a proposal for a new SBA (“SBA 2.0”) with the objective to strengthen the competitiveness and growth of European SMEs. The Commission welcomes the idea to link the new SBA to the European Semester.

<p>N°15 Reshoring of EU industries in the framework of reindustrialisation (own-initiative opinion) EESC 6859/2013 fin - CCMI/120 498th Plenary Session of April 2014 Rapporteur: Mr IOZIA (GR11-IT) Corapporteur: Mr LEIRIAO (GR11-PT) DG ENTR – Vice President TAJANI</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>The EESC would call on the EU to establish a European action plan on these issues (par. 1.3).</p>	<p>As stated by the 2014 March European Council, the Commission Communication “For a European Industrial Renaissance” provides important input to making the overall framework at European and national levels more conducive to investment and innovation and the reshoring of manufacturing jobs. The Commission will present an implementation roadmap for taking work forward on this basis, as requested by the European Council.</p>
<p>In the Committee’s view, there should be a focus on the following key policy areas to support manufacturing industries that decide to reshore and/or expand their business in Europe: creating the right environment for companies that invest, professional skills, competitive energy costs, access to funding and market access (par. 1.7).</p>	<p>The Commission shares the EESC’s view on the key areas. The Commission’s industrial approach to industrial policy is based on four key pillars, as outlined in the 2012 industrial policy Communication: provide right framework conditions to stimulate new investments, access to the internal and international markets, access to finance, and investment in human capital and skills. Competitive energy costs have been dealt with in the Communication on energy prices and costs in Europe [COM(2014) 21] as part of a policy package on energy and climate goals for 2030 adopted by the Commission on 22 January 2014.</p>

<p>The EESC has looked carefully at the issue of energy-intensive industries in Europe and has proposed a series of measures and recommendations to enable them to continue producing in Europe. On this occasion too, it reiterates its call to the European institutions to put in place a common energy policy and to tackle the problem of competitiveness of capital and energy as factors of production (par. 1.9).</p>	<p>Industrial competitiveness and energy efficiency remain major objectives of the European Union as acknowledged in the Europe 2020 strategy and 2014 industrial policy Communication. In this context, different EU policies work to achieve our objectives in the most cost effective way.</p> <p>Alongside the 2014 industrial policy Communication, the Commission has adopted a package on climate and energy defining its position until 2030. The Commission is currently developing the necessary elements for a new policy framework, as requested by the 2014 March European Council.</p> <p>Moreover, mainstreaming of industrial competitiveness concerns in other policy areas includes co-ordination and coherence between the industrial competitiveness and climate/energy package.</p>
<p>The Committee is glad to see that the European Commission is including the reshoring process on the industrial agenda as a catalyst for industrial activity and job creation, and feels that it should make manufacturing the driving force of Europe's future. The agreement recently concluded with Eurofound is a modest first step in the right direction (par. 1.17).</p>	<p>The Commission considers that a strong industrial base will be of key importance to Europe's economic recovery and competitiveness. Following the adoption of the 2014 industrial policy Communication, the European Parliament has approved a pilot project to explore the future of manufacturing in Europe, where Eurofound will examine the basis for the expectation that there is potential for a revival of manufacturing in Europe, including reshoring.</p>
<p>The EESC believes that the EU must develop a unified strategy, a European industrial policy that identifies the key sectors in order to strengthen the manufacturing chain as a whole, whether manufacturing of end or semi-finished</p>	<p>The need to speed up investment in breakthrough technologies in fast-growing areas was the main reason the Commission decided to identify in the 2012 Industrial Policy Communication the six areas in which investment</p>

<p>products (par. 3.3).</p>	<p>should be encouraged. These strategic, cross-cutting areas are: advanced manufacturing, key enabling technologies, clean vehicles and vessels, bio-based products, construction and raw materials, and smart grids. The work of the six task forces that were set up in 2013 has enabled the Commission to identify opportunities as well as obstacles to innovation requiring further policy action. Based on that work the Commission is continuing the implementation as outlined in the 2014 industrial policy Communication.</p> <p>Moreover, based on an analysis of Europe's industrial strengths and main assets, the Commission will in a study explore areas of industrial activity in which Europe is likely to have a comparative advantage in future.</p>
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<p>N°16 Proposal for a Decision of the European Parliament and of the Council on the participation of the European Union in the capital increase of the European Investment Fund COM(2014) 66 final - EESC 1436/2014 fin – INT/739 497th Plenary Session of March 2014 Rapporteur: Mr SMYTH (GR11 – UK) DG ECFIN – Vice-President REHN</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>The European Investment Fund (EIF) capital increase should have been even bigger.</p>	<p>The capital increase will enhance the EIF's financing capacity by 50% and will thus have a substantial impact on the fund's operations. In the Commission's view, the capital increase thus represents a balanced outcome, taking into account operational limits to ramping up EIF operations in a short period of time.</p>
<p>The EESC thinks that it will be helpful if annual dividends to be applied in the years 2014 to 2017 for the Union's participation in the fund were considered external assigned revenue and used to cover part of the costs for the capital increase.</p>	<p>The modalities of the capital increase represent the result of trilogue negotiations with Council and Parliament. It is true that dividends were used in the previous EIF capital increase in 2007.</p>
<p>The EESC supports the endeavour to balance the financial and political yields of the EIF and to fully maintain its tripartite structure. In this connection, it calls for more similarly-minded financial institutions to be accepted as new shareholders.</p>	<p>The Commission shares the Committee's view about the importance of maintaining and reinforcing the EIF's trilateral shareholder structure. It actively supports the fund's efforts to attract additional like-minded shareholders.</p>
<p>The EESC believes that the EIF should have a stronger venture capital remit as originally envisaged.</p>	<p>The Commission shares the Committee's views on the importance of supporting venture capital in Europe. It will take this important objective in mind in its discussion's with the EIF.</p>

<p>N°17 The impact of social investment on employment and public budgets (own-initiative opinion) EESC 6193/2013 fin - SOC/496 497th Plenary Session of March 2014 Rapporteur: Mr GREIF (GRII-AT) DG EMPL – Commissioner ANDOR</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>Argues for 'excluding social investments from the calculation of net government deficits under the EMU's fiscal rules, in line with the financial "golden rule"'</p>	<p>It is useful to explore ways to incentivise investment within the fiscal rules. So far no operational definition has been developed of which parts of social spending are social investment and thus could be considered for such an exemption. The Commission is launching a study to develop knowledge on this question.</p>
<p>'Social investments must be fixtures in the Europe 2020 Strategy and the European Semester. They should be explicitly taken into account in the AGSs and CSRs.'</p>	<p>The social investment approach is being applied within the European Semester, as announced in the Communication.</p>
<p>'Investing in social entrepreneurship: The EESC welcomes the fact that the Commission recognises the important role of the social economy in implementing the social investment package ... to provide support for these tasks, public funds and private capital have to be made available in a simpler way, suitable for social enterprise business models. The Member States are to make more use of innovative approaches to financing in the form of private sector participation, for example, which could also lead to savings in public expenditure.'</p>	<p>The European Commission understands that social enterprises have difficulty finding funding as creditors or investors are often under the impression that they are higher-risk and less profitable than other kinds of companies. In the SBI strategy adopted in October 2011, there are four key actions under this heading aiming to tackle this problem. The European Parliament and the Council have already adopted a Regulation creating 'European Social entrepreneurship Funds', in essence a framework for social investment funds. The Commission also proposed to Member States to introduce an investment priority for social enterprises in the 2014-2020 EU structural and cohesion funds (ESF and EFDR). The 2014-2020 Employment and Social Innovation (EaSI) Programme, directly managed by the Commission, offers various opportunities to</p>

	<p>support social enterprises for example under the Microfinance and Social Entrepreneurship axes. Social entrepreneurs also might have an interest in the PROGRESS axes of EaSI that inter alia provides support to test social and labour market policy innovations. The first call for proposals under these axes was launched 20 May 2014 with a focus on supporting social policy innovation in social services.</p> <p>And the Commission adopted on 27 March 2014 a Communication¹ to facilitate and foster the development of crowdfunding (part of it being "social crowdfunding") in the EU.</p>
<p>Calls for more financing for social investment 'rejecting one-sided strict austerity policies' and calling for 'a European stimulus and investment programme to the tune of 2% of GDP'.</p>	<p>The Commission in its 2014 annual growth survey promotes growth-friendly fiscal policy, reducing policy uncertainty including by repair of the financial sector and pursuing a broad structural reform agenda. Ambitious implementation along these lines would assist in stimulating the necessary productive investment, including in the social sphere.</p>
<p>Calls for "Revising and fleshing out the policy roadmap for the implementation of the social investment package": The EESC finds the Commission's proposed policy roadmap for implementing the social investment package too defensive and thus calls for a more detailed and longer-term roadmap (at least until 2020).</p>	<p>The published policy roadmap is a useful summary of actions underway to support implementation of the Social Investment Package.</p>

¹ http://ec.europa.eu/internal_market/finances/docs/crowdfunding/140327-communication_en.pdf.

<p>18. Proposal for a Directive of the European Parliament and of the Council on seafarers amending Directives 2008/94/EC, 2009/38/EC, 2002/14/EC, 98/59/EC and 2001/23/EC COM(2013) 798 final – EESC 8036/2013 fin – TEN/544 497th Plenary Session of March 2014 Rapporteur: Mr POLYZOGOPOULOS (GTII-EL) DG EMPL – Commissioner ANDOR</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>1.1. 1.2 The EESC endorses the proposal for a directive aimed at improving the level of protection of rights enshrined in the EU Charter of Fundamental Rights and ensuring a level playing field for competition at EU level. The EESC welcomes the proposal to address exclusions which may make it harder for seafarers to enjoy the same rights under European labour law as workers with shore-based jobs.</p>	<p>The Commission welcomes the endorsement by the EESC of the proposal.</p>
<p>1.8 The EESC notes that the proposed directive alone will not suffice to make the maritime sector more attractive. It will have to be accompanied by measures and initiatives already put forward by the EESC in the areas of training, education, research, health and safety promotion, entrepreneurship and innovation leading to the provision of safe, stable and competitive services of a high quality.</p>	<p>The Commission actively supports the maritime sector and maritime clusters through its Integrated Maritime Policy, which also featured high on the agenda of the Greek Presidency. Furthermore, the social agenda for maritime transport developed by the Commission includes several initiatives aimed at developing attractiveness of the maritime professions (improve seafarers recruitment), maintain high training standards and promote professional competence of EU seafarers and enhance seafarers' living and working conditions taking into account the need to maintain a level playing field. The Commission would seek to involve the social partners in these projects as much as possible.</p> <p>The Commission has no legislative competences in defining the content of</p>

	<p>maritime education and training programmes. The Commission's task in this area is primarily to ensure that Directive 2008/106/EC as amended by Directive 2012/35/EU on the minimum level of training of seafarers which brings in line the EU legislation with the latest developments of the Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) is properly applied by the Member States. The EU has also availed itself with an EU-wide recognition system of third countries which comply with the requirements of the STCW Convention for the purpose of recognition by the Member States of individual seafarers' certificates of competency issued by these countries. The Commission with the assistance of EMSA has assessed a number of third countries and to date more than 30 such countries have been recognised at EU level according to the provisions of the Directive.</p>
<p>1.9 Given that broader consultations and assessments of the impact of doing away with the exceptions came several years before the proposal for a directive, the EESC would strongly recommend reducing the transition period of five years for implementing the directive (Article 8 of the proposed directive) to three years.</p>	<p>The transition period of five years takes into account the different situations in the Member States. Member States made to a different extent use of the exclusions. Also keeping in mind the competitiveness of the sector, the Commission proposed a longer transition period to allow for a gradual implementation of this proposal in the different Member States.</p>
<p>5.6 The EESC would point out that the wide range of general and specific consultations highlighted conflicting opinions regarding whether and which exceptions were justified, but revealed a consensus regarding the need for a level playing field and the role that social legislation can play. The EESC regrets,</p>	<p>In accordance with Article 154 TFEU, the Commission consulted the EU social partners in the maritime and the sea fishing sector. In October 2007, the Commission adopted a Communication launching the first stage consultation of European social partners. The Commission asked the European social</p>

<p>however, that – in spite of the written consultations – the subject did not figure on the agenda of the social dialogue committee.</p>	<p>partners for their views on how to proceed on this issue. The EU social partners in the maritime transport sector had differing views on the need to do away with the existing exclusions. For their part, concerning the fisheries sector, both sides of the industry were in favour of doing away with some of the existing exclusions.</p> <p>In April 2009, the Commission launched the second-stage consultation of the European social partners. The EU social partners in the fisheries sector sent a joint reply. The EU social partners in the maritime transport sector had diverging views.</p> <p>On the occasion of the consultations, no wish to engage in a dialogue provided for in Article 155 TFEU was expressed by social partners.</p>
<p>5.8 The EESC notes that information and communications technology (ICT) is gradually being introduced on board vessels, but in some instances it will be a while before it is fully operational owing to technical difficulties, particularly in the case of small and medium-sized enterprises. It would therefore urge the Commission to draw up a package of investment and training measures for this sector so that the proposed directive can be effectively implemented.</p>	<p>As mentioned above, the transition period of 5 years is proposed to take into account the different situations in the Member States. This transition period will also give companies the time to adjust vessels to the developments in communications technology.</p> <p>In this context the Commission would like to refer to the "Know Me" project which is financed by the Commission under the 7th Framework RTD programme. This project deals with the creation of a maritime industry knowledge network for raising the knowledge level of the sector's human resource. In the framework of the "Know Me" project, the issue of internet on board has been examined. The project concludes that technological progress has made the provision of communication facilities on board of</p>

	<p>every ship possible.</p> <p>In addition, the European Commission is funding a project called Vasco da Gama; which is led by the Conference of Peripheral Maritime Regions in Europe. This project should contribute to achieving the development of high professional skills and the development of education and training conditions within the EU to ensure efficient, safe, secure and environmentally friendly shipping operations and the overall efficiency of the transport chain. The purpose is to promote the quality of education and training in the maritime transport sector to address three specific challenges: maritime safety, reducing environmental impact and increasing competitiveness of the sector in the new context of global competitive pressures. (http://www.vasco-da-gama.eu)</p>
<p>5.9 The EESC points out that the European Union is a world leader in the area of labour rights and calls on the Commission to spearhead efforts to upgrade international standards so that all the Member States ratify the ILO's Maritime Labour Convention (MLC, 2006) and to secure broad international cooperation with a view to achieving a more effective application system, compliance with minimum ILO standards by all countries that have ratified the MLC and ratification by a greater number of countries. It should be emphasised that although EESC supports the MLC, 2006, it is recognised that it does not provide the same rights as those afforded under the Directives in question.</p>	<p>The Commission and the EU have actively contributed to the adoption and ratification processes of ILO's Maritime Labour Convention (MLC, 2006). Directive 2009/13/EC implements the Agreement on the MLC 2006 reached by the European Social Partners in 2009 into EU law. Furthermore, proper and consistent enforcement of the MLC across the EU is ensured through two enforcement EU Directives which have been adopted in 2013: on the one hand Directive 2013/54/EU concerning Flag State responsibilities aiming to ensure the enforcement by the EU Flag State administrations of Directive 2009/13/EC and the Agreement annexed to this Directive and, on the other hand Directive 2013/38/EU on Port State control which aims to inspect the proper enforcement of the Convention on all ships irrespective of flag calling in one</p>

	of the EU ports.
<p>5.13 The EESC would note the need for systematic data collection and the harmonisation of sources in relation to maritime sector employment as the figures of the various sources differ significantly; this would boost the credibility of future studies.</p>	<p>Annex V of the Directive 2012/35/EU on the minimum level of training of seafarers sets out the type of information that Member States should communicate to the Commission for statistical purposes, such as the seafarer's name (can remain confidential), seafarer's date of birth, seafarer's nationality, seafarer's gender, Certificates of competency (CoC) /Endorsements attesting their issue (EaI) number, capacity(ies), date of issue or the most recent date of revalidation of the document, date of expiry, status of the certificate.</p>
<p>5.15 As regards Directive 2001/23 (transfer of undertakings), the EESC points to the special features affecting transfers of vessels involving a change of flag and notes that seafarers could end up being employed under different or less favourable conditions because of variations in collective agreements. In view of this, it urges the Commission to draw up new provisions to ensure that this directive also applies to transfers of ships with a change of flag; otherwise it might have the opposite effect by eroding seafarers' rights. It would ask the European Commission to take account of the above comments.</p>	<p>Directive 2001/23/EC provides for safeguarding of employees' rights in case of a transfer of (part of) an undertaking. Article 3(1) of Directive 2001/23/EC provides that the rights and obligations arising from a contract of employment or from an employment relationship existing on the date of transfer shall be transferred from the transferor (the old employer) to the transferee who becomes the new employer. Article 3(3) of Directive 2001/23/EC states that the transferee shall continue to observe the terms and conditions agreed in any collective agreement on the same terms as applicable to the old employer under that collective agreement. This obligation remains until the date of termination or expiry of the collective agreement or the entry into force or application of another collective agreement. Member States may limit the period for observing such terms and conditions to no less than one year.</p> <p>According to Article 5 of the proposal, the provisions mentioned above will also apply to seafarers in case of a transfer of</p>

undertaking. Member States will have the possibility to derogate, after consultation with their national social partners from Chapter II (safeguarding of employees' rights) in case the object of the transfer consists exclusively of one or more seagoing vessels or the undertaking or business to be transferred operates only one seagoing vessel.

With regard to concerns of the EESC in case of the transfer of ships with a change of flag, the proposal amends Directive 2001/23/EC to take account of these concerns. The proposal amends Article 1(2) and Article 1(3) of Directive 2001/23/EC. As a result of these amendments the Directive shall apply:

- without prejudice to paragraph 3 (Article 1(3), where and insofar as the undertaking, business or part of the undertaking or business to be transferred is situated within the territorial scope of the Treaty (Article 1(2))

- to the transfer of a seagoing vessel registered in and/or flying the flag of a Member State and constituting an undertaking, business or part of an undertaking or business for the purposes of this Directive, even when it is not situated within the territorial scope of the Treaty (Article 1(3)).

It is sufficient for the transferor to fulfil the conditions mentioned in both paragraphs mentioned above. Article 1(2) and 1(3) do not set any condition related to the location/registration/flag of the transferee.

This means that Directive 2001/23/EC is applicable in case of a transfer consisting of part of the fleet being transferred from a Spanish ship-owner

	<p>operating under the Spanish flag to a ship-owner operating under the Panamese Flag. By hypothesis the fleet will retain its identity.</p> <p>This conclusion is also valid where the entity to be transferred is situated within the territory of a member state of the European Economic Area (Norway, Iceland, Liechtenstein).</p> <p>If the transferor does not fulfil the conditions mentioned in Article 1(2) and Article 1(3), then the Directive does not apply.</p>
<p>5.17 The EESC proposes the following amendment to Article 1(2) of Directive 2008/94/EC on the protection of employees in the event of employer insolvency:</p> <p>"Subject to the following proviso, Member States may, by way of exception, exclude claims by certain categories of employee from the scope of this directive, by virtue of the existence of other forms of guarantee if it is established that these offer the persons concerned a degree of protection equivalent to that resulting from this directive. The above provision must under no circumstances be understood to mean that seafarers or fishermen may be excluded."</p>	<p>Article 1(3) of Directive 2008/94/EC provides the possibility for Member States to exclude share-fishermen. Other categories of seafarers, notably within the merchant navy, are already covered by this Directive.</p> <p>According to the analysis done by the Commission services and laid down in the Impact Assessment, three Member States have made use of the possibility to exclude share fishermen from Directive 2008/94/EC. European social partners, including the employers' organisation, of the fisheries sector are in favour of the suppression of the exclusion.</p>

<p>N°19 Combating forced labour in the EU and the world: the role of the EU – the EESC's contribution to the 2014 ILO conference (own-initiative opinion) EESC 561/2014 fin - REX/395 498th Plenary Session of April 2014 Rapporteur: Ms OUIIN (GRII-FR) DG EMPL–Commissioner ANDOR</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>The (unanimous) own-initiative opinion of the EESC calls on the EU to adopt a joint position with the ILO to ensure that the objectives of EU anti-trafficking and victims' directives are incorporated into international law.</p> <p>Other recommendations are addressed to Member States and other stakeholders.</p>	<p>The Commission has taken several initiatives aimed at the establishment of a joint position of the EU at the International Labour Conference (ILC) on a Protocol and a Recommendation to supplement the ILO forced labour Convention 29:</p> <ul style="list-style-type: none"> - it has adopted two initiatives COM(2014)238 and COM(2014)239 for Council decisions establishing negotiating guidelines and the position to be adopted on behalf of the EU; - it has organised informal preparatory meetings with Member States, involving also European social Partners and the EESC and has provided background material on the link between the ILO instruments to be negotiated and EU acquis; - it will attend the ILC and coordinate input with all relevant services, so as to best incorporate EU interests in the ILO instruments.

<p>N°20 Intergenerational and intercultural measures to foster social integration of young EU citizens taking up employment in another Member State (Own initiative opinion) SOC/495 498th Plenary Session of April 2014 Rapporteur: Ms NEINISCH (GR11-DE) DG –Commissioner ANDOR</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>2.8. The European Economic and Social Committee (EESC) acknowledges that the increasing labour mobility of young EU citizens is an important and welcome manifestation of one of the fundamental freedoms of the European Union and is ever more frequently the result of necessity. It helps mitigate critical situations in the labour markets of countries of origin and host countries. Young labour migrants are contributing to the economic and social development of host countries, and also bring intangible wealth in the form of diversity, which offers new opportunities to businesses and to society.</p>	<p>The Commission agrees with the assessment that mobility can help alleviate labour market imbalances</p>
<p>2.9. The European Commission is urged to support the Member States in their efforts to create more effective integration measures for this group of young EU migrants who have already found work in another EU Member State, by increasing exchanges of experience and dialogue. The EESC therefore calls for programmes funded under the Your First EURES Job scheme to be reinforced.</p> <p>some extent, host countries and businesses already provide very effective support, which is however primarily geared towards job-related issues. Only in exceptional cases is this support flanked by general "welcome culture" strategies. The YFEJ scheme includes programmes organised by employers to promote integration of young</p>	<p>The European Commission will take these observations into account when designing the funding opportunities for youth mobility under the so called targeted labour mobility schemes of the EURES axis under the EASI Regulation (2014-2020), which build upon the preparatory action "your first EURES job"(2011-2013)</p>

<p>workers (language courses and training, combined with administrative assistance and support for relocation). The requisite strategies, structures, methods and experience needed to effectively support, help and challenge these young people in integrating into the host country society and culture are to a large extent still lacking.</p>	
<p>First of all, the European Commission should promote the exchange of best practices and document successful strategies and practices aimed at supporting these young labour migrants in their efforts to integrate into society. In particular, the importance of intercultural and intergenerational ideas and projects as part of host country "welcome culture" initiatives could be recognised and underlined, since they provide promising forms of support.</p> <p>The Commission should make available this collection of tried-and-tested ideas and projects to the Member States, recommending that they be emulated in a creative way. The Member States should be urged to inform the European Commission of any successful measures which have already been carried out by various providers in their own countries, with a view to developing documentation further and thus deepening the exchange of experience.</p> <p>The EESC recommends that the</p>	<p>Currently, there is no EU wide collection of best practices on welcoming migrants. A variety of efforts are being undertaken at local and regional level.</p> <p>In its Communication of 25 November 2013 on Free movement of EU citizens and their families: Five actions to make a difference¹, the Commission identified one action addressing needs of local authorities by promoting exchange of best practices developed across Europe in implementing free movement rules and addressing social inclusion challenges. A study published in January 2014 detailed the Welcome policies in 6 European cities². A Mayors Conference was organised in February 2014 convening over 100 regions and cities representatives. A follow-up will happen during next October 'Open Days', with a focus on the use of EU funds for the inclusion of EU mobile citizens.</p> <p>The Commission will explore options to collect and exchange information in this area, making use of existing tools, such as the EURES network, SOLVIT, the Advisory</p>

¹ COM(2013) 837 final

² http://ec.europa.eu/justice/citizen/files/dg_just_eva_free_mov_final_report_27.01.14.pdf

<p>Commission subsequently check whether further suitable measures are possible and how these could be implemented. In particular, it should develop a plan to apply and support tried-and-tested innovative strategies and practices through the EU's existing programmes, platforms, funds and initiatives.</p>	<p>Committee on free movement of workers and the network of experts on free movement of workers.</p> <p>The Commission will examine the options of supporting such exchanges, using funding under the EaSI Regulation, and will draw attention to this opinion and the importance of this topic in its cooperation with the Member States regarding the funding of mobility measures under the ESF.</p> <p>The Commission is also launching a number of surveys and analyses on challenges and opportunities of socio-economic inclusion of migrant EU workers in selected European cities.</p>
<p>2.10. The EESC proposes that the Commission support the work carried out by the social partners and civil society, which play an important role in integration in terms of the reception and participation of immigrants.</p>	<p>The work of social partners is adequately supported through the existing actions under the EaSI Regulation.</p> <p>Moreover, the Commission will pay specific attention to the implementation of the recently adopted Directive 2014/54/EU which requires, inter alia, Member States to promote dialogue with the social partners and with relevant non-governmental organisations which have, in accordance with national law or practice, a legitimate interest in contributing to the fight against unjustified restrictions and obstacles to the right to free movement, and discrimination on grounds of nationality.</p>
<p>In this connection the EESC considers it essential to strengthen the EURES network, which has thus far proved deficient not only in terms of matching demand with supply but also with regard to support for inclusion and integration. This latter aspect is becoming even more important following the recent expansion of the EURES network to apprenticeships and traineeships, as it is likely that younger and younger people will be involved in</p>	<p>EURES focuses on providing information on how to exercise the right of free movement for workers and assists individual employers and job seekers, including through matching and placing services. The network provides information on living and working conditions across the Member States.</p> <p>The Commission proposal for a Regulation establishing the EURES network (COM(2014) 6 final) aims to consolidate</p>

European mobility.

these practices, while also introducing a mandate for the network to provide information on post-recruitment assistance.

EURES can contribute to a successful socio-cultural integration of mobile EU workers in other Member States by referring to civil society actors and organisations working on the ground in Member States in this area, in accordance with national practices and rules.

As part of the ongoing efforts to reinforce the potential of EURES to reach out to young EU workers at operational level, the Commission will examine the value of promoting and supporting youth information centres to better address the needs of mobile young people. As a complement to the existing information on the EURES portal on living and working conditions, information could signpost young people to these centres when the issues to be addressed go beyond the remit of EURES.

<p>N°21 Employability of young people – matching training with industry needs in an age of austerity (own initiative opinion) EESC 6218/2013 fin – CCMI/118 498th Plenary Session of April 2014 Rapporteur: Mr FORNEA (GR1I-RO) Corapporteur: Mr GRIMALDI (GR1I-IT) DG EMPL– Commissioner ANDOR</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>1.3 The EESC strongly recommends that the concrete action plans already adopted by MSs to tackle youth unemployment and youth employability be submitted for regular evaluation, with civil society involvement. The EESC believes that in those plans and programmes, concrete measures should be taken to enable young graduates to have workplace skills, including among others management and team work expertise, problem-solving and creativity abilities to improve their versatility and possibilities on the labour market.</p>	<p>As of May 2014 all 28 Member States presented Youth Guarantee Implementation Plans (YGIP) to the Commission. YGIPs were/are evaluated by the Commission and feedback was/is given to Member States¹. The Commission encouraged Member States that civil society representatives participate in the elaboration, implementation and monitoring of YGIPs. The Council Recommendation on establishing a Youth Guarantee – 2013/C 120/01 – recommends strong partnerships with CSOs. Also, many Member States publicise their YGIP, which thus are available for further NGO comments within a national context. The YGIPs contain concrete measures to enable young people to acquire the right skills.</p>
<p>1.12 The EESC feels that investment to improve youth employability is crucial for the future of European economies and societies. The initiatives approved should be easily accessible for all young people without discrimination or gender bias, and they should be accompanied by concrete</p>	<p>The YG, as per definition of the Council Recommendation on establishing a Youth Guarantee (CR), covers all young people under 25 within four months of becoming unemployed or having left formal education, without discrimination. The CR also stipulates</p>

¹ COM will further monitor the implementation of the Youth Guarantee through the multilateral surveillance of the Employment Committee within the framework of the European Semester.

<p>measures for inclusion. Relevant stakeholders (including social partners and youth organisations) at local, regional and national level should be involved in designing, implementing and evaluating the outcomes of these initiatives.</p>	<p>that a wide range of stakeholders at all levels have to be involved in the design and implementation of the YG.</p>
<p>1.15 The current economic and social crisis is imposing constraints on the EU Member States' budgetary decisions, especially those subject to fiscal adjustment programmes – a situation that is exacerbated by the reduction in the EU's own budget. Considering the central role covered by education in the development of employability conditions, the EESC recommends that Member States improve the resources allocated for quality education that should be considered not as expenditure but as essential investment to overcome the crisis and build a better future for all. In view of this, the EESC has endorsed the European Citizens Initiative on “Education is an investment! Do not count education as part of the deficit!” The Committee warns that the cuts being applied to education and training budgets are in danger of turning vital initiatives and proposals into mere statements of good intention. Taking into consideration the importance of education and training in tackling youth unemployment, the EESC strongly recommends that the Commission organises a "European education and training day" in 2015.</p>	<p>The Commission urges Member States to pursue growth friendly policies by prioritising investments in education and training. The Commission monitors the spending of Member States for education and training and gives country-specific recommendations in the framework of the European Semester, if appropriate.</p> <p>Once per year the Commission organises the "Education, Training and Youth Forum" which brings together various stakeholders in order to discuss key policy developments linked to the Europe 2020 strategy, the strategic framework for European cooperation in Education and Training (ET2020) and the European Youth strategy.</p> <p>More specifically, the Commission is currently preparing the “European Business Forum on Vocational Education and Training (VET)”, which will take place in Brussels on 23-24 September 2014. The Business Forum will highlight the importance of strengthening cooperation between VET providers and companies in order to promote growth and competitiveness. The conference will particularly focus on the issues of providing the skills needed in the labour market, developing entrepreneurial VET and providing high quality apprenticeships.</p>
<p>1.17 All the initiatives adopted to improve youth employability should be</p>	<p>The ESF Regulation outlines a number of investment priorities aiming at</p>

<p>adequately funded, via the ESF and other Structural Funds. The EESC recommends that, when using the Structural Funds, particular emphasis should be placed on youth employability, including action to re-programme unspent funds where appropriate</p>	<p>improving the employability of workers, where young people could also benefit, namely those related to lifelong learning and vocational education and training but also access to employment. The measures that the YEI is likely to support in the Member States are also expected to a large extent to contribute to increasing the employability of young persons through quality continued education and training, apprenticeships and traineeships, all of which aim to better equip the person with the necessary skills and experience to facilitate their transition into employment or further education.</p>
<p>2.10 The EESC believes that what has been discussed and approved at European level on education and training cannot be reduced merely to an exchange of good practice. In this respect, it is hoped that training systems will be capable of responding to employment needs, creating new professionals that can cope with the constant changes in work organisation and modern society. Considering, therefore, the deadlines laid down for ET 2020 and the Bruges Declaration, the EESC calls for an evaluation and a careful analysis of how commitments are implemented in practice and objectives achieved.</p>	<p>The Commission is currently undertaking a mid-term stocktaking of the ET 2020 strategic framework for European cooperation in education and training. The main purpose of the mid-term stocktaking is “to help prepare the next draft Joint Report, with a more forward-looking focus which identifies key priority areas and concrete issues for future work” (Education Council, 24/02/2014). The 2015 ET 2020 Joint Report will identify a fresh set of ET 2020 priority areas/issues and aim increasing ET 2020’s added value and effectiveness, including governance and reporting. The results of the mid-term stocktaking depend on the collaborative input by Member States, ET 2020 bodies/groups, stakeholders and social partners, and the Commission.</p> <p>As regards vocational education and training (VET), the ET2020 Review will build on the VET-specific stocktaking of the progress towards Bruges Communiqué objectives based mainly on ReferNet questionnaires (Cedefop), feedback from the Advisory Committee for</p>

	<p>VET focus groups as well as interviews with Directors-General for VET. This will result in a Cedefop VET policy report due to be published in September 2014. Maintaining the transparent and inclusive process of deciding on new short-term deliverables, Member States, social partners and VET providers will be closely involved in the definition of new deliverables.</p>
<p>3.1 In a number of opinions, the CCMI has highlighted a host of economic, industrial and social issues including employability and re-skilling, in particular during the current crisis. Linked to the proposed Guarantee for Youth Employment approved by the European Commission in June 2013, the European social partners presented a Framework for joint action on the employment of young people focusing on knowledge, the transition from school to work, employment and the development of entrepreneurship.</p>	<p>A point of precision: there is no ‘Guarantee for youth employment’ as stated by the EESC opinion in paragraph 3.1. A quality offer under a Youth Guarantee pursuant to the Council Recommendation of 22 April 2013 can be an employment, continued education, an apprenticeship or a traineeship.</p>
<p>3.3 To be fully effective, such measures should be incentivised by European funding and growth - enhancing measures, and not limited to the EUR 6-8 billion under the Youth Employment Initiative, a sum that should be substantially increased.</p>	<p>Since the launch of the YEI and of its amended ESF regulatory proposal, the Commission has been encouraging Member States to allocate even more ESF matching funding to the objectives of YEI than the strict minimum required to match the YEI specific allocation. Currently, however, the Commission notes that most MS are allocating the strict minimum of ESF match funding in their programming documents. The ESF will in any case continue to play an important role, also outside the YEI, in supporting namely the reform of employment, social inclusion and education systems, to improve services quality and thus helps reduce youth unemployment.</p>

4.15 All initiatives to improve youth employability should be implemented promptly across Europe, and adequately funded via the ESF and other Structural Funds. The EESC feels that this is crucial investment in the future of European economies and societies. These initiatives should be easily accessible for all young people without discrimination. Relevant stakeholders (including social partners and youth organisations) at local, regional and national level should be involved in implementation and evaluation of their outcomes. The EESC recommends that, when using the Structural Funds, particular emphasis should be placed on youth employability, including action to re-programme unspent funds where appropriate.

The Commission fully supports EESC's call for more intensive partnership. As stated in the ESIF regulations 2014-2020 and in particular Art.6 of the ESF Regulation, the principle of partnership with all relevant stakeholders should be respected. The European Code of Conduct on Partnership outline in detail the stages and aspects in which partners should actively be involved. Recital 12 ESF refers to the explicit involvement of youth organisations in relation to the YEI.

<p>N°22 Proposal for a Regulation of the European Parliament and of the Council amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009 and repealing (EC) No 1434/98 as regards the landing obligation</p> <p>COM(2013) 889 final – EESC 877/2014 fin – NAT/631</p> <p>498th Plenary Session of April 2014</p> <p>Rapporteur: Mr SARRÓ IPARRAGUIRRE (GRIII-ES)</p> <p>DG MARE – Commissioner DAMANAKI</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>Following the adoption of the new Common Fisheries Policy (CFP), which introduces changes to the landing obligation not only for TACs (Total Allowable Catches) but also for species with minimum conservation reference sizes, the EESC believes that it is crucial to adapt this landing obligation to the legislation in force, which requires fishing operators to discard in certain circumstances.</p>	<p>The Commission shares the view of the EESC that it is crucial to remove any legal and practical impediments to implementation of the landing obligation.</p>
<p>Nevertheless, it believes that the Commission's proposal is unnecessarily complicated and will generate an undue and disproportionate amount of additional work for fishing operators when it comes to applying the landing obligation. As a result, it advocates opting for more pragmatic, clear, straightforward and flexible rules that genuinely give fishing operators time to adapt during a transitional period, without facing heavy penalties.</p>	<p>It is not the Commission's intention to introduce any new rules, increase the administrative burden on fishing operators or to apply rules to species not covered under the landing obligation. The sole purpose of this proposal is to remove or amend provisions within the current technical measures that run contrary to the landing obligation and to introduce tailor-made rules to facilitate enforcement (e.g. through alignment of documentation provisions).</p>
<p>The EESC regrets that a prior impact assessment was not carried out in order to study the repercussions of the landing obligation for each fleet.</p>	<p>As part of the impact assessment to support the CFP reform, an assessment of the impact of discard reducing policies was carried out. A further</p>

	<p>impact assessment would not significantly add to this original assessment.</p>
<p>The EESC believes that technical measures are fundamental to fishing activities and that, for this reason, any related decisions should be taken following direct contact with ports; they should be specific to concrete cases, timely and based on fast-track and efficient decision-making processes that can be adapted to changing circumstances and developments concerning the relevant species.</p>	<p>The Commission is working on the development of a new technical measures framework which will focus on simplification of the rules and enabling regionalisation of technical measures in line with the new CFP. The Commission has urged all interested parties to contribute with views and suggestions through a public consultation launched in early 2014 to support the development of this proposal.</p>
<p>The EESC urges the co-legislator to give consideration to its comments regarding the new definitions, catch composition, the recording of catches, the new control obligations, fishing authorisations, margins of tolerance, closed-circuit television (CCTV) monitoring and penalties.</p>	<p>The Commission takes very good note of the EESC recommendations and will reflect on them during the negotiations with the co-legislators.</p>

N°23 **Actions d'information et de promotion en faveur des produits agricoles sur le marché intérieur et dans les pays tiers**
COM(2013) 812 - CESE 10/2014 fin - NAT/625
498ème session plénière d'avril 2014
Rapporteur: M. IŠARMÍR (GRI-SK)
DG AGRI–Commissaire CIOLOȘ

Position de la Commission

La Commission accueille favorablement l'avis du Comité économique et social européen qui se retrouve globalement dans le texte de l'accord politique conclu lors du Trilogue informel du 1^{er} avril 2014 et tel qu'adopté en première lecture par le Parlement le 15 avril 2014.

<p>N°24</p> <p>Novel Foods and Cloning</p> <p>COM(2013) 892, 893 and 894 – EESC 933/2014 fin – NAT/635</p> <p>498th Plenary Session of April 2014</p> <p>Rapporteur: M. ESPUNY MOYANO</p> <p>DG SANCO – Commissioner BORG</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>COM(2013) 892 and 893</p>	
<p>3.1.5 Cloning presents risks to biodiversity and the genetic heritage, which will create problems in terms of resistance to emerging risks and new zoonotic agents entering Europe (e.g. Schmallenberg virus).</p>	<p>Cloning is not widespread enough to come close to endangering biodiversity and the genetic heritage. It is not likely to develop in this direction if the success rates remain as low as they have been for the last 18 years (i.e. since the cloning of Dolly the sheep).</p> <p>On the other hand, cloning can help to preserve endangered species and rare breeds.</p> <p>There is thus no indication that cloning could reduce resistance to emerging risks and new zoonotic agents entering Europe.</p>
<p>3.1.6 The EESC considers that cloning could pose a threat to quality production and the sustainability of Europe's economic and agri-food sector. Moreover, widespread cloning for agricultural purposes risks transferring wealth from workers and producers to the research centres that hold the patents.</p>	<p>It appears the presumption is that quality production cannot be maintained because cloning would significantly contribute to the reduction of prices for food of animal origin. The impact assessment [COM(2007) 872 final - SEC(2008) 13] does not support this presumption.</p> <p>Transfer of wealth related to intellectual property rights (patent law) would have to be addressed in relevant legislation, i.e. in Directive 98/44/EC on the legal protection of biotechnological inventions¹</p>
<p>4.1.5 Since the proposal provides for the provisional prohibition of animal cloning and placing on the market of animals and clones from embryos in the EU, the Member States must adopt the necessary sampling and</p>	<p>Cloning is only performed even in third countries using very few facilities. Animal clones and embryo clones produced by these facilities are produced due to their value. Thus it is not in the interest of the clone producer to</p>

¹ Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions - OJ L 213, 30/07/1998 p. 13.

<p>monitoring measures to enforce the provision.</p> <p>As yet no endorsed, accredited and harmonised analytical methodology exists in this field. We therefore feel it is necessary for the Commission and the Member States to start work on this aspect.</p>	<p>disguise the heritage of the animal embryo. It is thus more efficient to rely on documentation of heritage.</p>
<p>COM(2013) 894</p>	
<p>1.3.2 The EESC believes that the status of novel food, based on the fact that the food "was not used for human consumption to a significant degree within the Union", should be defined more precisely, and appropriate requirements established.</p>	<p>The new proposal does not change the concept that exists already in the Regulation (EC) No 258/97. The Commission notes that a guidance document on the human consumption to a significant degree has been endorsed by the Standing Committee on Food Chain and Animal Health.</p>
<p>1.3.4 The EESC considers that the procedure for authorising traditional foods from third countries should be simpler and based on clear criteria that can provide evidence of the "history of safe food use in a third country" referred to in the proposal.</p>	<p>The Commission notes that the procedure for notifying the traditional foods from third countries is an accelerated procedure as no regulatory committee is consulted in cases where no safety objections have been raised by the Member States or EFSA. The Commission will adopt an implementing measure which will give guidance to the applicants what evidence should be provided to demonstrate the history of safe use.</p>
<p>1.3.6 The EESC notes that no system or timeframe is envisaged for review of the list, and therefore proposes that the same regulation establishes a mechanism for reviewing the list when necessary.</p>	<p>The Commission agrees that in case a review of an authorisation would be necessary due to new scientific information, the Commission may initiate the revision of the authorisation of the novel food in question on its own initiative at any time. However, it would not be effective to review all authorisations of novel foods systematically after a certain time period.</p>
<p>1.3.7 The EESC considers that businesses' efforts in the field of R+D+I should be safeguarded by the authorities through adequate data protection. It therefore suggests that the conditions for this protection be related to the applicant rather than to the Commission's opinion of the application.</p>	<p>The Commission agrees that innovation in the food sector should be supported and, therefore, has proposed the possibility to obtain an authorisation that is only addressed to the applicant based on the applicant's own research.</p>

<p>1.3.8 The EESC would like to make it clear that the transitional measures should also cater for products that do not comply with the requirements laid down by the regulation on the date of its entry into force.</p>	<p>The proposal does not change the field of application. Therefore, the Commission considers that it is important that novel food not authorised under Regulation (EC) No 258/97 still requires an authorisation. Therefore, no additional transitional measure is necessary.</p>
<p>4.3.2 Definition of novel food</p> <p>The EESC considers that the proposal's definition of novel food is based on consumption, and that it should be more precise in order to avoid food products that are not novel foods (e.g. pizza with new ingredients) being included.</p>	<p>The Commission agrees that the food products that are not novel foods do not become novel food because of reformulation of a product (new recipes). This has been already expressed in recital 13 of the proposal.</p>

<p>N°25 Consumer protection and appropriate treatment of over-indebtedness to prevent social exclusion EESC 791/2014 fin – INT/726 498th Plenary Session of April 2014 Rapporteur: Mme MADER (GR III-FE) DG SANCO – Commissioner MIMICA</p>	
<p>Points of the EESC opinion considered essential</p>	<p>Commission position</p>
<p>1.2 It notes that (...) there is no harmonised definition of the concept of over-indebtedness and no means of getting an accurate picture of the situation in the Member States. It therefore calls for a common definition to be adopted.</p> <p>1.3 This should include the following elements: (i) the household, as a relevant unit of measure for quantifying over-indebtedness; (ii) financial commitments; (iii) informal commitments within the family or a community; (iv) inability to pay; (v) structural over-indebtedness; (vi) decent quality of life, and (vii) insolvency.</p> <p>(and paragraph 2.20)</p>	<p>The Commission conducted in 2008 a study “Towards a common operational European definition of over-indebtedness”. The study reviewed a number of definitions of over-indebtedness used at the European level as well as in the individual Member States. It concluded that over-indebtedness is a multi-dimensional phenomenon and due to the complexity of the issue there is no uniquely accepted definition. The study has, nevertheless, identified the most common elements of the reviewed definitions.</p> <p>Moreover, in the recent study "The over-indebtedness of European households: updated mapping of the situation, nature and causes, effects and initiatives for alleviating its impact", commissioned by DG SANCO, it has emerged that, while there is no one-size-fits-all definition, nonetheless a number of common aspects do exist, which are substantially compatible with the elements identified by the EESC in point 1.3.</p>
<p>1.5 If over-indebtedness is to be properly addressed, education, prevention and appropriate procedures for reintegrating over-indebted people into normal economic life are needed.</p> <p>1.7 Financial education must initially be provided in schools, but must also be available at all times for all those who need it. In this regard the EESC advocates information campaigns involving all stakeholders in order to ensure pooling of complementary expertise.</p> <p>1.12</p>	<p>On consumer and financial education, the Commission has launched on 15 March 2013 the initiative "Consumer Classroom", a collaborative site for consumer education, aimed at teachers of pupils 12-18 years-old. It offers a database of consumer education materials from across the EU with the possibility to request translations, as well as lesson building tools and discussion forums to exchange ideas and experiences. It also covers financial literacy issues.</p> <p>More specifically on consumer credit, the Commission has organised communication</p>

<p>However, just implementing a facility to address over-indebtedness will not be enough to reduce the number of cases. It must go hand in hand with measures to develop domestic and financial education, which means that the necessary resources must be earmarked for this purpose.</p> <p>(and paragraphs 4.1.4 and 4.1.7)</p>	<p>campaigns in four Member States (Spain, Ireland, Cyprus and Malta) to raise awareness on the key rights granted by the Consumer Credit Directive – CCD - (2008/48/EC) to consumers. The Commission is currently carrying out an evaluation of the campaign.</p> <p>Moreover, the recent Mortgage Credit Directive – MCD - (2014/17/EU), in Article 6, calls on Member States to promote measures that support the education of consumers in relation to responsible borrowing and debt management and states that the Commission shall publish an assessment of the financial education available to consumers in the Member States, identifying examples of best practices.</p>
<p>1.8 (and paragraph 6.1)</p> <p>The EESC believes that an appropriate, uniform procedure based on Article 38 of the Charter of Fundamental Rights, Article 114 TFEU and also Article 81 TFEU must be put in place in all the Member States, in accordance with general principles proposed by the Commission in a proposal for a directive.</p> <p>1.9</p> <p>These principles must include the procedure being quick and free of charge, the suspension of proceedings when a procedure for containing the over-indebtedness has been opened, verification of claims, keeping the main residence, equal treatment of ordinary creditors, the possibility of cancelling debts in the most burdensome situations and the obligation to leave an over-indebted person enough to live on decently day to day, the aim being to reintegrate the consumer into economic and social life quickly.</p>	<p>The Commission takes note of the position of the EESC as regards the need of a Directive in this field.</p> <p>At the moment, the Commission is not working on such a proposal for a Directive.</p> <p>However, various rules for the prevention of households' over-indebtedness already exist in the CCD and in the MCD.</p> <p>In addition, concerning the alleviation of the impact of over-indebtedness, the above mentioned study by DG SANCO lists and analyses the effectiveness of various existing measures and best practices, including those mentioned in point 1.9.</p>
<p>1.10 The Committee also stresses the importance it attaches to banking inclusion, which must be safeguarded for people in a situation of over-indebtedness in order to</p>	<p>The Commission agrees with the EESC.</p> <p>The forthcoming Directive on Payment Accounts (PAD) will ensure a general right to access to basic</p>

<p>avoid any social exclusion. (and paragraph 5.3.10)</p>	<p>bank accounts to any consumer, including those consumers who have suffered debt problems or are not commercially interesting for banks and would risk being financially excluded.</p>
<p>1.11 Combating over-indebtedness requires a European framework for usury. (and paragraphs 2.16 and 4.4.1)</p>	<p>At the moment, there is no common European definition of usury.</p> <p>The Commission agrees that the APR(C) is the most appropriate tool to quantify the total cost of the credit. However, the ways the total cost of a credit is considered as usurious vary according to the national uses. The matter is treated in a very different way in the Member States.</p> <p>Nevertheless, the current EU legislation (e.g. the CCD and the MCD) does not prevent Member States from applying specific rules on usury. In practice, about half of Member States do apply different rules on usury.</p>
<p>2.13 Offers for this kind of credit card are frequently sent by post to people's homes and include phrases (...) disregarding the rules on consumer information and protection. The EESC calls for these cards' period of validity and credit limit to be strictly regulated.</p>	<p>The CCD regulates in a strict way the information, both preliminary and contractual, to be provided to consumers. Such information must be clear, fair and not misleading.</p> <p>If the rules are violated, Member States must intervene and apply the necessary sanctions.</p>
<p>4.2.3 In this sensitive context, the EESC believes that particular focus is needed on processing of personal data.</p>	<p>The Commission shares the EESC concerns on data protection. The personal data of consumers should be used exclusively to assess their creditworthiness. Other uses should only be permitted under the agreement of the interested consumers.</p>
<p>4.3.2 This Directive (<i>the CCD</i>), which is based on consumer information, is not sufficient to prevent over-indebtedness.</p>	<p>The Commission stresses that the CCD is not based only on information; it also ensures that the lender and the borrower act responsibly, through an adequate assessment of the borrower's creditworthiness.</p>