

**SUIVI ACCORDÉ PAR LA COMMISSION AUX AVIS DU**

**COMITÉ ÉCONOMIQUE ET SOCIAL EUROPÉEN**

**RENDUS AU COURS DES SESSIONS PLENIERES DE JUILLET ET  
SEPTEMBRE 2015**

N°	Titre	Références	Mois plénière
<b>SG</b>			
1.	<b>Évaluation des consultations des parties prenantes de la CE</b>  Rapporteur: M. Ronny LANNOO (GRIII-BE)	EESC-2015-02021-PAC-TRA  SC/040  avis d'initiative	juillet
2.	<b>Améliorer la réglementation pour obtenir de meilleurs résultats – Un enjeu prioritaire pour l'UE (communication)</b>  Rapporteur: M. Bernd DITTMANN (GRI-DE)	COM(2015) 215 final  EESC-2015-03697-DT-TRA  SC/41	septembre
3.	<b>Actes délégués (supplément d'avis)</b>  Rapporteur: M. Jorge PEGADO LIZ (GRIII-PT)	EESC-2015-01053-AS-TRA  INT/768	septembre
4.	<b>«Améliorer le fonctionnement de l'Union européenne en mettant à profit le potentiel du traité de Lisbonne» et «Évolutions et adaptations possibles de la structure institutionnelle actuelle de l'Union européenne»</b>  Rapporteur: M. Luca JAHIER (GRIII-IT) Corapporteur: M. José Isaías RODRÍGUEZ GARCÍA-CARO (GRI-ES)	EESC-2015- 03264-PAC-TRA  Groupe ad hoc  Saisine du Parlement européen	septembre
<b>DG ENER</b>			
5.	<b>Le stockage de l'énergie: un facteur d'intégration et de sécurité énergétique</b>  Rapporteur: M. Pierre Jean COULON (GRII-FR)	EESC-2015-00898-AS-TRA  TEN/567  avis d'initiative	juillet

6.	<b>Les villes intelligentes, moteurs de développement d'une nouvelle politique industrielle européenne</b>  Rapporteuse: M <sup>me</sup> Daniela RONDINELLI (GRII-IT)	EESC-2015-00586-AS-TRA  TEN/568  avis d'initiative	juillet
7.  SG D3 associé	<b>Cadre stratégique pour l'Union de l'énergie (communication)</b>  Communication de la Commission au Parlement européen, au Conseil, au Comité économique et social européen, au Comité des régions et à la Banque européenne d'investissement sur le cadre stratégique pour une Union de l'énergie résiliente, dotée d'une politique clairvoyante en matière de changement climatique  Communication de la Commission au Parlement européen et au Conseil: Réaliser l'objectif de 10 % d'interconnexion dans le secteur de l'électricité - Un réseau électrique européen prêt pour 2020  Rapporteuse: M <sup>me</sup> Ulla SIRKEINEN (GRI-FI) Corapporteur: M. Pierre Jean COULON (GRII-FR)	COM(2015) 80 final  COM(2015) 82 final  EESC-2015-01593-AS-TRA  TEN/570	juillet
8.  DG MARE associé	<b>Possibilités d'un développement à long terme, durable et intelligent de l'industrie offshore européenne et ses relations avec les industries maritimes de l'Union européenne</b>  Rapporteur: M. Marian KRZAKLEWSKI (GRII-PL) Corapporteur: M. José Custódio LEIRIÃO (cat. 3-PT)	EESC-2015-01459-AS-TRA  CCMI/135  avis d'initiative	septembre
<b>DG MOVE</b>			
9.	<b>Les femmes et les transports</b>  Rapporteur: M <sup>me</sup> Madi SHARMA (GRI-UK) Corapporteur: M. Raymond HENCKS (GRII-LU)	EESC-2015-01773-AS-TRA  TEN/573  avis exploratoire demandé par la Commission	juillet

10.	<b>Dumping social dans le secteur de l'aviation civile européenne</b>  Rapporteuse: M <sup>me</sup> Anne DEMELENNE (GRII-BE)	EESC-2015-00417-AS-TRA  TEN/565  avis d'initiative	septembre
11.	<b>Le marché intérieur du transport international de marchandises par route: dumping social et cabotage</b>  Rapporteurs: M. Stefan BACK (GRI-SE) M. Raymond HENCKS (GRII-LU)	EESC-2015-03722-AS-TRA  TEN/575  avis exploratoire demandé par la présidence luxembourgeoise	septembre
12.	<b>Une politique européenne intégrée de l'aviation</b>  Rapporteur: M. Jacek KRAWCZYK (GRI-PL)	EESC-2015-01083-AS-TRA  TEN/569  avis exploratoire demandé par la Commission	septembre
<b>DG CLIMA</b>			
13.	<b>Le protocole de Paris (communication)</b>  Communication de la Commission au Parlement européen et au Conseil - Protocole de Paris – Programme de lutte contre le changement climatique planétaire après 2020  Rapporteur: M. Lutz RIBBE (GRIII-DE)	COM(2015) 81 final  EESC-2015-00580-AS-TRA  NAT/665	juillet
<b>DG NEAR</b>			
14.  EEAS co-lead	<b>Vers une nouvelle politique européenne de voisinage</b>  Document de consultation conjoint – Vers une nouvelle politique européenne de voisinage  Rapporteur: M. Gintaras MORKIS (GRI-LT) Corapporteur: M. Cristian PÎRVULESCU (GRIII-RO)	JOIN(2015) 6 final  EESC-2015-02442-AS-TRA  REX/447	juillet

15.	<b>Les objectifs de l'après-2015 dans la région euro-méditerranéenne</b>	EESC-2015-00612-AS-TRA	juillet
DG DEVCO associé	Rapporteuse: M <sup>me</sup> An LE NOUAIL MARLIÈRE (GRII-FR)	REX/438 avis d'initiative	
16.	<b>Agriculture, zones rurales et développement durable dans les pays du partenariat oriental</b>	EESC-2015-00902-AS-TRA	septembre
EEAS associé	Rapporteuse: M <sup>me</sup> Dilyana SLAVOVA (GRIII-BG)	REX/439 avis d'initiative	
<b>DG TRADE</b>			
17.	<b>Le PTCI et son impact sur les PME</b>	EESC-2015-00561-AS-TRA	juillet
	Rapporteuse: M <sup>me</sup> Emmanuelle BUTAUD-STUBBS (GRI-FR) Corapporteur: M. Panagiotis GKOFAS (GRIII-EL)	REX/433 avis d'initiative	
18.	<b>Révision de l'accord d'association entre l'UE et le Mexique</b>	EESC-2015-01608-AS-TRA	septembre
	Rapporteur: M. José Isaiás RODRÍGUEZ GARCÍA-CARO (GRI-ES) Corapporteur: M. Juan MORENO PRECIADO (GRII-ES)	REX/412 avis d'initiative	
<b>DG FISMA</b>			
19.	<b>L'union des marchés de capitaux (livre vert)</b>	COM(2015) 63 final	juillet
	Livre vert – Construire l'union des marchés de capitaux Rapporteur: M. Juan MENDOZA CASTRO (GRII-ES) Corapporteuse: M <sup>me</sup> Milena ANGELOVA (GRI-BG)	EESC-2015-01333-AS-TRA ECO/379	

<b>DG JUST</b>			
20.	<b>Les allégations environnementales, sociales et de santé dans le marché intérieur</b>  Rapporteur: M. Bernardo HERNÁNDEZ BATALLER (GRIII-ES)	EESC-2015-00503-AS-TRA  INT/766  avis d'initiative	juillet
<b>DG EAC</b>			
21.	<b>Sport et valeurs européennes</b>  Rapporteur: M. Bernardo HERNÁNDEZ BATALLER (GRIII-ES)	EESC-2014-04496-AS-TRA  SOC/514  avis d'initiative	juillet
<b>DG DEVCO</b>			
22.	<b>Financement du développement – Position de la société civile</b>  Rapporteur: M. Ivan VOLEŠ (GRI-CZ)	EESC-2015-01637-AS-TRA  REX/441  avis d'initiative	juillet
<b>DG EMPL</b>			
23.	<b>Pour une convention de l'OIT contre la violence sexiste au travail</b>  Rapporteuse: M <sup>me</sup> Béatrice OUIN (GRII-FR)	EESC-2015-01969-AS-TRA  REX/445  avis d'initiative	septembre
24.	<b>Construire un écosystème financier pour les entreprises sociales</b>  Rapporteuses: M <sup>me</sup> Marie ZVOLSKÁ (GRI-CZ) M <sup>me</sup> Ariane RODERT (GRIII-SE)	EESC-2015-03146-AS-TRA  INT/770  avis exploratoire demandé par la présidence luxembourgeoise	septembre

25.	<b>Accroître les performances des systèmes nationaux de formation en alternance</b>  Rapporteuse: M <sup>me</sup> Dorthe ANDERSEN (GRI-DK)	EESC-2015-01718-AS-TRA  SOC/523  avis d'initiative	septembre
26.	<b>Validation des compétences et qualifications acquises dans le cadre d'apprentissages non formels et informels – la contribution pratique de la société civile organisée</b>  Rapporteur: M. Pavel TRANTINA (GRIII-CZ) Corapporteur: M <sup>me</sup> Marie ZVOLSKÁ (GRI-CZ)	EESC-2015-00802-AS-TRA  SOC/521  avis d'initiative	septembre
27.	<b>Les effets de la numérisation sur le secteur des services et l'emploi dans le cadre des mutations industrielles</b>  Rapporteur: M. Wolfgang GREIF (GRII-AT) Corapporteur: M. Hannes LEO (cat. 3-AT)	EESC-2015-00765-AS-TRA  CCMI/136  avis exploratoire demandé par la présidence luxembourgeoise	septembre
28.	<b>Principes pour des systèmes de protection sociale efficaces et fiables</b>  Rapporteur: M. Bernd SCHLÜTER (GRIII-DE)	EESC-2015-01011-AS-TRA  SOC/520  avis d'initiative	septembre
<b>DG GROW</b>			
29.	<b>Les industries créatives et culturelles – un atout européen dans la concurrence mondiale</b>  (Rapporteuse: M <sup>me</sup> Emmanuelle BUTAUD-STUBBS (GRI-FR) Corapporteur: M. Nicola KONSTANTINOU (cat. 2-EL)	EESC-2015-01499-AS-TRA  CCMI/137  avis d'initiative	septembre

30.	<b>Expériences liées à la réglementation pour les petites entreprises aux États-Unis et dans l'UE: les meilleures pratiques pour des actions innovantes en matière de PME?</b>  Rapporteur: M. Ullrich SCHRÖDER (GRI-NL)	EESC-2015-00822-AS-TRA  INT/755  avis d'initiative	septembre
31.	<b>L'entreprise familiale en Europe comme source de croissance renouvelée et d'emplois de meilleure qualité</b>  Rapporteur: M. Jan KLIMEK (GRI-PL)	EESC-2015-00722-AS-TRA  INT/765  avis d'initiative	septembre
32.	<b>L'économie du bien commun: un modèle économique durable axé sur la cohésion sociale</b>  Rapporteur: M. Carlos TRIAS PINTÓ (GRIII-ES) Corapporteur: M. Stefano PALMIERI (GRII-IT)	EESC-2015-02060-AS-TRA  ECO/378  avis d'initiative	septembre
<b>DG CNECT</b>			
33.	<b>La santé numérique en passe de devenir la règle? Les informations électroniques pour une utilisation sûre des médicaments</b>  Rapporteuse: M <sup>me</sup> Renate HEINISCH (GRIII-DE)	EESC-2015-00424-AS-TRA  INT/767  avis d'initiative	septembre
34.	<b>Innovation sociale, réseautage et communication numérique</b>  Rapporteur: M. Bernardo HERNÁNDEZ BATALLER (GRIII-ES)	EESC-2014-04902-AS-TRA  TEN/560  avis d'initiative	septembre
35.	<b>Le cyberactivisme et les organisations de la société civile</b>  Rapporteur: M. Bernardo HERNÁNDEZ BATALLER (GRIII-ES)	EESC-2015-01058-AS-TRA  TEN/571  avis d'initiative	septembre



<b>DG AGRI</b>			
36.	<p><b>Importance du commerce agricole pour le développement futur de l'agriculture et de l'économie agricole au sein de l'Union européenne, dans le contexte de la sécurité alimentaire</b></p> <p>Rapporteur: M. Volker PETERSEN (GRI-DE)</p>	<p>EESC-2015-01349-AS-TRA</p> <p>NAT/662</p> <p>avis d'initiative</p>	septembre
37.	<p><b>Programmes de développement rural – premier secours ou premiers signes de reprise?</b></p> <p>Rapporteur: M. Tom JONES (GRIII-UK) Corapporteuse: M<sup>me</sup> Joana AGUDO I BATALLER (GRII-ES)</p>	<p>EESC-2015-00601-AS-TRA</p> <p>NAT/661</p> <p>avis d'initiative</p>	septembre
<b>DG MARE</b>			
38.	<p><b>Données sur la pêche (refonte)</b></p> <p>Proposition de règlement du Parlement européen et du Conseil concernant l'établissement d'un cadre de l'Union pour la collecte, la gestion et l'utilisation de données dans le secteur de la pêche et le soutien aux avis scientifiques sur la politique commune de la pêche (refonte)</p> <p>Rapporteur: M. Brian CURTIS (GRII-UK)</p>	<p>COM(2015) 294 final – 2015/0133 COD</p> <p>EESC-2015-03926-AS-TRA</p> <p>NAT/673</p>	septembre
<b>DG HOME</b>			
39.	<p><b>Propositions pour la lutte contre la corruption dans l'UE: prise en compte des préoccupations des entreprises et de la société civile</b></p> <p>Rapporteur: M. Filip HAMRO-DROTZ (GRI-FI) Corapporteur: M. Pierre GENDRE (cat. 2-FR)</p>	<p>EESC-2014-06520-AS-TRA</p> <p>CCMI/132</p> <p>avis d'initiative</p>	septembre

<b>DG SANTE</b>			
40.	<p><b>Possibilité pour les États membres de restreindre ou d'interdire sur leur territoire l'utilisation de denrées alimentaires et d'aliments pour animaux génétiquement modifiés</b></p> <p>Proposition de Règlement du Parlement européen et du Conseil modifiant le règlement (CE) n° 1829/2003 en ce qui concerne la possibilité pour les États membres de restreindre ou d'interdire sur leur territoire l'utilisation de denrées alimentaires et d'aliments pour animaux génétiquement modifiés</p> <p>Rapporteur: M. José María ESPUNY MOYANO (GR-ES) Corapporteur: M. Martin SIECKER (GR-NL)</p>	<p>COM(2015) 177 final – 2015/0093 COD</p> <p>EESC-2015-02913-AS-TRA</p> <p>NAT/669</p>	septembre
<b>DG ECFIN</b>			
41.	<p><b>Comment améliorer le recours à la méthode communautaire pour rendre l'UEM démocratique et sociale</b></p> <p>Rapporteuse: M<sup>me</sup> Gabriele BISCHOFF (GR-DE)</p>	<p>ECO/380</p> <p>EESC-2015-01820-AS-TRA</p> <p>avis d'initiative</p>	septembre
<b>DG COMP</b>			
42.	<p><b>Les aides d'État aux entreprises: sont-elles efficaces et efficaces?</b></p> <p>Rapporteur: M. Edgardo Maria IOZIA (GR-IT)</p>	<p>EESC-2015-01139-AS-TRA</p> <p>INT/769</p> <p>avis d'initiative</p>	septembre

<p><b>N°1 Evaluation of European Commission stakeholder consultations (own-initiative opinion)</b>  <b>EESC 2015/2021 - SC/40</b>  <b>509<sup>th</sup> Plenary Session - July 2015</b>  <b>Rapporteur: Mr Ronny LANNOO (GRIII-BE)</b>  <b>SG – First Vice-President TIMMERMANS</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>In chapter 2.2., the EESC summarises the Commission's Guidelines for Stakeholder Consultations.</p>	<p>The Commission would like to clarify that, contrary to what is said in the opinion of the EESC, no guidelines for stakeholder consultation existed before 2015. The guidelines have been adopted as part of the 2015 Better Regulation package and are thus a novelty. They reflect the Commission's commitment to provide enhanced guidance to its services on the various aspects of better regulation, and in particular on stakeholder consultation.</p>
<p>In point 1.5. (as well as in point 4.1.) the EESC calls for the Commission to make the guidelines and quality standards for stakeholder consultation binding on all of its directorates-general, and the setting up of a coordination unit of the general secretariat to provide support to the DGs in stakeholder consultations.</p>	<p>The Commission's new Better Regulation Guidelines<sup>1</sup> set out the mandatory requirements for Commission staff to follow in the context of stakeholder consultation. They build on the existing minimum standards<sup>2</sup> for consultations and reflect the Commission's strong commitment to improve the overall quality of stakeholder consultations. They should however always be applied in a proportionate manner, bearing in mind</p>

---

<sup>1</sup> SWD(2015)111 final.

<sup>2</sup> COM(2002)704 complemented by COM(2012)746, SWD(2012)422 and COM(2014)368.

	<p>that the overall aim is to ensure that the Commission is equipped with relevant information so as to make sure its decisions are evidence-based and take into account stakeholders' views.</p> <p>Within the Secretariat-General, the unit "Commission Work Programme and Stakeholder Consultation" is already in charge of providing methodological support to services on stakeholder consultation and for coordinating the quality control.</p>
<p>In points 1.13. to 1.17., the EESC calls for reinforced cooperation with the Commission in all key phases of the consultation process and invites the Commission to make more use of the potential offered by the Protocol on Cooperation between the Commission and the EESC.</p>	<p>The Commission fully recognises the important consultative role of the Committee, as attributed to it by the Treaty. The Commission will continue to draw on the expertise of the EESC in terms of consultation and encourages its services to make use, where appropriate, of the various stakeholder platforms which already exist within the consultative bodies and to cooperate as regards the organisation of structured dialogue platforms. The Commission also invites the Committee to make full use of the strengthened feedback and consultation opportunities established under the Better Regulation Agenda.</p>
<p>In points 1.6. to 1.8. of the opinion, the EESC recommends a more strategic approach to the consultation process, including accurate stakeholder mapping by making use of existing structures, such as the Committee and representative</p>	<p>According to the new guidelines, each new proposal requires a consultation strategy that sets out the consultation objectives, identifies relevant stakeholders (stakeholder mapping) and determines the consultation</p>

<p>organisations, and to streamline consultation methods and tools depending on the stated aim and target group. The EESC also calls for a clear timetable for consultations (also raised under point 4.1.4).</p>	<p>methods and tools and timelines. The Better Regulation toolbox<sup>1</sup> provides an overview of key methods and tools, including information on when to best use them.</p> <p>Representative organisations, including the Committee as representative body of organised civil society, are important stakeholder groups to consider for the stakeholder mapping and design of consultation activities.</p> <p>The Commission fully recognises the importance for stakeholders to be able to plan their participation in stakeholder consultations. The Commission systematically provides its forward-looking planning calendar for upcoming stakeholder consultations and is in the process of revising the current tool with a view to allowing for more regular updates in future. The updated calendar will be made available online (Your Voice in Europe) shortly.</p>
<p>In point 1.10. the EESC recommends to make available questionnaires in all official EU languages and submit questionnaires in advance to organisations representing the target group. It also stresses the importance of a quantitative and qualitative weighting to the various responses received and to explain in a summary report how the contributions received in the context of a stakeholder consultation were taken into</p>	<p>The Commission ensures full respect for the right of all citizens as enshrined in the Treaties, to communicate with it in any of the EU official languages. This also applies to replies to public consultations: stakeholders' contributions can be submitted in any of the EU official languages. However, resources available for translation are limited and primarily needed to meet the</p>

---

<sup>1</sup> Complementary to SWD(2015)111 final.

<p>account (also raised under points 4.2.4. and 4.7.).</p>	<p>Commission's legal obligations Therefore, not all consultation documents can be made available in all EU languages. Nevertheless, since the Commission strongly believes in the importance of consultations for smarter policy making, it seeks to make available the translations of as many documents as possible.</p> <p>Accessibility of stakeholder consultations, and in particular linguistic accessibility, is a key element of the Better Regulation Guidelines, and the Commission is strongly committed to further improving its practices and to extending the reach of its public consultations. It continues to explore all available means to ensure wider language accessibility to public consultation documents.</p> <p>The Guidelines also encourage staff to test consultation documents with test persons who should resemble as closely as possible the actual target audience of the consultation.</p>
<p>In points 1.11.-1.12., the EESC stresses the importance of giving a quantitative and qualitative weighing of responses depending on whether they come from individuals or representative organisations, and emphasizes the importance of a summary report of responses received and how they are considered in the further stages.</p>	<p>The Commission carefully analyses contributions from both citizens and organisations and, for the latter, takes account of the wider group of citizens or stakeholders they represent.</p> <p>The Commission publishes the outcome of a consultation in the synopsis report that accompanies the initiative through the adoption procedure and is published. The report explains what has (not) been</p>

	<p>considered and why. Key conclusions are also reflected in a revamped explanatory memorandum accompanying each Commission proposal, which was part of the May Better Regulation package and which should reflect how far the stakeholder contributions have been taken into account in the draft policy initiative.</p>
--	---

<p><b>N°2 Better Regulation for better results – An EU agenda</b>  <b>COM(2015) 215 final – EESC 2015/3697 – SC/41</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Mr Bernd DITTMANN (GRI-DE)</b>  <b>SG – First Vice-President TIMMERMANS</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.3 The EESC notes that the role and function assigned to it in the EU Treaties and the cooperation agreements with the European Commission and the European Parliament have not been given sufficient consideration within the better regulation agenda. It calls for the EU's consultative bodies to be included in the Interinstitutional Agreement on Better Regulation (IIA).</p>	<p>The legal base of the Interinstitutional agreement is Article 295 TFEU, which only foresees the participation of the European Parliament, Council and the Commission. However, the Commission wants to draw on the expertise of the EESC in its Better Regulation work, for example for consultations, evaluations and as a member (of the stakeholder group) of the REFIT platform, in line with the Protocol on Cooperation between the Commission and the EESC signed in 2012. It also invites the EESC to participate actively in the new consultation and feedback system that the Commission is setting up.</p>
<p>1.6 The EESC calls for the inclusion of self- and co-regulation in the IIA, which should be considered on an equal footing alongside regulatory measures in order to resolve political issues.</p>	<p>Alternative regulation methods – i.e. self- and co-regulation – were explicitly mentioned in the 2003 Interinstitutional Agreement. Since then, co-regulation has become a relatively well-established practice. That is, private actors are invited, in specific Directives, to identify how best to achieve the objectives within that context. Examples include the 'New Approach' and eco-design legislation. As the co-legislators are fully involved in the legislative process relating to such directives, for</p>



	<p>the purposes of the interinstitutional arrangements, co-regulation does not differ from mainstream regulation and is fully considered in the Better Regulation policy.</p> <p>Self-regulation (voluntary agreements) is different in the sense that while the Institutions (including the Commission) may monitor the effectiveness of such agreements as well as their compliance with competition law, the European institutions are not party to the agreements. There is no ground therefore to establish procedures and practices between the Institutions in the IIA on such voluntary agreements. An assessment of whether voluntary approaches are best suited to the problem being addressed at EU level is done at the impact assessment stage, and guidance in this context is contained in the Commission's impact assessment guidelines.</p>
<p>1.8 The EESC calls for a stronger Commission focus on shortcomings in the transposition and application of EU law by the Member States and urges the use of regulations instead of directives.</p>	<p>The Commission is vigilant in executing its role as guardian of the Treaties. When these do not dictate the form of the legal instrument to be used, the choice of instrument is an integrated part of the impact assessment, which typically weights up the relative advantages of the use of regulations and directives in terms of proportionality and effectiveness. In the new Interinstitutional agreement on better law-making, the Commission commits to explain and justify the choice of legal basis and act in the explanatory memorandum, which accompany its proposals. According to the</p>

	<p>Interinstitutional agreement, the Commission will take due account of the difference in nature and effects between regulations and directives.</p>
<p>2.6 The EESC finds it regrettable that the Commission Communication and the entire Better Regulation package take insufficient account of the role, function and representative nature of the EESC, as enshrined in the Treaties, and thus fail to exploit the potential for making use of the expertise and knowledge of the Committee's members and doing justice to the EESC's function. The EESC is involved in the Better Regulation agenda only in the context of the REFIT platform (ex-post), which inadequately reflects the Committee's tasks and its responsibility for strengthening the democratic legitimacy and effectiveness of the institutions.</p>	<p>The Commission wants to draw on the expertise and networks of EESC in its Better Regulation work - for example in the context of consultations, evaluations and through its membership (of the stakeholder group) of the REFIT platform. It thus invites the EESC to participate actively in the new consultation and feedback systems the Commission is setting up.</p>
<p>3.3 Provided it is consulted in good time by the Commission, the Committee is ready to support the EU institutions with measures for improving regulation, to develop new ideas, to comment extensively on planned initiatives within its remit, to ensure they are of high quality and, where appropriate, to follow up the EU initiatives or, in specific cases, to act as a testing body for planned initiatives.</p>	<p>The Commission fully recognises the important consultative role of the Committee. The Commission will continue to draw on the expertise of the EESC in consultation and encourages its services to make use, where appropriate, of the various stakeholder platforms which already exist within the consultative bodies and to cooperate as regards the organisation of structured dialogue platforms. The Commission also invites the Committee to make full use of the strengthened feedback and consultation opportunities established under the Better Regulation Agenda.</p>
<p>4.1.2 The EESC is pleased that the Commission has entered into a structured exchange with the Council and the EP on</p>	<p>The Commission highly values the interinstitutional dialogue with the European Parliament, the Council and</p>

<p>the annual work programme and multi-annual programming and, in accordance with the cooperation agreement, is consulting the EESC prior to the publication of the annual work programme. The exchange should cover the entire programming cycle and, through a regular dialogue between the EESC, the European Parliament, the Commission and the Council, generate synergy effects, by ensuring that the work programme's measures can be monitored after their adoption and general cooperation improved. The EESC suggests that the planning of new initiatives and priorities should also take account of existing strategies and integration plans (such as, for example, the Europe 2020 strategy, the annual growth programme and the European Semester/country-specific recommendations) and include detailed information on how the planned measures are to be integrated into the existing strategies and can reflect their objectives. This will prevent certain policy areas and objectives being assigned higher or lower priority than existing strategies.</p>	<p>the consultative committees on priorities. The planning of new initiatives takes into account existing horizontal strategies which have themselves been streamlined. The new structure and organisation of the Commission and the work in project teams facilitates this integrated approach further.</p>
<p>4.2.4 Properly determining the target group of a consultation is essential to obtaining the necessary information. Within the limits of its remit and by cooperating effectively with the organisations concerned and the Commission, the EESC could help identify representative organisations within certain target groups<sup>1</sup>.</p>	<p>For every new proposal, a consultation strategy is set up which includes the consultation objectives, the mapping of relevant stakeholders and the consultation methods and tools and timelines. The new Better Regulation toolbox<sup>2</sup> endorsed in May 2015 as an annex to the new Better Regulation</p>

<sup>1</sup> EESC opinion on the Evaluation of European Commission stakeholder consultations, 2 July 2015 (not yet published in the Official Journal).

<sup>2</sup> Complement to SWD(2015)111 final.

<p>The EESC considers that the enhanced mechanisms for consultation of stakeholders make it necessary to ensure transparency in the selection of experts in forums, conferences, workshops, etc. Similarly, there must be greater emphasis on the representativeness of the stakeholders and qualitative and quantitative weighting in the assessment of findings, depending on whether a response comes from an individual or an organisation representative of civil society. A correspondingly higher weighting should be given to feedback from an organisation.</p>	<p>guidelines provides an overview of key methods and tools, including information on when to best use them. The new guidelines reflect very clearly that stakeholder mapping is a key element of any consultation strategy. Representative organisations, including the Committee as representative body of organised civil society, are important stakeholder groups to consider for the stakeholder mapping and design of consultation activities. It should, however, be noted that the extended use of open public consultations is actually meant to reach out also beyond the already well known representative organisations.</p> <p>A careful analysis of contributions received from both citizens and organisations takes place after closure of the consultation. Organisations (and/or campaigning contributions) are examined to see which of the wider group of citizens or stakeholders they represent. However, it should be noted that consultations aim to collect views, opinions and facts from those who are concerned. The analysis of contributions received should not be considered a purely voting or weighting exercise and therefore does not aim at providing statistically representative figures.</p>
<p>4.2.5 The quality of questions (often suggestive), their selection and the</p>	<p>Internal mechanisms for quality control have been put in place following the</p>

<p>Commission's feedback mechanisms often leave much to be desired<sup>1</sup>. The EESC has tabled a comprehensive set of proposals on how these shortcomings can be remedied<sup>2</sup>. When questionnaires for consultations are being drawn up, it could, for example, influence the questions by submitting proposed questions, or be used regularly as a testing body to check whether the questions are relevant. Examination and monitoring of consultations and the development of an appropriate observatory by the EESC<sup>3</sup> could make a suitable contribution to enhancing the quality of consultations.</p>	<p>adoption of the new stakeholder consultation guidelines. For instance, the Commission's Secretariat-General Stakeholder Consultation unit reviews consultation strategies, consultation questionnaires and background documents, providing the lead DG with comments and suggestions for improvements. The Stakeholder Consultation Unit also provides frequent trainings for DGs on how best to plan and conduct consultation activities, on how to design questionnaires and on how to analyse answers. This should ensure that the guidelines are applied consistently, that consultation documents receive a more collegial endorsement before they are published and that the overall quality of the Commission's consultations improves in the future. Furthermore, the stakeholder consultation guidelines already encourage the Commission to test consultation documents with selected stakeholders who should resemble as closely as possible the actual target audience of the consultation. The Commission appreciates all contributions by the Committee, which could help improve the quality of stakeholder consultations.</p>
<p>4.2.7 In order to further increase transparency and clarity for stakeholders,</p>	<p>All open public consultations are published on the 'Your Voice in Europe'</p>

---

<sup>1</sup> EESC opinion on the Evaluation of European Commission stakeholder consultations, 2 July 2015 (not yet published in the Official Journal).  
<sup>2</sup> EESC opinion on the Evaluation of European Commission stakeholder consultations, 2 July 2015 (not yet published in the Official Journal).  
<sup>3</sup> EESC opinion on the Evaluation of European Commission stakeholder consultations, 2 July 2015 (not yet published in the Official Journal).

<p>the EESC suggests that all current consultations by EU institutions, agencies and downstream bodies<sup>1</sup>, including consultations on delegated and implementing acts, be presented in a clear and uniform way on the central Commission website for consultations<sup>2</sup> and be more effectively publicised throughout Europe in the framework of a comprehensive communication strategy.</p>	<p>web portal (which is available in all official languages). Furthermore, extensive work on a comprehensive 'Better Regulation Portal' is ongoing, with a view to implementing the commitment made by the Commission in its Better Regulation Communication of May 2015 to "establish a web portal where each initiative can be tracked". This portal will include an overview (per initiative) of where the legislative process stands, and be the single entry point for the various consultation and feedback possibilities linked to a given proposal. In the new Interinstitutional agreement on better law-making, the three institutions commit to set up by the end of 2017 a joint functional register of delegated acts to enhance transparency, facilitate planning and enable traceability of all the different stages in the lifecycle of a delegated act.</p>
<p>4.2.8 Consultation on delegated acts (Article 290 TFEU) and implementing acts (Article 291 TFEU) is particularly welcomed. Lack of transparency, obvious legal uncertainty and inadequate political control of the system of prior consultation on regulatory acts are quite rightly often criticised<sup>3</sup>. The EESC also calls for the introduction of a register of delegated acts, on the model of the comitology register. The use of delegated and implementing acts must be strictly limited and properly justified. Downstream measures must be</p>	<p>It is clear that the Commission should only propose empowerments for delegated acts where they are needed. This, however, does not mean that they should always be an exception; their use is foreseen in the Treaties.</p> <p>The new Interinstitutional agreement on better law-making specifies that it is the competence of the legislator to decide whether and to what extent to use delegated and implementing acts, within the limits of the Treaties. In addition, the</p>

<sup>1</sup> In particular, for example, the European supervisory authorities (EIOPA, ESMA, EBA).

<sup>2</sup> [http://ec.europa.eu/yourvoice/consultations/index\\_en.htm](http://ec.europa.eu/yourvoice/consultations/index_en.htm).

<sup>3</sup> EESC opinion on Delegated Acts, 16 September 2015 (not yet published in the Official Journal).

<p>consistently guided by the basic legal act. Political decisions must not be undermined by delegated and implementing acts.</p>	<p>Commission commits to gather, prior to the adoption of delegated acts, all necessary expertise, including through consultation of Member States' experts and public consultations and share it with the other institutions.</p> <p>See also point 4.2.7 on the joint functional register.</p>
<p>4.3.3 The Commission reiterates that the guidelines on Better Regulation should ensure that "keeping the EU competitive and the EU's sustainable development remains a priority in all we do"<sup>1</sup>. EU action should strike a balance between the overarching objectives of the EU and promoting competitiveness. For its part, the EESC calls for any legislative or non-legislative proposal to be subject to effective and consistent scrutiny, in line with the objectives of Article 3 TEU, and for regular "competitiveness checks" to be carried out.</p>	<p>The Commission's impact assessments are based on an integrated approach, assessing impacts in three domains; economic, social and environmental. The emphasis should be where the significant impacts are. Tool Nr 17 of the impact assessment toolbox provides guidance on how to assess competitiveness impacts which should be used, whenever significant competitiveness impacts are envisaged.</p> <p>In the new Interinstitutional agreement on better law-making, the three institutions agree on the positive contribution of impact assessments to the quality of Union legislation. In addition, the European Parliament and Council commits to take full account of the Commission's impact assessments. The Commission also reiterates that as a general rule it will carry out impact assessments for all legislative and non-legislative initiatives, delegated acts and implementing measures expected to have significant impacts, including on competitiveness. The scrutiny of competitiveness will be based on the</p>

---

<sup>1</sup> COM(2015) 215, point 3.1.

	new better regulation guidelines and relevant tool on sectoral competitiveness.
4.3.4 The EESC has always called for the procedure to be made more transparent and for economic, social, environmental and consumer considerations always to be considered in a more balanced way <sup>1</sup> . This should be consistently checked in the context of each impact assessment. The EESC could contribute to a balanced assessment of these instruments and procedures in the context of its competences.	Every impact assessment starts with an early-stage Inception Impact Assessment, which briefly describes the planned initiative and its likely impacts. This Inception Impact Assessment is published on Europa and subject to feedback from any interested party. Stakeholder consultation is also carried out as part of every impact assessment, allowing stakeholders to give views on the problem, possible options and their impacts. Impact assessments always look at impacts in three broad domains: economic, social and environmental. The emphasis is however on where the significant impacts are. After the Commission adopts its proposal, the impact assessment is published. The EESC is welcome to participate in all the feedback opportunities granted throughout the process, including on the Commission's final impact assessments whenever it believes that this balance between the various pillars has not been respected.
4.3.6 It is beyond dispute that regulation by legislation is necessary for businesses of any size but it often causes problems when setting up and managing small companies, especially micro-enterprises. The EESC points out that micro-enterprises should not	The Commission believes that EU regulation should be adapted to the greatest extent possible to the needs of micro-enterprises <sup>2</sup> . However, it does not grant blanket exemption. Every impact assessment must, however,

---

<sup>1</sup> OJ C 230 14.7.2015, p. 66.



<p>be given blanket exemptions. Rather, a case-by-case approach should be adopted to legislative proposals, following on from a thorough impact assessment exercise<sup>1</sup>. The interests of micro-enterprises must be respected in this process, and the rights of employees and consumers must not be restricted.</p>	<p>consider whether micro-enterprises can be exempted from the scope of any proposed legislation or must be covered by it for public policy reasons. In such cases, the opportunities of adapted solutions or lighter regimes should also be assessed. While all impact assessments should do this, therefore, the analysis is always carried out on a case-by-case basis.</p>
<p>4.3.7 The EESC welcomes the replacement of the <i>Impact Assessment Board</i> by a Regulatory Scrutiny Board and urges that the greatest possible transparency, impartiality and independence of the experts be ensured. The presence of external experts is a step in the right direction. This will make the body more impartial; at the same time, the extension of its remit to include evaluations and fitness checks should make for greater coherence and synergy in impact assessments. But the aim must still be to establish a single independent impact assessment body acting for all EU institutions, engaging in exchange with the established consultative bodies, the EESC and the CoR. This independent body should make use of external experts, have an external chair and carry out checks on Commission proposals<sup>3</sup>. The Commission should make it clear that its goal is an independent, external body and that the</p>	<p>Impact assessments and evaluations are prepared first and foremost to support the decision making process inside of the Commission and the exercise of the Commission's right of initiative guaranteed by the Treaty.</p> <p>The Board does not have to be outside of the Commission to be independent. Its set-up is fully in line with the OECD's "best regulatory practice" recommendation from 2012 which calls for a regulatory oversight body to be established close to the centre of government with an independent mandate.</p> <p>However, to further strengthen the guarantees of independence of its quality control mechanisms, the Commission has listened to the concerns of stakeholders and has established a new Regulatory Scrutiny</p>

<sup>1</sup> OJ C 327, 12.11.2013, p. 33.

<sup>2</sup> See COM (2011)803 or Better Regulation Toolbox, tool # 19 on SME testing.

<sup>3</sup> OJ C 327, 12.11.2013, p. 33.

<p>current composition should be regarded only as a further interim step. This could ensure transparency and expertise and prevent EU legislation from being driven by special interests.</p>	<p>Board with six full-time members as well as a chairperson at Director General level, which will include three members recruited from outside the EU Institutions with expertise in impact assessment and evaluation. The other three members of the new Board will be senior Commission officials and will be independent from policy making services.</p> <p>All members of the Board will serve for fixed terms of three years and be selected on the basis of objective and transparent recruitment procedures. In addition, all members will have to abide by the Commission's strict code on ethics including conflicts of interest.</p>
<p>4.3.9 More transparency through the application of Better Regulation measures is needed, particularly in the light of the huge increase in the use of informal trilogues<sup>1</sup>. This could be achieved if the results of a trilogue meeting were published before adoption by the Council and the European Parliament. Whilst recognising that the legislative process is intended to be accelerated by the use of trilogues, this gives rise to the fundamental problem of the current legislative practice, the fact that "negotiating boxes" containing different legal acts are repeatedly put together by the Member States in the Council in order to obtain majorities for individual directives. Too often, this happens in a non-transparent way under</p>	<p>Trilogues are a means to advance legislative negotiations that the co-legislators can choose to use at any moment in the legislative process. The Commission, while normally present in trilogues, is neither the organiser of trilogues nor can it control their modalities.</p> <p>In the new Interinstitutional Agreement on better law-making, the three Institutions commit to ensure the transparency of the legislative procedures, on the basis of relevant legislation and case-law, including an appropriate handling of trilateral negotiations.</p>

---

<sup>1</sup> This applied to 80% of legislation during the last EP term of office.

<p>great time pressure and without sufficient involvement of experts from the Member States, the European Parliament or the Commission, and without adequate analysis of the effects of key elements of these "negotiating boxes". This is not without implications for the quality and transparency of legislation.</p> <p>Therefore, in the context of the Better Regulation procedure, it needs to be ensured that informal trilogues are reserved for particular emergencies and that the great majority of legislation takes place via the ordinary legislative procedure. Only this will ensure full democratic legitimacy and participation.</p>	
<p>4.4.6 The establishment of a REFIT Platform involving the EESC is expressly welcomed. The Platform is to collect and analyse proposals on streamlining administration arising from Union rules and their transposition and application in the Member States. The EESC calls for balanced composition of the group of stakeholders; the success of the Platform will depend on this.</p> <p>The EESC is represented by a high-level expert in the stakeholder group. However, the Commission should clarify how the representative mandate of the EESC and the CoR will relate to the REFIT Platform. The specific institutional role of the EESC and the CoR should be taken into account, in comparison with other stakeholders.</p> <p>The participation of Member States in this body is in principle welcome; this should make it possible to engage in an exchange with the Member State representatives at</p>	<p>The Commission Decision establishing the REFIT Platform requires that the Stakeholder group consists of experts from business, including from SMEs, and from social partners and civil society organisations having direct experience in the application of Union legislation. The composition of the group should ensure a balanced representation of the various sectors, interests and regions of the Union and gender. The Commission will endeavour to strike the right balance within these parameters.</p> <p>The EESC and CoR have extended practical expertise with Union policy and direct experience in the application of EU law. They can therefore make a particular contribution to the stakeholder group by focusing on the practical application of EU law, taking into account their specific knowledge,</p>

<p>any given moment.</p> <p>The European Parliament should be regularly informed of the work of the REFIT platform and have the possibility to participate in the annual meetings of the platform.</p>	<p>competences and contributions in different areas, which are unique compared to experts from national authorities and other stakeholder members of the Platform appointed on the basis of the Commission Call for expressions of interest in membership of the Stakeholder Group. It is up to the members of the Stakeholder Group to decide how they wish to exercise their mandate.</p> <p>The participation of Member States under the REFIT Platform is foreseen via the "government group". The government and stakeholder groups operate on an equal footing, share the challenge of advising on how to improve legislation, will be entitled to discuss all the same subject matters, will get access to all opinions from the other group and will have joint meetings.</p>
--	---

<p><b>N°3 Delegated Acts (additional opinion)</b>  <b>EESC 2015/1053 - INT/768</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Mr Jorge PEGADO LIZ (GR11-PT)</b>  <b>SG – First Vice-President TIMMERMANS</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>The EESC overall welcomes the Commission's Better Regulation package and considers most changes to be positive (see points 5.1, 5.2 and 5.3).</p>	<p>The Commission welcomes the EESC support on its Better Regulation package.</p>
<p>The EESC is not however wholly in favour of the case by case approach taken when it comes to distinguishing between matters that should be subject to delegated or implementing acts, as the criteria used are ambiguous and leave too much room for discretion in interpretation. It would like to see an effort made to define concepts and for the understanding to lay down clear rules under which:</p> <ol style="list-style-type: none"> <li>a. the use of delegated acts should be the exception rather than the rule;</li> <li>b. where there is doubt as to the essential nature of the elements concerned, or in the case of a "grey area", the Commission should refrain from proposing delegated acts and legislate within the basic legislative act;</li> <li>c. where there is doubt as to the type of measure to be taken, the Commission should preferably adopt implementing</li> </ol>	<p>In its proposal for the Interinstitutional Agreement on Better Regulation (IIA-BR), the Commission has put forward a set of delineation criteria, which essentially draw on the European Parliament's Szájer Report and work already carried out earlier between the institutions. They are in the Commission's view a good starting point for the negotiations.</p> <p>The Commission does not agree with the rules proposed by the EESC according to which delegated acts are the exception and in case of doubt, implementing acts should be used. Both delegated and implementing acts have their own role and legal basis in the Treaty – there is no indication that in case of doubt, implementing acts prevail. Creating this kind of bias is problematic from a legal perspective. It is clear that the Commission should only propose empowersments for delegated acts where they are needed, this does however not mean that they</p>

<p>acts rather than delegated acts. (point 5.4)</p>	<p>are an exception; they are a regular tool foreseen in the Treaties.</p>
<p>The EESC also disagrees with the Commission's proposal regarding:</p> <ol style="list-style-type: none"> <li>a. the lack of prior information concerning Member State experts and their technical competence;</li> <li>b. the absence of a minimum timeframe for providing experts, stakeholders, the European Parliament and the Council with the documents, except in urgent cases;</li> <li>c. the fact that inviting European Parliament experts, consulting stakeholders and sending the experts' meetings schedule to the European Parliament committees are all optional;</li> <li>d. the inconsistency and incoherence of information regarding the delegated acts planned: it should be systematic, permanent and automatic (a website automatically updated providing immediate access for all to the preparatory stages for drafting delegated acts and to their content);</li> <li>e. the principle of an unlimited timeframe for delegations: the EESC is of the view that the principle should be a precise duration, potentially tacitly renewable for the same duration, except in duly justified exceptional cases (point 5.5).</li> </ol>	<p>On a) the rules for expert groups are clear: Where an organisation or an authority of a Member State is a member of an expert group, it may nominate individuals as permanent representatives or appoint appropriate representatives on an ad hoc basis depending on the meeting agenda. Organisations and Member States' authorities shall be responsible for ensuring that their representatives provide a high level of expertise.</p> <p>As regards prior information on the Member State experts, , where the members of expert groups are Member State authorities, the specific administrations to which experts usually participating in the meetings belong, may be published and this information is thus available via the expert group register. Where Member State authorities or organisations nominate individuals as permanent representatives, their names may be published in accordance with data protection rules and this information is then equally available in the expert group register.</p> <p>On b) the Commission has committed to make draft delegated acts public for four weeks prior to adoption. This sets a clear timeframe.</p> <p>In relation to expert groups, the rules of procedure of the respective expert group may provide for timeframes.</p>

	<p>On c) the information of the European Parliament about expert group work and the possibility for European Parliament experts to be invited are set out in the Framework Agreement with the European Parliament and in the Common Understanding. These are clear Commission commitments.</p> <p>On d) the Commission is working on a central point where the planning of upcoming delegated acts open for feedback will be accessible.</p> <p>On e) the Commission considers that a basic act may empower the Commission for an undetermined or determined period of time. This interpretation is accepted by the European Parliament and the Council and is included in the Common Understanding on delegated acts concluded by the three Institutions. It is also important to note that, in line with Article 290(2)(a) TFEU, proposals for an undetermined empowerment always provide that the delegation of power may be revoked at any time.</p>
<p>Lastly, the EESC fears that the ill-considered use of means of consultation, <i>ex-ante</i> and <i>ex-post</i> studies and meetings with experts might cause the process of preparing acts to be prolonged excessively and unnecessarily (point 5.6).</p>	<p>The Commission agrees that a reasonable balance must be struck between transparency and consultation on the one side and keeping the system effective and workable on the other. It has therefore proposed a feedback period limited to four weeks and a number of exceptions to the feedback mechanism.</p>
<p>The EESC also considers that it too</p>	<p>The EESC has a clear role under</p>

should be consulted for an opinion as part of the delegation procedure, in the same way as for legislative acts, and also for impact assessments and any amendments to delegated acts, given their economic and social repercussions (point 5.9).

Article 304 of the Treaty. It must be consulted in the cases defined in the Treaty; the adoption of delegated acts is not one of these cases. Article 290 gives ex-post scrutiny to the European Parliament and Council. A consultation of the EESC would not fit in this scrutiny mechanism. It is unclear which function the EESC opinion could have in this context, in which the European Parliament and Council can – within short deadlines - only decide whether or not to object to the delegated act.



<p><b>N°4 Improving the functioning of the European Union building on the potential of the Lisbon Treaty and on possible evolutions and adjustments of the current institutional set-up of the European Union (exploratory opinion)</b>  <b>EESC 2015/3264 – Ad hoc Group</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Mr Luca JAHIER (GR III-IT)</b>  <b>Co-rapporteur: Mr Jose Isaias RODRIGUEZ GARCIA-CARO (GRI-ES)</b>  <b>SG - President JUNCKER</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>This opinion is part of the European Parliament's consultation process on the two namesake European Parliament reports, prepared by Ms BRESSO (S&amp;D/IT) and Mr BROK (EPP/DE), and Mr VERHOFSTADT (ALDE/BE) respectively. The opinion was adopted by a large majority of 185 to 4, with 4 abstentions.</p>	
<p>It is important for the EU, which is at a turning point, to rebuild trust by better explaining to citizens its advantages and by listening to them and to civil society organisations. The perception is that the EU has not been successful neither in formulating nor in implementing sustainable, inclusive and balanced strategies focussed on investment, growth, and the reduction on inequalities. It has failed to deliver concrete results, the end result thus being an increasing lack of confidence by citizens.</p>	<p>This point of view is shared by the Commission as far as the general perception is concerned. Opinion polls conducted by Eurobarometer, however, yield a far more nuanced picture. Confidence in the EU institutions is often stronger than in national institutions. The Commission does not agree that the Union has failed to deliver concrete results.</p>
<p>The existing Treaties provide unexploited</p>	<p>This position is broadly shared by the</p>

<p>opportunities which could be employed to improve policies and strengthen the EU internally and externally. This should be the current priority. Despite the necessity to review certain elements of the existing institutional framework through specific Treaty changes, it must be considered that the conditions for doing so are not met today. Thus, the EESC will only address the issue of changes and adjustments to the Treaties as and when appropriate.</p>	<p>Commission. In line with the recent 'Five Presidents' Report', Treaty changes are for the longer term.</p>
<p>Specifically, the opinion calls for full application of Article 3 TEU and Articles 7 to 12 TFEU. Other suggestions concern further integration of the Internal Market - in particular regarding the Energy Union and the Digital Single Market, a change to the own resources system, and effective implementation of the Charter of Fundamental Rights. The opinion urges also full exploitation of the existing provisions in the areas of migration and asylum policies, and of the CFSP, and more use of enhanced cooperation and 'passerelle' clauses.</p>	<p>This point of view is broadly shared by the Commission regarding many of the issues mentioned. However, one should not over-estimate the scope of the Treaty Articles quoted.</p>
<p>Urgency measures to keep EMU afloat have led to a number of developments, but these have resulted from an intergovernmental process of decision-making. In this context, it is imperative to move rapidly from the current system which is based on rules to ensure budgetary discipline, to a process of greater (real) convergence between the countries of the Eurozone. Steps should be taken to deepen Eurozone integration, including the creation of a social pillar and a Eurozone budget.</p>	<p>This position is broadly shared by the Commission, which however continues to highlight the combined importance of a rules-based fiscal framework, of budgetary consolidation, structural reform and growth-enhancing investments.</p>

<p>The EESC advocates a return to the spirit of the OLP, trilogues remaining exceptions. The 'EU method' will be more effectively applied via 'horizontal subsidiarity', giving recognition to the participation of representative civil society. That principle has effectively already been recognised by Articles 152, 154 and 155 TFEU, and also Article 11 TEU. The ECI in its current format is largely ineffective and its modalities of implementation have to be substantially revised. The EESC also demands that its institutional role be clearly recognised in any future revision of the IIA on Better Regulation.</p>	<p>Trilogues remain a necessary tool. The scope for 'horizontal subsidiarity' and of the Treaty Articles quoted is limited. The ECI is successful, albeit under review. The role of the EESC in the area of Better Regulation is recognised through its representation in the REFIT platform. The IIA on Better Regulation is by definition an agreement that only binds the European Parliament, the Council and the Commission.</p>
<p>Overall assessment</p>	<p>Overall there is no need for a formal response by the Commission, in particular as the opinion is only addressed to the European Parliament.</p>

<p><b>N°5 Energy storage: a factor in integration and energy security (own-initiative opinion)</b>  <b>EESC 2015/0898 – TEN/567</b>  <b>509<sup>th</sup> Plenary Session - July 2015</b>  <b>Rapporteur: Mr Pierre Jean COULON (GR11-FR)</b>  <b>DG ENER - Commissioner ARIAS CAÑETE</b></p>	
Points of the EESC opinion considered essential	Commission position
<p>Point 1.2 of the conclusions and recommendations</p>	<p>Currently, the largest share of renewables in the electricity mix is from hydraulic energy. Hydraulic energy is not considered as an 'intermittent' energy source. In addition, storage is one option to provide flexibility to the system but not the only one.</p> <p>Variable renewable energy such as from wind or solar pose a challenge to the electricity system, and energy storage is among the key solutions to address this issue. Storage has an important role to play in the European Union energy system, in order to permanently guarantee the security of the EU's supply and the viability of the energy market, both technically and in terms of cost. This explains why the issue is high on the European agenda, and why it is a priority area, particularly for the Energy Union launched in 2015. Other measures such as power to heat/gas/fuel, demand-response and interconnections can contribute.</p>

Point 1.6	The Commission takes note of the EESC recommendation to step up R&D and investments in this domain. Under H2020 calls 2014 and 2015, eight R&I projects were selected in the field of storage. The Commission has recently published calls 2016 and 2017 where it is expected that approximately EUR 75 million of EU funds will be used for R&I in the field of storage and their integration in the smart grid.
Point 1.7	The Commission welcomes the European Energy Dialogue (EED) and sees its added value as a means to enhance public acceptance, which is essential for the transformation of the energy sector. It is also a means to involve citizens in energy policy-making by allowing them to express their preferences. In this sense, the EED can be a useful complement to the Energy Union by conveying the feedback of citizens regarding the implementation of the Energy Union.
Point 1.8	The Commission recognises the importance of gas and gas storage in the Energy Union strategy and in the Energy Security Strategy ( <a href="https://ec.europa.eu/energy/en/topics/energy-strategy/energy-security-strategy">https://ec.europa.eu/energy/en/topics/energy-strategy/energy-security-strategy</a> ). The Commission is also preparing a Liquefied Natural Gas (LNG) and Storage strategy that would contribute to having more secure and competitive gas in Europe.
Point 4.4	Hydrogen is currently not used in any great extent in either land or air transport. Hydrogen-based energy solutions require cost reductions to become cost-competitive. The flexibility, especially the

	<p>storage capacity, is a specific aspect of hydrogen that could benefit the energy system as a whole, making the system more energy and cost effective in the longer term. Hydrogen could also facilitate synergies between the electricity and gas networks, increasing the potential for a more effective use of renewable energy in different sectors.</p>
--	--

**N°6 Smart cities as drivers for development of a new European industrial policy (own-initiative opinion)**  
**EESC 2015/0586 – TEN/568**  
**509<sup>th</sup> Plenary Session - July 2015**  
**Rapporteur: Ms Daniela RONDINELLI (GR11-IT)**  
**DG ENER – Commissioner Miguel ARIAS CAÑETE**

<b>Points of the EESC opinion considered essential</b>	<b>Commission position</b>
<p>The Commission welcomes the European Economic and Social Committee's support and recognition of the importance of Smart and Sustainable Cities as drivers for development of a new European industrial policy.</p>	
<p>Points 1.2 and 1.3</p> <p>The EESC raises a number of issues concerning the important role of cities in general and of the Commission initiative on Smart Cities and Communities specifically:</p> <ul style="list-style-type: none"> <li>- sustainability of cities will be the result of a smart mix of more mature and innovative technologies;</li> <li>- advanced cities, acting as innovation laboratories and rolled out on a large scale, would contribute to the industrial and socio-economic "renaissance" of the EU.</li> </ul>	<p>The Commission welcomes the EESC's diagnosis and fully agrees that cities have a pivotal role to play in reaching our climate and energy goals as well as in creating sustainable jobs and growth.</p> <p>The Commission's approach to smart cities and communities is focused on the smart integration of mature and innovative technologies. This is also reflected in the Horizon 2020 call for proposals on Smart Cities and Communities. In 2014 and 2015, the Commission funded highly visible smart city lighthouse projects for EUR 100 million per year that are focusing on exactly this innovative integration and replicability of solutions, eventually aiming at the large-scale roll out of these smart city solutions.</p> <p>In addition, based on the recommendation of the Strategic Policy Forum on Digital Transformation, the Commission puts cities and regions at the centre of the digital transformation</p>

	<p>of their economies. The COSME Programme funds projects that map best policy practices of cities - models of industrial modernisation, shape smart development models and pilot them in smaller and less advanced cities to restore competitiveness and growth.</p> <p>See also:</p> <p><a href="http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8188">http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8188</a>.</p>
<p>Point 1.4</p> <p>In the EESC's view, it is essential to develop a new sustainable, productive and inclusive smart city model, no longer seen as an "information technology", "environmental improvement" or "energy efficiency" project, but as part of a new European industrial policy in which growth, which generates employment and social development, constitutes the dividend of the digital transformation of our economies.</p>	<p>The Commission's approach to smart cities and communities indeed recognises the importance of cross-sectoral collaboration, and this is well reflected in all its actions on smart cities.</p> <p>The role of cities and regions as launch pads for digital transformation of their businesses is underlined and further supported as part of the measures to accelerate the digital transformation of European industry.</p>
<p>Point 1.5</p> <p>The EESC lists six enabling pillars:</p> <ul style="list-style-type: none"> <li>- technologies and tools for energy efficiency and integration of renewable sources;</li> <li>- dissemination of technology platforms and connectivity to set up the new digital service systems;</li> <li>- new digital services to improve the quality of life and work of the public and</li> </ul>	<p>The importance of all those topics is fully recognised by the Commission. In addition, the European innovation partnership on Smart Cities and Communities strategic implementation plan strongly underlines the importance of the following enabling topics for the successful large-scale roll-out of smart and sustainable cities:</p> <ul style="list-style-type: none"> <li>- citizen focus;</li> <li>- improving policy and regulation;</li> </ul>



<p>businesses;</p> <ul style="list-style-type: none"> <li>- upgrading of infrastructure and urban redesign;</li> <li>- education and training of individuals, businesses and the public sector in digital skills;</li> <li>- an economically and financially viable model for investment.</li> </ul>	<ul style="list-style-type: none"> <li>- integrated planning;</li> <li>- knowledge sharing;</li> <li>- metrics and indicators line open data;</li> <li>- standards;</li> <li>- business models, procurement and funding.</li> </ul> <p>The partnership brings together the sectors of energy, transport and ICT reflected under the focus topics:</p> <ul style="list-style-type: none"> <li>- sustainable urban mobility;</li> <li>- sustainable districts and built environment;</li> <li>- integrated infrastructure and processes.</li> </ul> <p>See also:  <a href="http://ec.europa.eu/eip/smartcities/files/sip_final_en.pdf">http://ec.europa.eu/eip/smartcities/files/sip_final_en.pdf</a>.</p>
<p>Point 1.8</p> <p>EESC considers that investment in smart cities should be supported by making more of synergies between existing European, national and regional public funds and by harnessing the opportunities provided by the European Fund for Strategic Investments (EFSI).</p>	<p>The Commission is currently working on streamlining the funding landscape in order to facilitate the wide scale roll out of integrated replicable smart city solutions.</p>
<p>Point 1.9</p> <p>The EESC advocates that:</p> <ul style="list-style-type: none"> <li>- the European Commission set up a single European centre of expertise for smart cities, involving the Directorates-General concerned, the Member States, the EESC</li> </ul>	<p>The Smart Cities and Communities initiative already involves three Directorates-General, and inclusion of other relevant directorates-general is planned for the near future.</p> <p>The initiative includes already actors</p>

<p>and the Committee of the Regions;</p> <p>- European Innovation Partnership for Smart Cities and Communities be extended to involve civil society and the EESC.</p>	<p>from different Member State administrations and also features an initiative led by six Member States.</p> <p>The Directorates-General have, for some time already, a mutually open exchange with EESC colleagues (including the rapporteur of this opinion) on smart city related topics). The governance of the initiative might be revised in the future but is currently fully focused on implementation with a strong bottom up component.</p>
<p>Point 1.11</p> <p>The EESC deems it essential to promote a smart cities common market.</p>	<p>In its strategic analysis of the current smart city situation in Europe, the Smart Cities and Communities European innovation partnership recognised that the fragmentation of the market is one of the biggest hindrances to a successful implementation.</p> <p>First steps towards the creation of a common smart city market have been taken by the Commission in setting up the Smart Cities and Communities marketplace, bringing together stakeholders and actors from all constituencies including cities administrations, industry, SMEs, research, NGOs, etc. It has no specific restriction and is open to all parts of the civil society that wish to contribute constructively. Currently this marketplace gathers more than 4400 members.</p>
<p>Point 4.5</p> <p>More specifically, the EESC believes that:</p>	<p>This is fully in line with the Commission's approach. The Smart Cities and Communities call under Horizon 2020 actually makes the</p>

<ul style="list-style-type: none"><li>- while acknowledging that cities should have broad discretion to identify the subcomponents of the six enabling pillars geared to local roles and needs, smart city projects should make sure that the solutions chosen are replicable and scalable;</li><li>- this replicability and scalability should also be pursued by encouraging the emergence of technical standards for interoperability.</li></ul>	<p>existence of replication plans obligatory and, as well as those solutions referred to, must be bankable.</p> <p>The involvement in the European innovation partnership of the large standardisation bodies like ETSI and CEN/CENELEC aim at fast roll-out of technical standards for interoperability.</p>
---	---

<p><b>N°7 A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy</b>  <b>COM(2015) 80 final</b>  <b>Achieving the 10% electricity interconnection target – Making Europe's electricity grid fit for 2020</b>  <b>COM(2015) 82 final</b>  <b>EESC 2015/1593 - TEN/570</b>  <b>509<sup>th</sup> Plenary Session - July 2015</b>  <b>Rapporteur: Ms Ulla SIRKEINEN (GRI-FI)</b>  <b>Corapporteur: Mr Pierre Jean COULON (GRII-FR)</b>  <b>DG ENER - Commissioner ARIAS CAÑETE</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>Point 1.6.</p> <p>The success of the initiative would require a clearer message – a leading vision – on what the European citizens and enterprises will gain from the Energy Union.</p>	<p>The Framework Strategy for the Energy Union already sets out a vision for an Energy Union based on five interlinked dimensions to ensure EU consumers - households and businesses – are given secure, sustainable, competitive and affordable energy. The strategy and the specific benefits for each Member State have been discussed with Member States, other EU Institutions and stakeholders since the strategy was presented (for instance in the context of Vice-President Šefčovič's Energy Union tour to Member States).</p>
<p>Point 1.7.</p> <p>Alongside security of supply and sustainability, high priority should be given to action on energy costs to citizens and enterprises.</p>	<p>In order to promote competitive and affordable energy prices for citizens and companies, it will be essential to complete the internal electricity and gas markets and foster competition among energy suppliers. Well-functioning wholesale electricity and gas markets and transparent price signals to consumers are essential.</p>

	<p>Measures to enhance energy efficiency across the economy will also be essential to reduce energy costs. Moreover, the Commission will continue to assess any potential impacts on energy costs when preparing new initiatives relating to energy. The Energy Prices and Cost Report published in January 2014 concluded that network costs and non-market elements, such as levies and taxes, have had an increasing share in end-user electricity and gas prices in recent years. It is therefore important also that Member States and national regulatory authorities ensure such elements in a way that do not result in unwarranted impacts on energy prices. The Commission will come forward with a new Energy Prices and Cost Report in 2016.</p>
<p>Point 5.22.</p> <p>The EESC fully supports the Commission's efforts to ensure coherence between the different aspects of energy policy and coordination between Member States. The new governance must also aim at ensuring fulfilment of EU level targets for 2030. However, more planning or reporting obligations should not be put upon Member States, but instead, present requirements must be streamlined.</p>	<p>The governance of the Energy Union will bring together energy and climate actions as well as actions in other relevant policy areas to ensure more and longer-term policy coherence and long term certainty and guidance for investors. This will in part be achieved by the streamlining of current planning and reporting requirements, thus avoiding unnecessary administrative burden.</p>
<p>Point 5.23.</p> <p>The EESC is pleased to see that its initiative for an energy dialogue with stakeholders has been taken on board by the Commission. A detailed action plan on this</p>	<p>The Commission welcomes the European Energy Dialogue (EED) and sees its added value as a means to enhance public acceptance, which is essential for the transformation of the energy sector. It is also a means to</p>

<p>is now expected.</p>	<p>involve citizens in energy policy-making by allowing them to express their preferences. In this sense, the EED can be a useful complement to the Energy Union by conveying the feedback of citizens regarding the implementation of the Energy Union. However, while being complementary, the governance of the Energy Union and the EED should remain two separate and distinct processes. The Commission is fully available to continue discussing with the Committee how the setting up and implementation of the EED can best be addressed.</p>
<p>Point 6.2.</p> <p>The approach by Projects of Common Interest [to reach the 10% electricity interconnection target for 2020] seems to be appropriate. It also seems effective to give priority to financing of projects that will most significantly increase the interconnection capacity from present levels below 10%. But it also seems reasonable to take into account the economic situation in the countries in question.</p>	<p>The Projects of Common Interest (PCI) list is a flexible list and will be updated every two years. The second list was published together with the State of the Energy Union, on 18 November 2015. Special priority is given to those projects that will enable Member States to reach the 10% minimum target. The target sets a required minimum interconnectivity level which should be achieved by all Member States by 2020. Country specific circumstances can warrant interconnection levels for specific Member States way above this level already in 2020. Therefore the Commission proposed in 2014 a target of 15% by 2030 whilst taking into account cost factors and potential trade-flows in the different regions. It should be noted that the large majority of the projects should be financed on the basis of the applicable regulatory framework and transmission tariffs.</p>



<p><b>N°8      Prospects for long-term smart, sustainable development of European offshore industry and its relations with the EU's maritime sector (own-initiative opinion)</b>  <b>EESC 2015/1459 – CCMI/135</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Ms Marian KRZAKLEWSKI (GR11-PL)</b>  <b>Corapporteur: Mr José Custódio LEIRIÃO (GR11-PT)</b>  <b>DG ENER – Commissioner ARIAS CAÑETE</b></p>	
<b>Points of the EESC opinion considered essential</b>	<b>Commission position</b>
<p>Point 1.7</p> <p>The Committee considers that, in the light of the ongoing process of implementing the Safety of Offshore Oil and Gas Operations Directive, the European Commission, in cooperation with the Member States, should organise a system of verification and indicate ways of increasing the financing capacity of economic operators in the sector to cover remedial measures taken in response to accidents.</p>	<p>According to the Offshore Safety Directive (Article 4), Member States shall take due account of the technical and financial ability of an applicant for a license before deciding on granting any authorisation for offshore operations.</p> <p>With regard to financial security instruments for covering remedial measures, the Commission refers to its recently published report on liability, compensation and financial security for offshore oil and gas operations pursuant to Article 39 of Directive 2013/30/EU:</p> <p>Report: <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52015DC0422">http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52015DC0422</a>;</p> <p>Staff Working Document: <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52015SC0167">http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52015SC0167</a>.</p>
<p>Point 1.7.1.</p>	<p>The Commission continues to promote the exchange of best practice for</p>



<p>A "safety culture" programme should be prepared and implemented and action taken to promote and support the accreditation of training institutions by offshore industrial firms to carry out more extensive training in the field of safety and environmental protection.</p>	<p>training on safety related issues within the European Offshore Authorities Group, where the Commission, Member States and representatives of the offshore industry closely co-operate.</p> <p>Together with Member States, the Commission will continue to monitor whether the industry provides adequate safety training for carrying out its operations.</p> <p>With regard to Competent Authorities of Member States, the Commission intends to set up a project for additional support by providing advice and organising training measures.</p>
<p>Points 1.8-1.10</p> <p>In view of the shortage of qualified workers and skills in offshore industry, the EESC considers that good working conditions and skills policies are needed. Given the good example set by the Directive on the social partners' agreement implementing in the EU/EEA the ILO Maritime Labour Convention (MLC), the EESC proposes that the Commission and Member States concerned assess, in cooperation with the ILO and social partners, the possibility of extending the MLC to workers employed in the offshore oil and gas and offshore wind energy sectors in the EU/EEA.</p>	<p>The ILO Maritime Labour Convention (MLC) applies to seafarers - persons who are employed or engaged or work in any capacity on board a ship - and governs the working conditions on board a (non-fishing) ship. Extending the MLC provisions to offshore workers would require amendments to the MLC, which is not in the remit of the Commission but of ILO tripartite members.</p> <p>The Commission assesses very positively the implementation in the EU of the MLC through Directive 2009/13/EU implementing the agreement between social partners in this regard and enforced through the Flag State Directive 2013/54/EU and the Port State Control Directive 2013/38/EU. Extending these provisions to offshore workers would, however, present major legal</p>

difficulties in the absence of amendments to the MLC itself.

The Commission is however ready to transmit the EESC opinion to Member States and social partners and to the ILO, for their consideration, including on possible alternatives to the extension process envisaged by the opinion, aiming to address the issue of working conditions in the offshore oil and gas and offshore wind energy sectors.

As regards the skills dimension, the Commission would like to point to existing initiatives supported by the EU to address skills shortages in the offshore sectors, such as the Sector Skills Council in the shipbuilding and maritime industry and possible future Sector Skills Alliances to be funded under the Erasmus+ Programme. The Commission can also inform of its intention to propose a comprehensive skills strategy in 2016.

The Commission has in any case already been informed on 27 January 2015 by the social partners of the sectoral Social Dialogue Committee for Maritime Transports, the European Community Ship-owners' Associations (ECSA) - on the employer's side - and the European Transport Workers' Federation (ETF) - on the trade unions' side - of their joint intention to start negotiations concerning the 2014 amendments to the ILO Maritime Labour Convention, 2006 (MLC), with a view to reaching an agreement. The

	<p>2014 amendments contain provisions on the protection of seafarers in case of abandonment and on financial security in case of occupational injuries, illness or hazards.</p> <p>The EU social partners already stated that, once they would conclude an agreement, they intend to formally request to the Commission to implement it via a proposal to the Council in accordance with Article 155(2) TFEU.</p>
<p>Point 1.15</p> <p>The Committee believes it is necessary to update the Europe 2020 strategy (review) to meet the EU requirements relating to maritime activities, projects, resources, a skilled workforce, and financing and promoting sustainable development, bearing in mind the wide range and variety of the types of work and skills that are necessary in the area of offshore activities.</p>	<p>There is a need to look beyond the Europe 2020 Strategy with a longer term perspective, in line with the Commission's ten priorities and ensuring coherence between the different elements of EU policies. Integrated maritime policy will continue to support the goals of the Europe 2020 Strategy by supporting sustainable growth and job creation in the maritime economy.</p>

<p><b>N°9 Women and transport (exploratory opinion)</b>  <b>EESC 2015/1773 - TEN/573</b>  <b>509<sup>th</sup> Plenary Session – July 2015</b>  <b>Rapporteur: Ms Madi SHARMA (GRI-UK)</b>  <b>Corapporteur: Mr Raymond HENCKS (GRII-LU)</b>  <b>DG MOVE – Commissioner BULC</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>Creating a better working environment for women, including equal pay for equal work, flexible work practices (better work-life balance), zero-tolerance for violence, better career opportunities, adequate infrastructures, etc.</p>	<p>Horizontal Commission policy already includes actions in the following fields: equal pay between men and women (recommendation of March 2014, European Equal Pay Day 2015, etc), work-life balance (the Commission Work Programme for 2016 includes measures to help working parents with children and those caring for dependent relatives to balance care and career) and violence against women (e.g. co-funding of national campaigns). This policy will be pursued and particular attention will be given to the transport sector.</p> <p>However, only a combination of actions at EU, national and company level can be successful. Steps have already been taken by transport social partners.</p>
<p>Attracting women to the sector. Launch campaigns coordinated between institutions, industry associations, trade unions, stakeholders working in the sector. Promote role models, mentoring.</p>	<p>Steps have also been taken by social partners in this field. This issue is linked to the previous point: good working conditions make professions more attractive.</p> <p>The Commission plans to organise a medium-sized participatory conference in 2016 to identify possible concrete actions to attract more women to the</p>

	<p>transport sector. The EU could help by raising awareness and spreading good practices, and could provide guidance leading to the development of national strategies.</p>
<p>Ensuring women are visible and active in policy- and decision-making and planning.</p> <p>Promoting the role of women in business and innovation.</p>	<ul style="list-style-type: none"> <li>- Horizontal Commission policy already includes actions in this field: ensuring that the topic is on the political agenda, disseminating data and good practices (e.g. the database on women and men in decision-making established in 2003);</li> <li>- in 2012, the Commission proposed legislation with the aim of attaining a 40% objective of the under-represented sex in non-executive board-member positions in publicly listed companies.</li> <li>- the Commission also promotes entrepreneurship of women and innovation;</li> <li>- the above policies will be pursued;</li> <li>- finally, the Commission will continue to promote gender equality internally. The Commissioner for Transport, the Commissioner for Gender Equality and the Commissioner for Entrepreneurship are all women.</li> </ul>
<p>Review education and training. Engage universities, training institutions and career services to promote the wide scope of the transport sector.</p>	<ul style="list-style-type: none"> <li>- These topics are part of the Commission Work Programme for 2016 on skills;</li> <li>- the participatory conference on “Women and Transport” to be organised in 2016 will also help identifying possible concrete actions in this field. The EU could provide</li> </ul>

	guidance, leading to the development of national strategies.
Collecting data and establishing key indicators.	Gender equality data should indeed be better collected and exploited as a key policy tool. This is one of the tasks of the European Institute for Gender Equality (EIGE). Analysis of statistical data could also be included in the Transport Web platform on social issues to be set up (see below).
Creating a gender equality pillar in a Social, Employment and Training Observatory for Transport	The Commission services envisage the setting-up of a Web platform on social issues in the field of transport which would include a gender equality module.
Auditing and reporting of progress made by transport actors (policymakers, companies, trade unions, transport associations, stakeholders) on gender equality.	This EESC recommendation is not easy to put in place considering the wide range/ large number of stakeholders and the absence of a legal frame. However, the setting up of both the EU transport observatory (Web platform – see above) and the establishment of relays at national level could help. Social partners could also play a role.

<p><b>N°10 Social dumping in the European civil aviation sector (own-initiative opinion)</b>  <b>EESC 2015/0417 - TEN/565</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Ms Anne DEMELENNE (GR11-BE)</b>  <b>DG MOVE –Commissioner BULC</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.1. (...) the EESC (...) urges the Commission to monitor the situation closely and to take steps if required. (...) In addition, the EESC considers that DG MOVE and DG EMPL need to cooperate closely.</p>	<p>The Commission has been monitoring the situation, with the European social dialogue committee for civil aviation and national experts in civil aviation. It will soon publish a new 'study on employment and working conditions in air transport and airports'. As with other institutions, the Commission is a single body and acts as such.</p>
<p>1.2. (...) the European Aviation Safety Agency (EASA) must scrutinise the developments to ensure the optimal safety of passengers and staff regardless of the business model, with a particular focus on these new models in order to stabilise the industry.</p>	<p>The EASA set up a working group, gathering National Aviation Authorities' representatives, to identify possible challenges stemming from new and emerging business models. The Working Group has delivered a set of recommendations in the form of actions for further analysis or for possible inclusion into the European Aviation Safety plan (EASp).</p>
<p>1.3. Enforcement of current legislation</p> <p>(a) social security and labour law:</p> <ul style="list-style-type: none"> <li>- the Rome I Convention (1980) and Regulation (EC) No 593/2008</li> <li>- Regulations (EU) No 465/2012 and (EU) No 83/2014, which define the concept of</li> </ul>	<p>The Commission agrees that the current legislation must be enforced correctly. Member States have an important role to play in the enforcement of labour and social security legislation. EU labour law directives contain minimum standards which are transposed in the national</p>

<p>"home base".</p>	<p>legislation of the Member States. With regard to social security, EU law in the field of coordination of social security provides for the coordination and not the harmonisation of the Member States' national social security systems. This means that each Member State is free to determine the details of its own social security system, including which benefits shall be provided, the conditions of eligibility, how these benefits are calculated and the level or frequency of contributions to be paid. These rules ensure that the application of the different national legislations respects the basic principles of equality of treatment and non-discrimination. By doing so, the application of the different national legislations does not adversely affect persons exercising their right to free movement within the European Union.</p> <p>For the Rome I Convention and Regulation 593/2008, it is primarily the competence of national authorities (inspectors and judges) to take care of that enforcement. To assist practitioners at national level in applying the relevant current legal provisions on matters of private international law and posting in the area of employment contracts, a Practice Guide "Jurisdiction and Applicable Law in International Disputes Between the Employee and the Employer", prepared by the European Judicial Network in Civil and Commercial Matters, will soon be available;</p> <p>- for social security, the Commission is</p>
---------------------	--



1.3. (b) the relation with self-employment status: Directive 2014/67/EU and Judgment C-413/13 FNV Kunsten Informatie en Media v. Staat der Nederlanden.

not aware of difficulties related to the enforcement of Regulation 465/2012.

- Regulation 83/2014 is not about social security and labour law but about aviation safety;

- European labour law does not contain a definition of “employee” or self-employed. It is left to the Member State to define these concepts in their national law;

- EU social legislation is applicable to workers and not to self-employed. This has been confirmed by the case law of the European Court of Justice. However, recently the European Court of Justice has provided important guidance on the criteria for determining the status of independent trader and/ or employee;

- the Court stated in its Judgment of 4 December 2014 regarding the application of competition rules to provisions laid down in collective agreements concerning freelancers (Case C-413/13, FNV Kunsten Informatie en Media) that it is for the national courts to ascertain whether workers are 'self-employed service providers' or 'false self-employed';

- the Court underlined that the classification of a 'self-employed person' under national law does not prevent that person being classified as an employee within the meaning of EU law if his independence is merely notional, thereby disguising an employment relationship.

<p>1.4. Revise the common rules for the operation of air services to ensure notably proper enforcement of national social legislation and collective agreements with regard to staff in this sector (Regulation (EC) No 1008/2008); in the same Regulation, pin down the concept of "principal place of business" so that the operating licence is granted by a state if the volume of air transport therein is substantial</p>	<p>The Commission will examine these matters in the context of the Aviation package at the end of 2015.</p>
<p>1.4. Prevent any unfair competition to Community air carriers from countries which are not members of the EC through subsidies, state aid and unfair pricing practices (Regulation (EC) No 868/2004).</p>	<p>The Commission is in the process of finalising the internal revision of Regulation (EC) No 868/2004 against unfair practices by non-EU airlines, a legislative proposal as a follow-up initiative to the Aviation Strategy.</p>
<p>1.4. In the context of the coordination of social security systems, pin down multiple home bases in the civil aviation sector (including temporary bases) and shorten the transitional period which is set at 10 years (Regulation (EU) No 83/2014).</p>	<p>We are not aware of difficulties related to the enforcement of Regulation 465/2012. It is the competence of national authorities (inspectorates) to take care of that enforcement.</p> <p>Regulation 83/2014 does not address social security or labour law but safety.</p>
<p>1.4. Extend the single permit to aircrew to ensure equal treatment of all workers in the industry (Directive 2011/98/EU)</p>	<p>No revision of the Single Permit Directive is envisaged at this stage. A Single Permit implementation report and a REFIT are coming up in 2016 (see European Agenda on Migration). In this context the implementation of the legal migration directives is being analysed. A public consultation is foreseen.</p>
<p>1.5. (...) the EESC suggests that (...) the Commission should scrutinise the application of the Directive on temporary agency work in the aviation sector. The</p>	<p>Directive 2008/104/EC on temporary agency work improves the protection of temporary agency workers in the EU by establishing the principle of equal</p>

<p>EESC considers that the promotion of direct employment shall remain the usual form of employment in aviation and that the limitation of such temporary contracts which could potentially harm safety levels (2008/104/EC) must be possible. Furthermore, a common definition of "employed person" and "self-employed person" is needed at EU level.</p>	<p>treatment of agency workers with the staff of the companies to which they are assigned. The aim is to ensure, as homogeneously as possible, the protection of the workers irrespective of the nature of their work relation, including for those employed under the more flexible forms of contracts.</p> <p>A Commission report on the application of the Directive was published in March 2014. The report found that in general, the Directive seems to have been correctly implemented and applied. It also stated that the Commission would tackle any areas of concern, such as national measures or practices that would be incompatible with the Directive. However, taking into account the views expressed by Member States and European social partners, it concluded that no amendments to the Directive were necessary at this stage.</p>
<p>1.6. The EESC supports a possible initiative by EU social partners in aviation to negotiate an agreement on the working conditions and social rights of employees in this industry. (...) the Commission should consult the social partners on any EU legislative instrument and/ or initiative which has social impact</p>	<p>Article 155 (2) of the TFEU provides the social partners with the possibility to conclude joint agreements and to implement them through autonomous agreement relying on national procedures and practices specific to management and labour and the Member States; or through a Council decision.</p> <p>The Commission's Communication on Better Regulation recalls and clarifies the approach as regards sectoral social partners' consultation for Commission initiatives: i.e. in case of Commission initiatives with social implications for a</p>

	<p>specific sector (not based on article 153/154 TFEU), the relevant Sectorial Social Dialogue Committee should be consulted (See the toolbox on better regulation p. 62 and p. 335).</p>
<p>1.7. Given that the proposal for a regulation on ground-handling services has been dropped from the Commission Work Programme and there are no EU-wide social standards in this field, the issue of transfer of staff in the event of a call for tender and/or partial loss of activities needs to be addressed.</p>	<p>The Commission confirms that the proposal for a new Ground Handling Regulation was withdrawn in 2015. It does not intend to address the transfer of staff through a revision of the 1996 directive in the short-term.</p>
<p>1.7. To address this issue, the Commission is in the process of consulting European social partners on the potential usefulness of submitting a consolidated proposal on the revision of Council Directive 2001/23/EC of 12 March 2001 (safeguarding of employees' rights in the event of transfers of undertakings) for the end of 2015.</p>	<p>The first-phase consultation under Article 154 TFEU on a consolidation of the EU directives on information and consultation of workers was launched on 10 April 2015 and ended on 30 June 2015.</p> <p>The Commission is assessing the results of this first-phase consultation.</p>

<p><b>N°11 Internal market of international road freight: social dumping and cabotage (exploratory opinion)</b>  <b>EESC 2015/3722 - TEN/575</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteurs: Mr Stefan BACK (GRI-SE), Mr Raymond HENCKS (GRII-LU)</b>  <b>DG MOVE - Commissioner BULC</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.4.: "The EESC welcomes the Commission's plans (...) to strengthen the establishment criteria to prevent abusive use of "letterbox" companies".</p>	<p>The Commission is considering if and how to strengthen the establishment criteria. The adequacy of the existing criteria and the respective enforcement are being assessed in the context of the ongoing ex-post evaluation of Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009. Any possible proposal in this area will depend on the conclusions of this evaluation.</p>
<p>1.7.: "The EESC asks the Commission and Member States, who are mainly responsible for the enforcement of both road transport and social legislation, to prioritise the following:</p> <ul style="list-style-type: none"> <li>- ensuring full cooperation between labour and road transport surveillance authorities in the EU Member States;</li> <li>- consolidating the data of the national electronic registers for road transport undertakings (see Regulation (EC) No 1071/2009, Article 16) with social and labour records of professional drivers to improve cross-border enforcement and</li> </ul>	<p>Under the current legal framework, the Commission has no direct powers to act in these areas. The Commission is however considering how to ensure a better cooperation between Member States particularly on enforcement</p>

counteract abuse or fraud".	
1.9.: “The EESC also points out that when proposing simplification of market access provisions, including cabotage, the Commission might consider the option of aligning the rules on road freight transport with those applicable to temporary provision of services in general, bearing in mind the specific character of the transport sector.”	The Commission considers that such a general rule would not remedy the current problems of divergent interpretations and enforcement. To this end, based on the results of the ex-post evaluation, the Commission will undertake appropriate initiatives aiming to simplify and clarify the current set of rules.
3.2.: “...otherwise the applicable law will be governed by contract and the Rome I Regulation on the law applicable to contracts (Regulation (EC) No 593/2008).”	The Commission would like to draw the attention to the fact that the Rome I Regulation applies ex-post and to individual employment contracts in a situation of conflict of laws. An option would be to consider whether ex-ante criteria could be defined on the basis of relevant case law.

<p><b>N°12      Integrated EU Aviation Policy (exploratory opinion)</b>  <b>EESC 2015/1083 - TEN/569</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Mr Jacek KRAWCZYK (GRI-PL)</b>  <b>DG MOVE –Commissioner BULC</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.1. The competitiveness of EU aviation is at stake if the entire European aviation value network cannot compete in a globalised economy.</p> <p>1.3. Without a compelling and coherent strategy, it runs the risk of further difficulties in providing for reliable connectivity for its citizens and trade and tourism, and thereby losing its economic clout and growth potential. This does not, however, require new legislation in all cases. The EESC again urges the Commission to do more to ensure that current EU legislation is implemented.</p> <p>2.5. The EU has developed a regulatory framework for the European aviation market e.g. SES, Airport package, ETS, State aid rules, work on airport capacity, passenger rights. The Commission has also intensified cooperation with EU and European agencies such as EASA and Eurocontrol, as well as a broad range of activities related to the international dimension of EU air transport.</p> <p>1.5. The EESC believes that the Commission should identify the drivers of competitiveness and base its strategy on the economic benefits that aviation creates for Europe, as well as the social and</p>	<p>The Commission fully supports the point of view of the EESC that as aviation's contribution to the overall performance of the EU economy is so significant, it is critical that the EU aviation sector remains competitive and is able to grow sustainably. In view of that, further changes to the EU aviation system are necessary. This is why the Commission is presenting "An Aviation Strategy for Europe". Europe must be a leading player in international aviation and a global model for sustainable aviation, with a high level of service and ambitious EU standards.</p> <p>The strategy will be about new legislation, where proven necessary and deemed appropriate, and better enforcement of the current one.</p>

<p>environmental values, which characterise the European Union.</p>	
<p>2.1. The air transport system generates benefits beyond the immediate aviation industry.</p> <p>2.6. The EESC is of the opinion, that the EU needs an integrated aviation strategy: Politically, this requires political will, vision and courage to balance the requirements of sovereignty with the need for compromise. Economically, the strategy should lead to an improved aviation value network that will drive economic prosperity and growth across Europe. Legally, the strategy should deliver a robust regulatory framework at the macro level, planning stability at the micro level, and procedurally all stakeholders should be encouraged to contribute to its development and implementation.</p> <p>2.7. In the EESC view, the EU aviation sector requires such a strategy as a matter of urgency. Aviation is not providing the possible impulses to economic growth whilst many non-EU governments are adapting their aviation systems to the geopolitical shift of growth and to the requirements of a globalised economy.</p>	<p>The Commission fully shares the point of view of the EESC that aviation is a strong driver of economic growth, jobs, trade and mobility for the European Union. That is why a strong European aviation sector plays such a crucial role in delivering on the core priorities of the Commission.</p> <p>The Commission fully supports the point of view of the EESC that all stakeholders have their part of responsibility and a role to play. Only coordinated efforts and smart cooperation along all relevant stakeholders will ensure European Aviation's future success at a global level. Interests might sometimes conflict each other. We should however find the way to act as a team whenever possible.</p> <p>The Commission fully shares the point of view of the EESC that the European aviation sector is facing new competitive challenges in the rapidly evolving global market, in particular as a result of a shift of economic growth to the East. The Commission believes also that Europe has all the means at its disposal to tap fully into such growth.</p>
<p>3 The EESC has identified six factors which determine the degree of European competitiveness. An EU strategy should leverage these factors to ensure its successful implementation.</p> <p>Safety. It is of utmost importance to further strengthen EASA's role and resources as the central agency for safety management,</p>	<p>Safety. Introducing new mechanisms for more efficient safety oversight and new methods for more risk and performance based rulemaking is essential. Furthermore, a framework for the pooling and sharing of technical resources between the national authorities and the European Aviation Safety Agency (EASA) should be put in</p>



certification of aviation products, and the oversight of the pertinent organisations at national level. In this context, EASA's ability should be enhanced to coordinate with all stakeholders, not only in the context of aviation-related incidents, to improve safety standards by, for example, reviewing safety rules, stressing the role of training, avoiding undue overregulation and promoting "just culture".

The Commission should also re-assess work standards and the possible risk of social dumping (see EESC Opinion TEN/565).

**Sustainability.** Meeting the challenges of sustainability in a global context, whilst also recognising the need to comply with EU specific requirements and provisions and structures is only possible if a holistic approach is pursued.

Cross-border acquisitions, quasi mergers of airlines; creation of holdings and strategic investments into airports and airlines by non-EU companies: this also impacts the role of EU Institutions. The Commission should review its current governance models to adapt them to the institutional and market reality.

The relationship between the Deployment Manager and the Network Manager should be reviewed. The Performance Review Body should operate under clear leadership of the Commission.

**Competitiveness through innovation and digitalisation.** The EU aviation strategy should build on the industry's initiatives and secure a leadership role for the EU in the

place, thus moving a step closer to a single European Aviation Safety System. At the same time, the pursuit of high worldwide safety standards, based on common standards from the International Civil Aviation Organization (ICAO), must remain a key objective of EU action.

**Sustainability.** The competitiveness of the EU air transport sector and its environmental sustainability go hand-in-hand. The Commission will support the publication of a "European Air Transport Environment Report" drawn up by EASA, Eurocontrol and the European Environment Agency to allow the EU, Member States and industry to better track the environmental performance of the air transport sector and monitor the effectiveness of different measures and policies.

**Competitiveness through innovation and digitalisation.** The Commission is convinced that appropriate investments into technology and innovation will secure Europe's leading role in international aviation. The EU has planned to invest EUR 430 million each year, until 2020, in the SESAR project. It has been estimated that the timely deployment of Single European Sky ATM Research (SESAR) Solutions can potentially result in over 300 000 new jobs.

Drones represent a tremendous opportunity both for our aeronautical manufacturing industry, especially for SMEs, and for the many aviation and non-aviation businesses that will be able to integrate drones into their activities. Today's aviation safety rules

field of a more broadly defined innovation. The use of SESAR should be further enhanced. On drones, see EESC Opinion TEN/553. Europe should be promoted as the world bio jet hub; R&D should foster up-scale production of bio jet fuel in the EU.

Social dimension. Measures should be adopted to increase the attractiveness of this sector and prevent a skilled workforce from leaving the sector or looking for work in other parts of the world ("brain drain"). The EU Sectoral Social Dialogue Committee for Civil Aviation shall be consulted on initiatives by the European Institutions concerning the sector. Any agreements in the field of EU External Aviation Policy should seek to ensure that ILO principles are addressed and mutually acceptable means of securing adherence sought (See EESC Opinion TEN/500).

Operational excellence. "We must do our homework". A functional and efficient SES is a *conditio sine qua non* for the sustainable competitiveness of the European aviation sector. Solving the airport capacity crunch must be an integral part of this.

Non-EU European governments and stakeholders should be seen as natural partners of the EU, who, under the leadership of the Commission, will be consulted and included in the comprehensive EU aviation policy.

The One-Stop Security principle should be implemented across the EU and be considered, along with mutual recognition of standards, with regard to other "like-minded" countries.

are not adapted to drones.

Social dimension. It is crucial to maintain leadership in aviation through a highly educated, qualified and experienced workforce. Partnerships on education will be essential in this aspect while new skills and competences, some of which are not yet broadly available, such as drone specialists, will have to be developed. At the same time, new business and employment models have emerged. Under these circumstances an active and comprehensive social dialogue is essential. The Commission will continue supporting social dialogue in aviation.

Operational excellence. The Commission shares the view of the EESC that an important step in unleashing the growth potential of the EU aviation sector is completing the Single European Sky (SES). The Commission urges the Council and European Parliament to adopt the SES2+ proposal, which will contribute by various means to ensure the swift implementation of the EU-wide targets for the performance scheme, in particular during the second reference period 2015-2019 and related actions to secure the effectiveness of functional airspace blocks and network functions. The Commission urges Council and European Parliament to adopt the SES2+ proposal, in order to ensure the swift implementation of the EU-wide targets for the performance scheme, in particular during the second reference period 2015-2019 and related actions to secure the effectiveness of functional airspace blocks and network functions.

The Commission also urges Council and

Connectivity. The higher the degree of connections, the more relevant such connections are for a region or a community because of their attractiveness for tourism and trade, the greater the value of connectivity for the economy. A successful EU aviation strategy should therefore seek to improve economic growth by providing for a reduction of the external costs affecting the sector's activity in the EU, and for growth opportunities for aviation internationally.

International aviation. A comprehensive and integrated aviation policy should seek to use current instruments, such as the EU-US Joint Committee, as a means of establishing a shared understanding with other like-minded nations across the world. The EU and the US could take a lead role in establishing global standards (including SESAR/NextGen). It should also ensure that stakeholders with specific interests in given markets are consulted and involved so as to ensure a continued buy-in for an integrated, comprehensive aviation policy.

Aviation can only foster economic growth if DG MOVE is fully supported by other Directorates, such as REGIO, TRADE and COMP.

The Commission should consider different options of possible modification of the current airline ownership and control rules separately. Proposals should be based on further research and analysis.

European Parliament to revise the Slot Regulation as a means to tackle capacity constraints at EU congested airports. At the same time, the Commission will ask the European Observatory on airport capacity to continue working on airport congestion.

An important tool to optimise the investment in security is the one stop security concept. The EU will pursue the mutual recognition and One Stop Security approach with key trading partners to reduce the cost of security resulting from duplication and incompatibility of security regimes.

Connectivity. The ability to determine on a neutral and transparent basis the degree of connectivity enjoyed by a region is important. The Commission intends to work closely with the European Observatory on airport capacity to monitor trends of both intra-EU and extra-EU connectivity in Europe.

International aviation. EU aviation must be well equipped to compete with strong players in the global marketplace. By adopting an ambitious external aviation policy through the negotiation of comprehensive aviation agreements, focused primarily on growth markets, the EU can contribute to improving the sector's ability to compete internationally.

To be competitive, it is also essential for EU aviation that market access is based on a regulatory framework which promotes EU values and standards, enables reciprocal opportunities and prevents distortions. Ownership and control provisions form an

	<p>essential pillar of the current regulatory framework. The Commission shares the opinion of the EESC that it is now time to carefully consider the relevance and importance of ownership and control requirements.</p>
--	--

<p><b>N°13 The Paris Protocol - A blueprint for tackling global climate change beyond 2020</b>  <b>COM(2015) 81 final – EESC 2015/0580 – NAT/665</b>  <b>509<sup>th</sup> Plenary Session – July 2015</b>  <b>Rapporteur: Mr Lutz Ribbe (GR11-DE)</b>  <b>DG CLIMA – Commissioner ARIAS CANETE</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.8 Unfortunately, the multiple roles played by civil society (see point 6) will be discussed only on the outer fringes of the COP, and the EU has taken no evident steps to change this. The Communication provides no tangible indications whatsoever as to the role civil society should play. The new climate policy cannot and must not be imposed "from above", but needs to be based on broad support of a majority of citizens, through an active civic dialogue including all stakeholders, and to be implemented "from below". The EESC recommends that the Commission, the Council and the European Parliament (EP) finally engage in intensive and structured dialogue, so that society's fundamental willingness to develop new structures is not jeopardised. The actual EU policy in this area to date has been very disappointing. In this context, the EESC recommends that the Commission creates both the structural conditions and provides the necessary resources to allow civil society to engage with all stakeholders on the basis of equal recognition and inclusion.</p>	<p>The Commission is a very strong supporter of the Lima-Paris Action Agenda, an initiative of the Peruvian and French COP Presidencies which aims at becoming a framework to recognise and support civil society's role in climate change mitigation and adaptation.</p> <p>Concerning domestic policy, the Commission is fully committed to effective consultation of relevant stakeholders in all its major policy initiatives. This applies to climate policy in the same way as to other policies. The Commission's recent "Better Regulation" package committed the Commission to more frequent and more effective consultations and feedback opportunities. For example, for major initiatives, the Commission will establish a consultation strategy, identifying relevant stakeholders and most appropriate forms of consultation. These may include online public consultations (mandatory for any initiative with an impact assessment), targeted consultations, meetings,</p>

	workshops, seminars, SME panels and online discussion forums.
4.9 "Differentiated responsibility" also means that there is a need for solidarity, in that we need to help less developed and financially weak countries, in particular, to build a climate-friendly "green" economy and enable them to deal with the damage caused by climate change, which often affects them the most. Care should be taken that such transformation does not impoverish people below the poverty line. Rather it should and must be used effectively to create fresh economic impetus, particularly at regional level, and to develop new decentralised, carbon-free energy production facilities, that involve the local people.	The Commission agrees that poorest and most vulnerable countries need most support in their transition to low carbon and climate resilient economies that deliver sustainable development. To this end, policies and public resources need to be used effectively to support such a shift. While the Commission agrees with the principles of the Climate Convention such as "common but differentiated responsibility and respective capability", this principle needs to be applied in a dynamic way that reflects today's realities, including in the context of financial support.
4.10 Financial matters and technology transfer therefore have an important role to play. The less developed countries have already been bitterly disappointed, because the once promised "development aid" (0.7% GDP) has for some time now not been provided in the amounts that were promised. This must not continue.	Member States remain committed to increasing their support to developing countries to 0.7% of GNI, as set out in Council conclusions of May 2015 and in the United Nation's Addis Ababa Action Agenda.
4.12 Legally binding framework as an important signal for investors to green both financial sector and real economy.	The Commission agrees with this assessment and therefore strongly supports a legally binding agreement.
4.13 Civil society expects that the new climate agreement will take into account its demands for the need for a just transition, taking into account human and employee rights, considering social consequences, including loss and damage and issues of adaptation to climate change, particularly in the poorest countries.	The Commission in its Communication highlights the important role of adaptation in achieving climate resilient sustainable development.  The Commission notes the Environment Council Conclusions adopted 18 September 2015 which:

	<ul style="list-style-type: none"> <li>- propose that adaptation must be a central part of a balanced Paris Agreement;</li> <li>- provide for recognition of the poorest and particularly vulnerable countries;</li> <li>- underline that action on both mitigation and adaptation are essential to manage, reduce and address the risk of loss and damage;</li> <li>- stress the importance, inter alia, for human rights and decent jobs in the context of climate action.</li> </ul> <p>Furthermore, The EU is committed to the transition to a low emission and climate resilient economy that delivers decent jobs, investment and sustainable growth worldwide. The Environment Council Conclusions of 18 September 2015 stressed the importance of "a just transition of the work force, decent jobs... in the context of climate action", and we look forward to addressing these issues in Paris.</p>
<p>4.8 The negotiations on the EU's 2030 climate and energy package, which were effectively a "COP" at EU level, showed that even at EU level it is almost impossible to implement what is being sought at COP, namely the establishment of clear national responsibilities. The EESC therefore finds it regrettable that there are no longer any binding national targets under the 2030 EU energy and climate package, which may make it more difficult to achieve Europe's common goal and to "assign" responsibilities. Announcing INDCs for EU</p>	<p>In March 2015, the EU Presidency and the Commission communicated the Intended Nationally Determined Contributions (INDC) to achieve an at least 40% domestic reduction in greenhouse gas emissions compared to 1990 levels by 2030 to the UNFCCC, on behalf of the EU and its Member States. The Commission considers this target to be ambitious and fair and it is in line with a cost-efficient pathway to at least 80% domestic reductions by 2050. The target will be implemented through EU</p>

<p>Member States would be a right signal for the COP negotiation.</p>	<p>legislation. As the first legislative step in delivering on the EU's target, the Commission has presented a legislative proposal to revise the EU emissions trading system for the period after 2020. The Commission will also submit a proposal for the non-traded sector including Member States' specific legally binding targets to the Council and European Parliament on the basis of the general political directions by the European Council.</p>
<p>5.4 However, it is also important for Europe to pay attention to developments occurring outside the "world of COP negotiations", in the "world of real economic development".</p>	<p>The Commission agrees that developments occurring outside the 'world of COP negotiations' are of high importance. On the given example of China for instance, an ambitious 'EU-China Joint Statement on Climate Change' was adopted during Prime Minister Li Keqiang's visit to Brussels on 29 June 2015. Climate change and sustainable investments were on the agenda of the 5th EU-China High Level Economy and Trade Dialogue, which was held on Vice President/Vice Prime Minister level on 28 September 2015 in Beijing. Climate change and low carbon development issues are included in the growing EU-China cooperation on urbanisation, mobility, and research and innovation.</p>
<p>6.3 The second role of civil society is to be actively involved in implementing climate protection decisions. In the EESC's view, the policy in this respect needs to be reinvented in strategic terms; it should make such participation possible and it should</p>	<p>In line with the "Better Regulation" package, the Commission is committed to more frequent and more effective consultations with stakeholders, through various forms of consultation, including online public consultations,</p>



<p>move towards much closer involvement.</p>	<p>targeted consultations, meetings, workshops, seminars, SME panels and online discussion forums.</p> <p>As a recent example, in the case of consultations on the treatment of agriculture &amp; LULUCF in the 2030 framework, the Commission provided considerable opportunity for stakeholders through an online consultation, two day workshop and ongoing bilateral discussions between the Commission, Member States, industry and civil society.</p> <p>In addition, the Commission also actively participated in a public hearing organised by the EESC to discuss "implications of climate and energy policy on agricultural and forestry sectors" in Riga earlier in 2015 (10 March 2015). Overall, there has been a very strong engagement with the EESC and civil society on these issues before any legal proposal is to be tabled.</p>
<p>5.14 The problems of "carbon leakage" or "low carbon leakage" mentioned above are not part of the COP negotiations. Therefore the EU needs to ensure at all levels that, for example, market-based mechanisms are put in place that take account of, among other things, product-based emissions relating to global trade. Further steps have to be taken to deal with "carbon leakage", such as border carbon adjustment, a system aimed at reducing CO2 emissions while ensuring a level playing field. Under this system, the price of imported goods will be increased at the border on the basis of a calculation of the mass emissions for those goods. Models in a</p>	<p>The Commission analysed the issue of border carbon adjustments in detail in an impact assessment in 2010. The Commission considers that while border carbon adjustments remain a possible option, they should not be implemented at this stage.</p> <p>They come with several problems: implementation is challenging because it is difficult to determine the carbon content of imported goods, and compliance with WTO rules needs to be ensured.</p> <p>Border measures could in particular</p>

recent study show that border carbon adjustment can substantially reduce carbon leakage in relevant sectors.

5.15 However, border carbon adjustments in the form currently being discussed are not welcomed by some of Europe's major trading partners. This issue has to be negotiated in the WTO. The treaty allows the consideration of such "non-trade" issues. The difficulty of doing this in the absence of a global agreement on carbon pricing should not be underestimated. The concerns may be addressed through better BCA design. The bottom line is that border carbon tax adjustment is not an anti-dumping tool but a contribution to a worldwide sustainable climate policy, if well designed.

lead to unintended consequences and reactions from trade partners.

Under the ETS Directive, the EU have agreed that the best way of avoiding carbon leakage and the related competitiveness in the short/medium term is to provide free allowances to the exposed industries, and in the longer term to reach a comprehensive global climate agreement.

<p><b>N°14    Towards a new European Neighbourhood Policy</b>  <b>JOIN(2015) 6 final – EESC 2015/2442 - REX/447</b>  <b>509<sup>th</sup> Plenary Session - July 2015</b>  <b>Rapporteur: Mr Gintaras MORKIS (GRI-LT)</b>  <b>Corapporteur: Mr Cristian PÎRVULESCU (GRIII-RO)</b>  <b>DG NEAR – Commissioner HAHN/High Representative/Vice-President</b>  <b>MOGHERINI</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission and HR/VP position</b></p>
<p>The EESC welcomes the re-examination of the ENP and considers it to be timely and important. It believes that fundamental changes to the ENP mechanism and instruments are needed. The EESC notes that the southern and eastern geographical scope of the ENP should be maintained but that differentiation and flexibility need to apply. The acceptance of democratic values and respect for human rights should be applicable to all states. The EESC stresses that the EU should remain committed to supporting the territorial integrity, independence and sovereignty of all its partners. The ENP should actively engage in confidence-building measures and post-conflict action. The EESC sees better employment, education and professional training as key. The ENP should be linked to CFSP and CSDP and the EU should work closely with other international organisations such as NATO and the UN. Better diplomacy and communication outside the ENP area are needed. Management of mobility and migration are important and the EU should act swiftly and in a coordinated manner to solve the humanitarian situation in the</p>	<p>The Commission and the HR/VP would like to thank the European Economic and Social Committee for its contribution submitted in response to the Joint Consultation Paper 'Towards a new European Neighbourhood Policy' (JOIN(2015) 6 final).</p> <p>In the context of the review of the European Neighbourhood Policy (ENP), the Commission and the HR/VP have been actively seeking the views of EU Institutions and bodies, Member States, parliaments, partner countries, civil society, social partners, business, academics and other interested parties.</p> <p>The Committee's opinion is therefore a welcome contribution to this exercise and will be duly taken into account by the Commission and the High Representative/Vice-President when detailing proposals for the future direction of the ENP in their Joint Communication adopted on 18 November 2015.</p>

Mediterranean. Visa facilitation and liberalisation is a key initiative. Civil society's role should be enhanced by empowering civil society; including civil society organisations, more in ENP-related activities and making better use of European civil society's expertise. There should be compliance with fundamental human and social rights and social dialogue should be encouraged. It is important to encourage cultural institutions for dialogue and consensus building. The review of the ENP must encourage better communication on EU interests and values, both within the EU and in the partner countries.

<p><b>N°15 The post-2015 objectives in the Euro-Mediterranean region (own-initiative opinion)</b>  <b>EESC 2015/0612 – REX/438</b>  <b>509<sup>th</sup> Plenary Session – July 2015</b>  <b>Rapporteur: Ms An LE NOUAIL MARLIÈRE (GRII-FR)</b>  <b>DG NEAR – Commissioner HAHN</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.1/1.3 The EESC recommends that the UfM Member States and the EU validate the SDGs agreed, by ratifying the relevant international conventions, and organise implementation by involving civil society and the regions at local level, as close as possible to the people.</p>	<p>The Commission welcomes the adoption of the 2030 Agenda for Sustainable Development at the UN Summit in September 2015. The Commission continues its efforts to support civil society as a key development partner, in particular in the Euro-Med zone, so that its development policies and strategies are more responsive to the people's needs.</p> <p>A number of instruments have been put in place to reinforce the capacities of civil society in the partner countries (e.g. the EU Thematic Programme for Civil Society Organisations and Local Authorities).</p> <p>The Commission considers civil society in the Euro-Med region as a driving force for democratisation and inclusiveness. In this regard, the Civil Society Facility (CSF) helps to set up a real partnership with civil society so that it can be a real actor for democratic change in the region.</p>
<p>1.7 The EESC urges the Commission to adopt a coherent stance that takes account of both bilateral, plurilateral and</p>	<p>The EU has always been a frontrunner in the efforts to make trade work for inclusive growth and sustainable</p>

<p>multilateral trade interests and the sustainable development goals, in order to maintain the credibility of the goals and of European aid.</p>	<p>development: our market is the most open to developing countries, with completely duty-free and quota-free trade access for Least Developed Countries (LDCs) for everything but arms and ammunition; the EU and Member States are collectively the leading provider of Aid for Trade; our trade agreements are comprehensive; and we have integrated inclusive sustainable development into our trade and investment policy. The Commission will continue to work to ensure that EU trade policy supports sustainable development, both in the EU and in partner countries in the region, and with the goal of ensuring coherence and mutual supportiveness among the three elements of economic growth, social development and environmental protection. For example, the future Deep and Comprehensive Free Trade Areas (DCFTAs) under negotiation with Morocco and Tunisia will include provisions on Trade and Sustainable Development, and Sustainability Impact Assessments (SIAs) have been carried out to inform both these negotiations and possible future DCFTA negotiations with Egypt and Jordan.</p>
<p>1.8 The EESC recommends extending both the dialogue between the social partners and the European institutions on vocational training and lifelong learning, in which it was duly invited to participate and which it helped set up, and the action programmes in this area.</p>	<p>The Commission considers the support to vocational training a key priority to increase employability and improve access to jobs in the Southern Neighbourhood, especially for young women and men. Vocational training will be a prominent feature of the new European Neighbourhood Policy (ENP). The Commission welcomes</p>

	<p>enhancing dialogue and exchange with social partners to buttress efforts in supporting educational reforms with partner countries, in particular in the field of vocational training.</p>
<p>1.9 The EESC calls for these recommendations to be included in the EU's programme and in its neighbourhood policy: coherence between policies on trade, external affairs, development, financing and the protection of democracy and human rights, in line with the commitments given to civil society by the High Representative/Vice-President Federica Mogherini on 28 May 2015.</p>	<p>The Council has recently confirmed its political engagement to Policy Coherence for Development (PCD) and recalled the Treaty obligation to take into account the objectives of development cooperation in the policies which are likely to affect developing countries, as well as to pursue these objectives in the overall framework of the Union's external action. The Commission welcomes the EESC's commitment on the ENP in the Euro-Mediterranean region and also thanks the Committee once again for its constructive engagement with the Commission during the preparation of its opinion of July 2015 on the public consultation "Towards a new Neighbourhood Policy". The Communication on the review of the ENP will be launched later in the year and it will indeed confirm the importance of linking trade, external affairs, development, financing and the protection of democracy and human rights as expressed during the Civil Society Forum Neighbourhood South event in May 2015 and elsewhere. The Commission looks forward to continuing its cooperation with the EESC on ENP engagement in the Euro-Mediterranean region.</p>
<p>4.2 The EESC emphasizes that the promotion of decent jobs must be the key,</p>	<p>The Commission welcomes the importance that the EESC attaches to</p>

<p>as poor-quality work (precarious, low-paid jobs, without sustainable and universal social protection) is one of the roots of poverty. Renewed focus should therefore be placed on the quality of growth, healthy and secure employment and working conditions and social protection for workers and their families as an essential means of combating poverty and exclusion.</p>	<p>the promotion of decent jobs and to the quality of growth. In this respect, the Commission considers that attention also needs to be paid to job creation, in particular through innovative ways which contribute to boosting social entrepreneurship with impact on young women and men, including in the Euromed region.</p>
<p>6.4 The EESC suggests that for a set period, investments in employment and the environment and relating to the post-2015 development goals should be removed from public deficit calculations.</p>	<p>The Commission welcomes the importance placed by the EESC on sustainable development finance. The Outcome document of the Third International Conference on Financing for Development: the Addis Ababa Action Agenda provides a comprehensive framework for approaching these issues. The Commission also supports the principles of good public financial management, including the notion that any public deficit calculation should be based on a complete picture of public expenditure and revenues.</p>



<p><b>N°16 Agriculture, Rural Areas and Sustainable Development in the Eastern Partnership Countries (own-initiative opinion)</b>  <b>EESC 2015/0902 – REX/439</b>  <b>510<sup>th</sup> Plenary Session – September 2015</b>  <b>Rapporteur: Ms Dilyana SLAVOVA (GRIII-BG)</b>  <b>DG NEAR – Commissioner HAHN</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.4 The EESC encourages the process of diversification of rural areas in Eastern Partnership (EaP) countries, which could provide an additional income source through alternative activities and opportunities for higher employment.</p>	<p>In the area of agriculture and rural development, the EU assistance to EaP countries promotes diversification of activities in rural areas to provide additional income and growth opportunities for rural populations.</p>
<p>1.5 The EESC supports the Commission and its efforts to set up a stable dialogue on agriculture and rural development with all partner countries and is prepared to assist in implementing policies and related reforms for all those committed to making agriculture and rural development a key sector in their cooperation with the EU.</p>	<p>The Commission maintains dialogue on agriculture and rural development with the EU's eastern Neighbours and in the context of the ENPARD programme; it assists in implementing the sector policies and related reforms for those Eastern partners that made agriculture (i.e. Georgia, Moldova and Armenia) and rural development (Azerbaijan) focal sectors in their cooperation with the EU</p> <p>The Commission uses the Eastern Partnership Panel on Agriculture and Rural Development set up under the institutional framework of the Eastern Partnership as a platform for sectoral dialogue and exchange of experiences and best practices with all the six EU's Eastern neighbours.</p> <p>With the three partners that signed Association Agreements with the EU,</p>

	<p>the Commission will hold regular dialogues on agriculture and rural development in the framework of the institutional set-up of the Association Agreements.</p>
<p>1.8 The EESC calls for strategic modernisation of the agricultural sector in the EaP countries that increase domestic production of safe food in a sustainable manner. The EESC believes that the EU should continue to be of great help to the EaP countries in improving the SPS standards of their products and developing their rural development programmes.</p>	<p>Strategic reform and modernisation of the agricultural sector in EaP countries and achieving a sustainable rural development are priorities for the Commission. Financial cooperation in this area is ongoing with Georgia, Armenia, Moldova and Azerbaijan.</p> <p>In the framework of the Comprehensive Institutions Building programme and the Deep and Comprehensive Free Trade Area (DCFTA) budget support programme, the Commission assists its partner countries in aligning their food safety standards with those developed by the EU.</p>
<p>3.10 The EESC encourages the Commission and the European Parliament to engage in a renewed and deeper policy dialogue on strategic planning and reforms in the spheres of agriculture, forestry and sustainable development at individual country level, respecting the rules set out and increasing the competitiveness of agricultural structures and the transparency of the domestic agricultural markets.</p>	<p>In the context of ENPARD assistance, the Commission maintains policy dialogue with the authorities of Moldova, Armenia, Azerbaijan and Georgia. This is in line with the 2014-2017 Single Support Frameworks for these countries.</p> <p>At a regional level, the European Commission complements the bilateral dialogues with high-level dialogue (i.e. meeting of the EU and Eastern Partners' ministers of agriculture in Chisinau in January 2014).</p>

<p><b>N°17 TTIP and its impact on SMEs (own-initiative opinion)</b>  <b>EESC 2015/0561 - REX/433</b>  <b>509<sup>th</sup> Plenary Session - July 2015</b>  <b>Rapporteur: Ms Emmanuelle BUTAUD-STUBBS (GR11-EL)</b>  <b>DG TRADE – Commissioner MALMSTRÖM</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.2 The two studies conducted by DG TRADE on SMEs, one on challenges and opportunities for exporting SMEs in general and one more recent study published in April 2015 specifically on SMEs and the TTIP, are useful but do not cover all aspects. They are relevant in the way they present certain difficulties relating to the internationalisation of SMEs and the trade and regulatory barriers they face, but they do not provide an exact, evidence-based and detailed assessment, by sector and Member State, of the impact that the TTIP could have on exporting and non-exporting companies integrated into the various value chains.</p> <p>1.3 The EESC therefore calls on the European Commission to carry out a new impact assessment on SMEs or very small enterprises (VSEs), micro-enterprises and liberal professions, regardless of whether or not they intend to export, in order to gauge the potential impact of an integrated transatlantic market in their sectors of activity (agriculture and agri-food, tourism, crafts, the hotel industry, catering, manufacturing and services, etc.). It is crucial to be able to anticipate how these businesses will be affected by the opening</p>	<p>The Commission (DG TRADE) has recently conducted two studies on SMEs. The first one highlighted the importance of extra-EU exports by SMEs of all sizes covering all Member States ("SMEs are more important than you think") using Eurostat statistics. This study has used Member States' statistics compiled by Eurostat and highlights the importance of extra-EU exports by SMEs from individual Member States. The second study ("SMEs and the Transatlantic Trade and Investment Partnership") identified export barriers faced by EU SMEs in the US market using a survey as part of the ongoing TTIP Sustainability Impact Assessment. The survey reached out to all EU firms of all sizes and sectors willing to contribute regardless of whether they intended to export to the US or not. The evidence gathered from the survey brought light onto the areas', sectors and Member States that could benefit from TTIP. It also highlighted that firms of all sizes (including professionals) would benefit.</p> <p>For an assessment on the importance of value chains in exports, the</p>

<p>of a more integrated transatlantic market. Will the TTIP bring about a change in their business models, production methods, regulatory framework, service delivery or strategies in terms of investment and jobs once this new area of competition is in place?</p>	<p>Commission recommends the study "EU Exports to the World: Effects on Employment and Income" of 2015 by DG Trade and DG JRC.</p> <p>The ongoing TTIP Sustainability Impact Assessment will analyse the overall effects of TTIP for SMEs and will also look at sector-specific effects on EU SMEs.</p>
<p>1.4 The EESC would like to use the opportunity provided by the negotiations with the US to better monitor SME support policies on each side of the Atlantic through an evidence-based approach (e.g. benchmarking public procurement and SMEs, access to finance and to capital market conditions, disaster management, access to market information/requirements and Small Business Standards). This comparison will doubtless identify appropriate new measures for supporting SMEs and thereby strengthen the practical implementation of the European Small Business Act (SBA). The Committee is currently drawing up an opinion on the subject (INT/755) which follows up on previous opinions on the same subject. It considers that the time has now come for the European institutions to heed the call by European and national SME organisations for a legally binding SBA and more closely coordinated industrial and trade policies. The network of "SME envoys" also needs to be turned into a more effective real authority responsible for coordinating, monitoring and enforcing SME policy in the internal market, advocating the emerging needs of and appropriate solutions for SMEs.</p>	<p>SME support policies of each side are monitored in parallel to ongoing TTIP negotiations.</p> <p>In the context of EU-US SME Dialogue, the Commission together with the US Government exchanges, in a regular way, information related to SME support policies. Discussions include access to finance, access to standards, access to information on available programs, closer interaction between the Enterprise Europe Network (EEN) and the Department of Commerce International Trade Administration, cluster policy, etc.</p> <p>The SBA, which is a Communication, is not legally binding as such. However it includes both legally binding actions and politically binding targets for Member States.</p> <p>In the Commission's view the composition of the SME Envoy Network is satisfactory. The rank and title of the members varies depending on the Member State, including ministers and state secretaries.</p> <p>Since 1 June 2015 it is the Member of</p>

	<p>the Commission responsible for the Internal Market, Industry, Entrepreneurship and SMEs herself who chairs the Network. As regards enforcement, it should also be noted that wherever SME policy has a legal basis to be enforced (for example in the area of late payments), the task of enforcing is clearly attributed to the authority having the necessary competence. Attributing enforcement competence to a group like the SME Envoy Network would not necessarily be coherent with existing structures, both at a European and Member States level.</p>
<p>1.4.1 The SME category in the EU is itself highly varied, with a high percentage of very small enterprises with fewer than nine employees. Moreover, the distribution of SMEs by size also varies widely among the Member States. The same is true for regulated and non-regulated liberal professions. Given the strong presence of micro-enterprises in trade, manufacturing and craft industries, the EESC recommends that the Commission, in coordination with the authorities of the Member States most concerned (including public/private research institutes and universities), organise local awareness-raising and information campaigns and training seminars in order to ensure better understanding of the various chapters of the TTIP and the sectors covered, the opportunities involved and the "points to watch".</p>	<p>This is a horizontal task for many actors during the TTIP negotiation and in the implementation phase: Member States, business organisations, Commission services, etc.</p> <p>It is the Commission's intention to communicate in a systematic way on benefits that TTIP would offer to European companies, including SMEs. It is to be understood that the main thrust of actions will be delivered in the implementation phase of the Agreement.</p>
<p>1.4.2 In the EU the liberal professions – regulated and non-regulated – represent a</p>	<p>Liberal professions are often organised in small companies and therefore fall</p>

<p>system of sensitive services in the interest of clients and society in general that have been granted a specific role.</p>	<p>under the SME definition. Furthermore, these professions are included in the scope of TTIP negotiations. As a consequence, they may profit from the agreement in many ways, e.g. TTIP will ensure that EU providers of professional services are not discriminated in the US based on their nationality, or, in the case of certain professions, that EU qualifications are recognized in the US. At the same time TTIP maintains broad prerogatives for governments to regulate these professions. .</p>
<p>1.5 The EESC is pleased that there is a chapter on SMEs in the negotiations but would like to improve the content, and has therefore drawn up proposals set out in the section on specific comments. The current content proposed by the European Commission needs to be fleshed out in several areas, including ways in which SMEs may be represented in the future SME committee and the remit of this committee.</p> <p>The EESC asks the European Commission, the European Parliament and other competent authorities to introduce an "SME Chapter" as a permanent Chapter in current and future trade negotiations in which the interests of EU SMEs will be taken into account in order to deploy the potential benefits in different regions and markets. This, along with the "think small first" principle applied in trade policies, will guarantee that SMEs could and should be beneficiaries and first actors of globalisation processes.</p>	<p>The SME Committee issue is still in negotiation and depends also on the overall institutional set-up, but the Commission would welcome strong interaction between the SME Committee and SME stakeholders, for example through the mechanisms already established by the annual EU-US SME dialogue.</p> <p>In line with the new EU trade strategy, the Commission will include dedicated SME provisions in all future negotiations, beginning with the TTIP negotiation.</p>

<p>1.6 The EESC asks the European Commission's SMEs Envoy to ensure that small and micro-enterprises and the liberal professions are represented in the negotiation process, with at least one specific seat on the TTIP Advisory Group, in order to overcome information gaps, to guarantee necessary multi-sector expertise and to be compliant with basic transparency on information/data of common interest.</p> <p>It would also recommend that SMEs' economic, professional and sectoral organisations be assisted when providing SMEs and micro-enterprises with support and guidance in cooperation with interested science and research bodies, and that financing measures be established where necessary.</p> <p>The EESC calls for the mutual recognition of qualifications and certifications for all stages of government activity and a level playing field at all levels of public procurement (including federal states, regions and municipalities).</p>	<p>The TTIP Advisory Group includes an SME representative (Felix Neugart/DIHK – Eurochambres – with involvement of UEAPME).</p> <p>These issues are part of the TTIP negotiation.</p>
<p>2.7.1 In view of the obstacles that they encounter and their limited resources, SMEs – particularly small and micro-enterprises – primarily need mentoring services and tailored advice, including in the area of employee training (personalised follow-up or coaching, tutoring or mentoring, etc.) generally provided by their professional and sectoral bodies. Steps must be taken to ensure that these bodies have the logistical resources needed to be able to inform and advise businesses and provide them with tailored support, partly through the European Structural and</p>	<p>Although international markets offer important opportunities for European enterprises to become more competitive, increase turnover and grow, European SMEs still face substantial difficulties that keep them from internationalizing, especially beyond the Internal Market. To help overcome these shortcomings, the Commission will publish a call for tenders aimed at selecting an experienced contractor (or consortium) that will have the task of providing tailored training and matchmaking</p>

<p>Investment Funds (ESIF).</p>	<p>support to SMEs located in the EU and COSME participating countries. Actions will be aimed at designing an up to date methodology to support and trigger the capacity of SMEs to develop international business, and innovation in a given set of markets in third countries.</p>
<p>2.7.2 In addition to the mentoring services and advice tailored to each SME on the basis of its specific characteristics and needs, businesses must be able to access the resources needed to cover their tangible and intangible investments. To this end, alongside the European Structural and Investment Funds (ESIF), the EESC recommends that the COSME programme's financial instruments, particularly venture capital and guarantee systems, be readily accessible to SMEs including those willing to invest in the US markets.</p>	<p>The Commission works together with Member States to improve access to finance by mobilising loans and venture capital to SMEs.</p> <p>The COSME financial instrument provides guarantees for loans and venture capital to SMEs. They will increase available financing to SMEs by about EUR 25 billion in the period 2014-2020.</p> <p>The COSME programme is available for all SMEs that are established and operated in one or more EU Member States and COSME countries.</p>
<p>2.8.1 Cooperation on SMEs</p> <p>The Parties should exchange information, develop and make available tools and resources related to intellectual property rights, share good regulatory practices, support measures for businesses, and encourage venture capital and investment in small companies in order to increase SMEs' competitiveness in international trade.</p>	<p>See above (1.4). Additionally, the SME Chapter envisages a robust section on information sharing (Article X2 of the EU proposal).</p>
<p>2.8.2 Market data and information sharing</p> <p>The current proposal of Article X2 covers information sharing between Parties. A website containing the most relevant</p>	<p>This issue is still under negotiation.</p> <p>Subject to the final outcome of negotiations, it is the Commission's</p>



<p>information (such as the text of the TTIP Agreement, customs regulations, registry of technical regulations in force, sanitary and phytosanitary measures, rules on public procurement, and business registration procedures) should be established. The Data Harmonisation Programme concerning the most relevant areas of interest of SMEs should be the subject of a joint analysis carried out by an ad hoc EU/US expert Task Force.</p> <p>An online database with all tariff nomenclature codes and rates of duty, rules of origin, country of origin marking requirements, etc. should be provided by the Parties in all EU languages.</p>	<p>intention to ensure that EU companies will benefit from a comprehensive website on SME relevant issues, as proposed by the EU draft text of the SME Chapter.</p>
<p>2.8.3 Help desk</p> <p>A single information point is mentioned in the text proposed by the European Commission (Article X2.c). It is also required by the Transatlantic Economic Council. An extended sub-network of such information points, supported by reliable representative organisations of SMEs with established contacts in the EU and US business environments could guarantee a qualified impact and more committed involvement by different authorities and a wide range of stakeholders.</p>	<p>The negotiation on information sharing is still ongoing. The EU proposes a single point where information can be found.</p>
<p>3.1 Gauging the impact of differences in how SMEs are defined</p> <p>The Europeans and Americans interpret the concept of "SME" differently, with a maximum possible difference in the number of employees ranging from 250 to 1 000. In addition to this, the US definition is defined by sectors - it refers mainly to</p>	<p>The draft TTIP chapter on SME does not define SMEs and would be implemented on an <i>erga omnes</i> basis. For example, the website providing information on the EU and US tariffs and regulation will be accessible to all EU and US companies. At the same time, SMEs are those who benefit the</p>

<p>companies employing fewer than 500 but in some sectors include companies up to 750 and even 1000 employees. For most sectors, it does not refer to turnover or balance sheet total.</p> <p>The EESC asks the European Commission to draw up a detailed table of the definition of SME in the US, sector by sector, and most importantly to begin work to verify that these differences in definition are not detrimental to smaller European SMEs.</p>	<p>most from these provisions, as they do not have dedicated personnel dealing with these types of issues.</p> <p>If in other parts of TTIP market access commitments would be limited to SMEs (such as the SME set-aside in procurement), it should be clear whether the US or EU definition will be used. A solution under which each party will apply its own definition on its own territory also to SMEs of the other Parties could be the most simple, as it would not require legislative changes.</p>
<p>3.1.1 The professions – regulated and non-regulated – are a special kind of SME that exist in various shapes and to varying degrees in all the EU Member States. These SMEs offer goods and services based on specific expertise; they are highly trusted by their customers and must meet particular standards of independence. Not only are they important economic partners, they also play a role in the European social model.</p>	<p>See above (1.4.2)</p>
<p>3.2 Assessing and monitoring the impact of a broader transatlantic market on exporting and non-exporting enterprises.</p> <p>Given the importance of SMEs for the European economy, the EESC considers it essential, particularly in light of the implications for employment, to study a plan for an impact assessment detailing by sector and by Member State the likely</p>	<p>See above (1.2)</p>

<sup>1</sup> ITRE Committee, *TTIP impact on European Energy markets and manufacturing industries*, 2015 ([http://www.europarl.europa.eu/RegData/etudes/STUD/2015/536316/IPOL\\_STU\(2015\)536316\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/536316/IPOL_STU(2015)536316_EN.pdf)).

consequences that the entry into force of the TTIP would have, under current negotiating terms, on European SMEs. Ex-ante and ex-post impact studies need to be conducted on SMEs/VSEs, micro-enterprises and liberal professions, whether or not they intend to export, in order to gauge the potential impact of the creation of a transatlantic market.

The European Parliament has already looked at the impact of the TTIP on manufacturing industries and the energy market, and has concluded that the impact will be positive, but will vary according to the sector of activity<sup>1</sup>. The impact on other sectors, however, with closer links to the local economy (agriculture, tourism, crafts, the hotel industry, ICT, catering, industry, self-employed, services, liberal professions, etc.) has not yet been specifically studied.

The next negotiation rounds of the TTIP need to achieve an ambitious outcome for the agricultural sector, with special emphasis on market access, geographical indications and sanitary and phytosanitary measures. It is imperative to preserve the high standards of food safety and animal and human health in force in the EU.

It is crucial to be able to anticipate how these businesses will be affected by the opening of a more integrated transatlantic market. Will the TTIP bring about a change in their business models, production methods, service delivery or strategies in terms of investment and jobs once this new area of competition is in place?

It is also necessary to provide for adjustment measures and policies enabling

External experts made these TTIP impact conclusions in an independent study commissioned by a European Parliament Committee (ITRE Committee).

TTIP will not lower standards in the EU.

See above (1.2)

<p>all European SMEs to make the most of the TTIP.</p>	
<p>3.3 A new de minimis threshold to help SMEs/VSEs to "test" the market on a very small scale</p> <p>De minimis limits set thresholds below which no duty or tax is charged and clearance procedures, including data requirements, are minimal.</p> <p>There is a demand from the Atlantic Council and generally a push from the US side to raise the existing de minimis limits to USD 800 for packages shipped by small businesses entering the United States or the European Union (current levels are respectively USD 200 and EUR 150). In the EU, even if the goods are exempt from customs duties, VAT is levied on consignments with a value of more than EUR 10 to EUR 22 (depending on the Member State).</p> <p>Raising the de minimis threshold for travellers arriving by air and on inbound packages could help SMEs, particularly new start-ups, particularly in the area of consumer goods, to start their exports at a low scale or to engage in online business without paying any duties. The EESC asks the European Commission to assess the feasibility of this demand (impact on customs revenues, intellectual property rights, etc.).</p> <p>The EESC welcomes the EU initiative to set up a database – 10 things to know when doing business online for European operators who export their goods to other EU Member States. The Committee</p>	<p>Some issues SMEs face are related to taxation, which is a responsibility of Member States. The latter decide, for example, in areas such as raising de minimis thresholds on customs duties and value added taxes (VAT). However, the TTIP ambition is zero customs duty from the first day with very few justified exceptions; the latter most likely will not be traded electronically. Higher VAT thresholds are not only a concern for public budgets, but also for local business which would be discriminated due to their obligation to pay VAT for all products. The Commission will, however, attempt to simplify the payment of VAT, thereby reducing the administrative burden to a minimum.</p>

<p>believes that this database could also be adapted to transatlantic trade.</p>	
<p>3.4 Necessary access to all relevant information on a multilingual portal</p> <p>The EESC supports the Commission's request as regards the creation of a portal for SMEs and would like to make the following requests:</p> <ul style="list-style-type: none"> <li>- all information should be provided in the 24 official EU languages;</li> <li>- the software tool should be as simple as possible and user friendly;</li> <li>- the operation of the database should be tested by a panel of EU SMEs in order to be sure that the tool answers their needs;</li> <li>- the database should also include a human interface with a team able to answer questions on the US and EU sides.</li> </ul> <p>The Commission report on SMEs and the TTIP shows clearly that a substantial number of firms, whilst being aware of the measures that apply to their exports, have no way of knowing whether these are federal measures, federal state measures or private standards. It is therefore important that the authorities are able to identify systematically which procedures and regulations are found to be particularly difficult for SMEs and to provide specific forms explaining the problem and the procedure for complying with requirements.</p>	<p>See above (2.8.2. and 2.8.3.).</p>

<p>3.5 A representative SME committee with specific prerogatives</p> <p>The EESC is pleased that the dialogue already in place is to be put on a formal footing by the European and American authorities responsible for SMEs. Nevertheless, it considers that SME organisations should be appropriately represented in the transatlantic dialogue concerning them, and that the membership of the future SME committee should not be limited to national administrations but opened up to organisations representing SMEs/VSEs and micro-enterprises on both sides of the Atlantic.</p> <p>The EESC suggests that the future SME committee be given the following remit: monitoring the way in which the TTIP is implemented in respect of SMEs/VSEs and micro-enterprises, and its effects on their employees and customers, conducting impact studies, issuing proposals on how to solve the difficulties encountered by SMEs/VSEs and micro-enterprises and their employees and customers, and channelling information to these businesses, etc.</p>	<p>See above (1.5. and 1.6.).</p>
<p>3.6 An information campaign at national and regional levels</p> <p>Correct information for SMEs is key to enabling them to benefit from the new trade opportunities offered by the TTIP (removal of customs duties, trade facilitation and regulatory cooperation resulting in approximation or mutual recognition of conformity assessments, qualifications and professional regulations).</p>	<p>See above (1.4.1.).</p>

This information cannot only be provided by websites. In order to increase SMEs' knowledge and understanding of available tools and public support initiatives, an awareness-raising campaign involving international trade specialists and experts on export to and investment in the US should be rolled out for SMEs. Existing tools that can help internationalisation of SMEs such as the Market Access Database and Enterprise Europe Network are still largely unknown to SMEs. Efforts to achieve internationalisation and going abroad for companies begin in their home countries; therefore attention should be paid to resources, and help for SMEs could be provided at Member State and, possibly, at EU level.

The EESC also recommends establishing a network of associations of European and American SMEs, with the task of promoting the TTIP with an authentic "bottom-up" approach.

The Enterprise Europe Network (EEN) was created in 2008 and renewed in 2015 to help SMEs internationalise and increase their competitiveness. The Network is present in more than 60 countries, including the US, composed of 600 partner organisations, and provides information and advisory services. Information and advice on the opportunities offered by TTIP is a major subject in this respect. Additionally, facilitating partnership services between SMEs from both sides remains the Commission's priority.

Further synergies can be created between EEN and US institutions providing advisory services for companies.

3.7.1 It is important that the TTIP is not

This issue is part of the TTIP

<p>seen as a tool for dismantling preferential treatment for SMEs given in public procurement contracts at local and regional level. Such preferences should be maintained by the TTIP, provided they apply without distinction to European and American SMEs.</p>	<p>negotiation.</p>
<p>3.7.2 In addition, it is crucial that the "Think Small First" principle is applied in the negotiation process and in regulatory cooperation, so that the priorities and real-life situations of small and micro-enterprises are taken into account from the very beginning of the legislative process, and their specific interests safeguarded.</p> <p>The EESC therefore asks that small and micro-enterprises be specifically represented on the TTIP Advisory Board.</p>	<p>It is the Commission's intention to take into account the interests of SMEs in the context of TTIP negotiations.</p> <p>See above (1.6.).</p>
<p>3.7.3 As regards regulatory cooperation, it must be possible to offer tailored support to help SMEs, particularly small and micro-enterprises, achieve regulatory compliance.</p>	<p>See above (2.8.3).</p>
<p>3.7.4 It should be stressed that a large number of the companies likely to invest in or export to the transatlantic market are companies that innovate and need rigorous, clear rules on the protection of intellectual property, both in the US and in the EU.</p>	<p>This issue is part of the TTIP negotiation.</p>
<p>3.7.5 As regards the agri-food sector, special attention needs to be paid to companies that base their production and related processes on ethical, cultural and environmental considerations. It is crucial to continue to foster trade in such products as they contribute to sustainable development. It is also necessary to ensure proper protection of geographical</p>	<p>This issue is part of the TTIP negotiation.</p>



<p>indications, as these provide consumers with a guarantee both of a product's origin and of its method of production. The EU has for years been pursuing a quality policy for its products: this is one of the main factors in giving EU producers a competitive edge, makes a significant contribution to preserving its cultural and gastronomic tradition, and upholds rural development together with policies to support the market and producers' incomes.</p>	
<p>3.7.6 In a separate opinion, the EESC will be taking stock of the SBA in the US and the EU in order to have a clear understanding of the benefits that the US SBA offers American SMEs in terms of access to public procurement or financing, for example. It will thus be possible, at the appropriate juncture, to propose improvements to, and more efficient working methods for, the European SBA, with a view to making it more favourable for European SMEs and more binding.</p>	<p>See the Commission's reply with regard to the EESC opinion "SBA experiences in the USA and EU: best practices for innovative SME actions" (INT/755 of 16 September 2015).</p>

<p><b>N°18 The revision of the EU-Mexico Association Agreement (own-initiative opinion)</b>  <b>EESC 2015/1608 - REX/412</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Mr José Isaías RODRÍGUEZ GARCÍA-CARO (GR11-ES)</b>  <b>DG TRADE – Commissioner MALMSTRÖM</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>The revitalisation of relations with Mexico must be carried out from the viewpoint of the European Union's overall relations with Latin America and the Caribbean. In addition to purely economic and trade aspects, this process should value other shared historical and cultural ties.</p>	<p>The Commission considers that a modernisation of the Agreement should not be limited to trade matters but should cover all pillars of the EU-Mexico Global Agreement, including political dialogue and cooperation.</p>
<p>It would be more efficient to carry out a thorough review that broadens the scope of the existing agreement, factoring in experience gained during the 15 years that the agreement has been in force, than starting from scratch and negotiating a completely new agreement.</p>	<p>The Commission initiative (still to be adopted by the College) would build on the existing EU-Mexico Global Agreement and would draw on the experience gained from Trade Agreements (concluded recently or being negotiated with other countries), which provide useful benchmarks or reference points for a new framework for the EU-Mexico trade and investment relationship.</p>
<p>It is necessary to establish immediately a Joint Consultative Committee (JCC), comprised of nine or 12 representatives from the EESC and an equal number from Mexican organised civil society. Civil society's proposals would be presented to the JCC and the latter would have advisory powers over the general content of the existing Agreement as well as the</p>	<p>The creation of an autonomous space for Mexican and European civil society (with a consultative role), as well as the possible organisation of meetings with civil society representatives in the margins of relevant sectoral dialogues (following the example of the human rights dialogue) is clearly a point to be addressed in the modernisation process</p>

<p>modernised one.</p>	<p>of the Agreement. Moreover, the Commission will enable regular monitoring of the negotiation process by civil society through regular debriefings with the negotiators during each round. In addition, the Commission will also request the Council to publish the negotiating directives.</p>
<p>The modernised Agreement should include a section which requires the parties to ratify and enforce the International Labour Organisation (ILO) conventions and resolutions on fundamental social rights and principles, which encompass the ILO "decent work" objectives, and particularly, ILO Convention 98 on the application of the principles of the right to organise and collective bargaining.</p>	<p>One of the joint objectives of the modernisation the EU-Mexico Global Agreement would be to include a sustainable development chapter with provisions on trade and labour and environment. Such a chapter should include a commitment to ratify and effectively implement the eight core ILO conventions, as is the case in other recently concluded EU trade agreements.</p>
<p>Certain aspects of the existing Agreement relating to non-tariff barriers, investment protection and intellectual property rights (IPR) should be improved, and cooperation on taxation enhanced for the purposes of ending fraud and tax evasion.</p>	<p>Both sides are interested in a comprehensive and ambitious modernisation of the trade pillar of the existing Agreement in order to address a broad range of issues, including market access in agriculture, trade in services, investment protection and investment dispute resolution, technical barriers to trade, sanitary and phytosanitary measures, Intellectual Property Rights (IPR), public procurement, trade facilitation, competition, and trade and sustainable development.</p>
<p>In order to highlight the components of the strategic partnership and to create synergy, the EESC indicates three areas that it considers priorities for reinforced</p>	<p>Both sides consider that the modernisation of the Agreement would provide opportunities to enhance cooperation in key areas such as</p>

cooperation: better governance, scientific and technical research and cooperation on sustainable development, climate change and environmental protection.	science and technology, environment and climate change, and good governance.
--	--

<p><b>N°19 Green Paper on Building a Capital Markets Union</b>  <b>COM(2015) 63 final – EESC 2015/1333 -- ECO/379</b>  <b>509<sup>th</sup> Plenary Session - July 2015</b>  <b>Rapporteur: Mr Juan MENDOZA CASTRO (GRII-ES)</b>  <b>Co-rapporteur: Ms Milena ANGELOVA (GRI-BG)</b>  <b>DG FISMA - Commissioner HILL</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>The Opinion welcomes the actions outlined in the Green Paper on Building a Capital Markets Union (CMU) and underlines that it is essential to take initiatives which would bring benefits to all Member States.</p>	<p>The Commission adopted on 30 September 2015 an Action Plan on Building a Capital Markets Union ('the CMU Action Plan') which sets out the steps that the Commission will take in order to build a Capital Markets Union by 2019.</p> <p>The Commission's goal is that the CMU benefits all 28 Member States, in particular those where capital markets are less well developed and where SMEs need additional investment to grow.</p> <p>CMU will provide a wider range of finance opportunities to companies with high-growth potential and strong commercial prospects, regardless of where they are located. It will also provide an increased capacity to attract investment through the removal of barriers which prevent a better allocation of capital across borders, such as reduction in tax deterrents, more efficient business insolvency procedures, and more efficient clearing and settlement processes.</p> <p>For EU investors, the CMU should bring greater choice and higher potential</p>

	<p>returns for investors across the EU through efforts to enhance the range of retail investment products on offer, and increased efficiency and service quality in the intermediation chain.</p>
<p>The Opinion stresses the need for measures that will allow SMEs to benefit from a Capital Markets Union. It calls for SMEs specific needs to be taken into account in any future decision related to the CMU.</p> <p>The Opinion calls for diversifying the sources of funding for the EU companies, SMEs in particular, and calls for reducing the cost of raising capital.</p>	<p>The CMU Action Plan encompasses a comprehensive package of actions targeted to improving the financing of SMEs by developing and diversifying market-based sources of funding. These include: modernising the Prospectus Directive to make it less costly for businesses to raise funds publicly (through a Commission legislative proposal for a Prospectus Regulation which was adopted on 30 November 2015), review regulatory barriers to small firms listing on equity and debt markets; developing the capacity to link SMEs in search of funding with potential non-bank investors; and promoting advisory capacity in all Member States to assist SMEs that could benefit from alternative sources of finance.</p>
<p>The Opinion underlines the need to grant access to capital to high growth companies.</p>	<p>The Action Plan proposes a comprehensive package of measures to support venture capital and equity financing to address structural weaknesses in the European venture capital market, such as lack of critical mass and market fragmentation.</p> <p>This will include a review of the existing legislation on venture capital – the Regulations on the European Venture Capital (EuVECA) and European Social Entrepreneurship Funds (EuSEF) regulations, pan-</p>

	<p>European funds-of-funds which would combine public with private investment, as well as the promotion of best practice on tax incentives for more venture capital and business angel investment.</p> <p>The Commission also intends to promote innovative forms of corporate financing, such as loan origination by funds.</p>
<p>The Opinion expresses that sustainable high quality securitisation calls for promoting basic structures with short intermediation chains.</p>	<p>As announced in the Action Plan, the Commission adopted on 30 September 2015 a proposal to revive securitisation markets in the EU, by establishing criteria for simple, transparent and standardised securitisations and amending the bank capital rules to provide more appropriate treatment. That proposal aims at building the conditions for the development of a sustainable EU market for securitisation, which would help financing the economy, SMEs in particular.</p>
<p>An effective CMU is not possible without involving and attracting retail investors.</p>	<p>The Commission agrees that a successful CMU is not possible without building the confidence and trust of retail investors. The Commission has launched preparatory work on ways to boost consumer choice and competition in cross border retail financial services and insurance, through a Green Paper which was adopted on 10 December 2015.</p> <p>To enable European households to save more effectively for their retirement, the Commission will look into the possibilities of developing a policy</p>

	<p>framework to establish a successful European market for simple and competitive personal pensions to complement existing national solutions.</p>
<p>CMU should enhance the flow of capital from investors to European investment projects.</p>	<p>The Action Plan recognises that good infrastructure is a key factor for competitiveness and sustainable growth in the EU. It therefore includes actions aimed at attracting additional private capital from institutional investors for more investments in infrastructure. The Commission proposed on 30 September 2015 reductions of capital requirements in Solvency II for investments in infrastructure to better reflect the level of risk in such investments and therefore provide incentives for insurance companies to invest in such projects.</p> <p>The Commission will also analyse the treatment of infrastructure investments in the Capital Requirements Regulation and propose changes, if appropriate. Another measure which should provide for wider opportunities for institutional investors consists in gathering and analyzing the main barriers to the cross-border distribution of investment funds with a view to eliminating them.</p>
<p>The Opinion calls for the Commission to create the conditions for an efficient, modern financial services sector with appropriate but not excessive legislation.</p>	<p>The Action Plan envisages the use of a wide range of instruments by the Commission in order to build a CMU. In accordance with the principles of Better Regulation and the Interinstitutional agreement on better law-making, the Commission will resort to legislation only where necessary to address issues that concern all Member States and</p>



	<p>following appropriate consultation and impact assessment. The Commission will also use a variety of non-legislative tools to address some of the challenges to better functioning and more integrated capital markets, such as promoting best practice and market-led initiatives, or enforcement of the single rulebook for capital markets.</p>
--	--

<p><b>N°20 Environmental, social and health claims in the Single Market (own-initiative opinion)</b>  <b>EESC 2015/0503 - INT/766</b>  <b>509<sup>th</sup> Plenary Session - July 2015</b>  <b>Rapporteur: Mr Bernardo HERNÁNDEZ BATALLER (GR III-ES)</b>  <b>DG JUST – Commissioner JOUROVÁ</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.1 Marketing communication is an important tool enabling companies to publicise their products and services in a transparent manner, ensuring that the internal market operates smoothly and offers a high degree of consumer protection. Some messages, however, are not reliable or contain inaccuracies, making environmental, social or ethical and health-related claims that are damaging to businesses that comply with all the rules and to consumers.</p> <p>2.12 In short, the EESC supports the existence of higher-quality products and services that are ethically produced, or which are distinguished by their better environmental and/or social performance, and the existence of environmental, social and health-related claims focusing this opinion on claims and marketing communications that are false, inaccurate or lead to confusion.</p>	<p>The Commission fully shares the position of the EESC that environmental, social and health claims should be reliable and accurate. Misleading or confusing claims can indeed be of significant detriment to consumers and to businesses which play by the rules.</p> <p>The following Commission initiatives aim at ensuring that commercial communications using environmental, social, ethical and health claims do not mislead consumers and other businesses (more details below if relevant):</p> <ul style="list-style-type: none"> <li>- Directive 2005/29/EC on Unfair Commercial Practices (applies to business-to-consumer commercial communications);</li> <li>- Directive 2006/114/EC on Misleading and Comparative Advertising (applies to business-to-business commercial communications);</li> <li>- Regulation (EC) No 1924/2006/EU on Nutrition and Health Claims made on foods;</li> </ul>

	<ul style="list-style-type: none"> <li>- Regulation (EC) No 1223/2009 on Cosmetic Products and Commission Regulation (EU) No 655/2013 laying down common criteria for the justification of claims used in relation to cosmetic products;</li> <li>- Building the Single Market for Green Products facilitating better information on the environmental performance of products and organisations (COM (2013) 196 final);</li> <li>- Multi-Stakeholder Dialogue on environmental claims;</li> <li>- 2011-2014 Communication on Corporate Social Responsibility (work ongoing for a possible updated action plan);</li> <li>- other Commission initiatives which support the promotion of responsible business: Directive 2004/17/EC and Directive 2004/18/EC on procurement<sup>1</sup>, Directive 2014/95/EU on disclosure of non-financial and diversity information by certain large undertakings and groups<sup>1</sup>, evaluation of Regulation (EU) No 995/2010 on obligations of operators who place timber and timber products on the market<sup>2</sup>, Staff Working Document on the EU's Implementation of the UN Guiding Principles on Business and Human Rights<sup>34</sup>.</li> </ul>
--	--

---

<sup>1</sup> Remain in force until 17 April 2016, will then be replaced by Directive 2014/23/EU , Directive 2014/24/EU and Directive 2014/25/EU.

<p>1.2 The environmental and social performance of products and services is currently measured and communicated using a range of channels and formats, under different initiatives, in differing formats and based on a variety of methodologies for assessment. The European Economic and Social Committee (EESC) believes it is important that the Commission put forward European methodologies for measuring and communicating the overall environmental impact of products and services. An inventory of official labels should also be compiled, specifying their meaning and the bodies accredited for awarding, validating and differentiating them. In any case, consumers have the right to have clear and precise information on a product's origin.</p> <p>4.6 One measure to make the workings of the market more transparent might be to introduce harmonised European methodologies, such as the so-called “environmental footprint”, making it possible to establish the environmental traceability of products and organisations. These methods should be based on commonly-used international standards, such as ISO 14201, on Environmental labels and declarations: Self-declared environmental claims, or the International Chamber of Commerce Code.</p>	<p>Environmental footprint</p> <p>Initiatives carried out in the environmental footprint area should indeed allow setting up methodologies for assessing and communicating the overall environmental impact of products and services. The Product and Organisation Environmental Footprint methods were established in 2013 for measuring and communicating the life cycle environmental performance of products and organisations. A pilot phase is ongoing between 2013 and 2016 with the contribution of volunteering companies, associations and stakeholders. The aim is to test the development of product-specific and sector-specific "recipes" on how to calculate the environmental footprint and to test ways of communicating life cycle environmental performance. If the pilot is successful, the Environmental Footprint methods can help substantiate green claims, based on state-of-the-art science. Such methods would ensure that claims are based on an analysis that takes into account all relevant environmental issues related to the product and therefore not mislead consumers regarding the environmental performance of the product or company.</p> <p>When developing the methods, the Commission took into consideration</p>
--	--

<sup>1</sup> Entered into force on 6 December 2014. Member States have two years to transpose it into national legislation.

<sup>2</sup> [http://ec.europa.eu/environment/forests/timber\\_regulation.htm](http://ec.europa.eu/environment/forests/timber_regulation.htm).

<sup>3</sup> [http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item\\_id=8374](http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8374).

<sup>4</sup> <http://ec.europa.eu/DocsRoom/documents/11621/attachments/1/translations/en/renditions/native>.

existing standards and methods such as the international Reference Life Cycle Data System (ILCD) Handbook as well as other existing methodological standards and guidance documents (ISO 14040-44, PAS 2050, BP X30, WRI/WBCSD GHG protocol, Sustainability Consortium, ISO 14025, etc).

#### Inventory of official labels

Any follow-up by the Commission on this request to compile an inventory of official labels will be likely to require significant resources.

#### Origin labelling of food products

A report produced under the Consumer Programme (2007-2013) already made an inventory of voluntary food labelling schemes in 2013<sup>1</sup>: 901 schemes were identified across Europe, 78% were certification schemes, 540 were origin labelling schemes, 208 were traceability schemes and 174 were related to environment management. Regarding origin labelling, it is already mandatory for certain food categories, such as fruits and vegetables, honey, fish, eggs, and the meats of beef, swine, sheep, goat and poultry. Recent Commission reports have investigated the possibility to extend this mandatory origin labelling regime to other food categories but concluded that voluntary origin labelling remains the

---

<sup>1</sup>[http://ec.europa.eu/consumers/consumer\\_evidence/market\\_studies/food\\_labelling/docs/final\\_report\\_food\\_labelling\\_scheme\\_full\\_en.pdf](http://ec.europa.eu/consumers/consumer_evidence/market_studies/food_labelling/docs/final_report_food_labelling_scheme_full_en.pdf).

	<p>best option.</p> <p>Origin labelling of non-food products</p> <p>As regards information to consumers on a product's origin, the Commission included a provision on mandatory country of origin labelling in its proposal for a Regulation on consumer product safety (COM(2013)78). Negotiations on the proposal are however blocked in the Council due to divergent positions of Member States as regards mandatory origin labelling. In any case, according to Article 6 of Directive 2005/29/EC on unfair commercial practices, traders must not give false or misleading information about the geographical origin of products.</p>
<p>1.3 The EESC hopes that, with a view to extending Directive 2005/29/EC, the Commission will revise the guidelines facilitating consumers' and businesses' access to reliable and transparent information and will clarify the use of environmental, ethical and health-related claims in marketing communications.</p>	<p>The Commission aims to adopt an updated version of the guidance document to Directive 2005/29/EC on Unfair Commercial Practices by spring 2016. The updated guidance will further clarify the application of the Directive to a number of widespread unfair practices, for example in the area of environmental claims.</p>
<p>1.4 In the field of administrative cooperation, each Member State's consumer authorities should carry out a "sweep" of environmental, social, ethical and health-related claims, to be able to assess the situation today on the basis of real data.</p>	<p>A "sweep" or a joint enforcement action is a type of coordinated activity that is carried out on a voluntary basis by the Member State authorities, facilitated by the Commission. The topic is chosen based on priorities and other circumstances, including how suitable the practice is to be "swept". Indeed, sweeps are carried out online and aim at assessing compliance, with the EU acquis, of a sector of e-Commerce.</p>

	<p>Environmental, social and health claims may not be easily checked in a sweep action.</p> <p>As regards environmental claims, the situation today has been assessed in the Consumer Market Study on Environmental Claims for non-food products, published in September 2015. The study has examined the presence of environmental claims in different markets, aspects of consumer understanding, the level of compliance with EU legal requirements, and different enforcement and self-regulatory instruments in a selection of EU and third countries. Further details are given below.</p>
<p>7.4 The EESC therefore calls on the European Commission and the Member States to take the appropriate steps, in keeping with the provisions of Regulation (EC) No 2006/2004, in the form of administrative cooperation and in particular promoting joint activities, to eradicate the fraudulent use of inaccurate ethical, environmental or health claims, working closely with European Consumer Centres, which play a crucial role in such situations.</p>	<p>In addition to what has been stated in point 1.4., the Commission is carrying out a study on Misleading ‘free’ trials and subscription traps. The European Consumer Centres are actively involved in this project. This study will map the problems which consumers face when shopping online, including health supplements.</p> <p>Amongst the problems being examined by the study are the difficulties to unsubscribe, impossibility to return the product, long delivery times and the fact that often the consumer is unaware that he/she entered a subscription.</p> <p>The study will be published at the beginning of 2016 and its conclusions will support the work of national authorities and their administrative cooperation on this matter.</p>

1.5 The EU should equip itself with a coherent, comprehensive and consistent legal framework for regulating online marketing communications, which shows due regard for the right to personal privacy and for the protection of other public policy objectives.

The Commission disagrees with the EESC analysis of the current situation, according to which the EU would not have a "*coherent, comprehensive and consistent legal framework for regulation online marketing communications*".

On the contrary, the EU has already adopted both general and specific legislation regulating marketing and advertising practices.

On the general/horizontal level, the Unfair Commercial Practices Directive applies to business-to-consumer commercial practices, while the Misleading and the Comparative Advertising Directive applies to business-to-business commercial practices. In addition, there are a number of sector-specific pieces of EU legislation.

Specifically in regard to online marketing, it should be noted that both these directives apply fully to online commercial practices. One of the objectives of revising the Commission guidance on the Unfair Commercial Practices Directive is exactly to clarify how this Directive applies in the online sector.

Current Commission initiatives in this area should also be seen in the light of the Digital Single Market Strategy, which was presented by the Commission on 6 May 2015. Concrete results of this Strategy are to be expected by 2016.

In addition, the Commission's regulatory



	<p>fitness (REFIT) programme will start this year. The objective of the Fitness Check is to assess the effectiveness, efficiency, coherence and relevance of consumer law instruments, including in the light of market developments.</p>
<p>1.6 The European Commission and the Member States, within the scope of their respective powers, should develop initiatives for surveillance, monitoring and sanctions in relation to existing self-regulation and co-regulation schemes in this area that cover environmental, social and health-related claims. It should be ensured, in particular, that national and European self-regulatory bodies in the field of advertising meet the standards set out in the Community provisions and recommendations, especially with the aim of securing a high degree of consumer protection. Consumer organisations should also be informed when codes of conduct are drawn up, so that they can be involved in the drafting process.</p>	<p>The Commission's Better Regulation Package, adopted in May 2015, acknowledges the role that self and co-regulation can play in the EU policy context.</p> <p>Directive 2005/29/EC on unfair commercial practices recognises the importance of self-regulation mechanisms and clarifies the role that code owners and self-regulatory bodies can play in enforcement.</p> <p>In particular, Member States may, in addition to ensuring effective enforcement of the Directive, encourage the control exercised by code owners on unfair commercial practices. This Directive also contains several provisions which aim at preventing traders from unduly exploiting the trust which consumers may have in self-regulatory codes.</p>
<p>Section 4: Environmental claims</p> <p>The criteria used should ensure that the consumer receives accurate information and should prohibit the misuse of environmental claims in marketing communications.</p>	<p>Directive 2005/29/EC on Unfair Commercial Practices provides a legal basis to ensure that traders do not present environmental claims in ways that are unfair to consumers.</p> <p>A Multi-Stakeholder Group on Environmental Claims has pointed to</p>

different challenges and best practices in this area and put forward a series of recommendations in 2013<sup>1</sup>. As a follow-up, an EU-wide 'Consumer Market Study on Environmental Claims for Non-Food Products' was undertaken<sup>2</sup>. The study shows that environmental claims are widespread and consumers are confronted with many and different types of environmental claims (logos, text messages, symbols, graphics on packaging, advertising and online) in various product markets. It also demonstrates that consumers have a low level of understanding of green claims, and mistrust in environmental information displayed on products and in advertisements is common. An assessment of a subset of claims points also to issues of possible non-compliance with EU legal requirements as many of the claims use vague terms and do not meet the requirements of accuracy and clarity.

Following the findings of this study, the Multi-Stakeholder Group, which is coordinated by the Commission<sup>3</sup>, has been developing compliance criteria to support the application of Directive 2005/29/EC on unfair commercial practices by traders as regards

---

<sup>1</sup> [http://ec.europa.eu/consumers/archive/events/ecs\\_2013/docs/environmental-claims-report-ecs-2013\\_en.pdf](http://ec.europa.eu/consumers/archive/events/ecs_2013/docs/environmental-claims-report-ecs-2013_en.pdf).

<sup>2</sup> See [http://ec.europa.eu/consumers/consumer\\_evidence/market\\_studies/environmental\\_claims/index\\_en.htm](http://ec.europa.eu/consumers/consumer_evidence/market_studies/environmental_claims/index_en.htm).

<sup>3</sup> <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3325&news=1>.

	<p>environmental claims.</p> <p>This work was presented at a stakeholder conference<sup>1</sup> arranged by the Commission on the revision of the guidance document to this Directive in September 2015. It will feed into the upcoming review of the guidance to the Directive.</p>
<p>Section 5: Ethical and social claims</p> <p>5.1 In the same way that claims abound in the environmental sphere, there is also a kind of "greenwashing" that applies to the "ethical and social qualities" of companies and products. The aim here is to transform the acquisition of a product into an opportunity for charitable or inclusive action which is social in nature insofar as it would implicitly benefit groups or communities that have specific needs or vulnerabilities.</p>	<p>Directive 2005/29/EC on Unfair Commercial Practices provides a legal basis to ensure that traders do not present ethical and social claims in ways that are unfair to consumers.</p> <p>In its 2011 Communication on Corporate Social Responsibility (CSR), the Commission defined CSR as "the responsibility of enterprises towards their impacts on society." As a result, the Commission sees responsible business conduct as a matter concerning the core business of a firm. The Commission does not discourage companies from contributing to society via philanthropic ventures or goodwill; however it deems CSR to be a matter governing the internal operations of a firm.</p>
<p>Section 6: Health claims and claims of other types</p> <p>Cosmetic claims and food claims:</p> <p>6.1 The recent wave of consumer concern</p>	<p>Food claims</p> <p>The Commission does not agree with the description of health claims as "garbed in pseudo-scientific arguments".</p>

<sup>1</sup> [http://ec.europa.eu/justice/newsroom/consumer-marketing/events/150909\\_en.htm](http://ec.europa.eu/justice/newsroom/consumer-marketing/events/150909_en.htm).

about healthy lifestyles and the expansion of technology into the production of food, cosmetics and other health-related products has also triggered the use of health-related claims in areas ranging from food and nutrition, benefits for beauty and weight-loss, to enhanced physical and cognitive functions.

#### Food claims:

Similarly, so-called “healthy marketing”, which makes use of such claims to provide added value to boost marketing campaigns, has been done for food supplements or herbal products but also for mass-consumption goods, and also contains misuse of alleged health benefits, garbed in pseudo-scientific arguments.

Regulation (EC) No 1924/2006 on nutrition and health claims made on foods stipulates that claims must be based on, and substantiated by, generally accepted scientific evidence, authorised by the Commission after an assessment of their scientific substantiation by the European Food Safety Authority (EFSA) at the highest possible standard, and by taking into account any other legitimate factors, like national or international dietary advice.

EFSA reviews the totality of the scientific data provided to see if it contains data from which conclusions can be drawn for the scientific substantiation of claims.

Following this procedure, 260 health claims have been authorised to date while over 2000 applications have been put on the list of non-authorised health claims.

#### Cosmetic claims

Health-related claims in cosmetics are subject to compliance with the common criteria laid down in Commission Regulation (EU) No 655/2013, one of which is "evidential support".

<p><b>N°21 Sport and European Values (own-initiative opinion)</b>  <b>EESC 2014/4496 - SOC/514</b>  <b>509<sup>th</sup> Plenary Session - July 2015</b>  <b>Rapporteur: Mr Bernardo HERNÁNDEZ BATALLER (GR III-ES)</b>  <b>DG EAC – Commissioner NAVRACSICS</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>Overall assessment</p>	<p>The Commission welcomes the EESC opinion and considers there is no specific follow-up necessary. The report can be considered as relevant to our reflections on the future of EU sports policy.</p>
<p>The opinion outlines the increasingly important role for sport in society and the economy, and the relevance of good governance and increased cooperation to tackle the threats to sport.</p>	<p>The Commission shares the points of views of the report. The Commission already intends to act (or continues to act) to the extent possible in these areas, including through specific projects financed under Erasmus+, or together with Member States and stakeholders through dialogue, expert groups, etc.</p>
<p>The EESC asks the Commission to propose to the Council of Ministers that it draw up a "European Code of Good Practices on Sport and Social Inclusion" with a view to fostering and promoting more extensively the practice of sport among people with disabilities.</p>	<p>A considerable amount of work has already been done on social inclusion. The European Disability Strategy (2010-2020) recognises the value of sport for people with a disability. Social inclusion, in particular with regard to the implementation of this strategy, is one of the priorities for financing under Erasmus+.</p>
<p>The EESC stresses the importance of grassroots sports, and the key role of volunteering.</p>	<p>An Expert Group under the 2014-2017 EU Work Plan for Sport is currently tasked with developing ways to encourage volunteering in sport. There are also opportunities through Erasmus+ to fund projects promoting voluntary activities in</p>

	sport.
The EESC urges the Commission and Member States, through creating and supporting strategic partnerships between the main stakeholders from different sectors, to strengthen the role of sport as a driver of innovation and economic growth.	The contribution of sport towards jobs and growth has become increasingly recognised. An EU Expert Group under the 2014-2017 work plan focuses on the economic dimension of sport, including the economic benefits of sport. Under the Italian Presidency in 2014, one of the main topics was sport as a driver of innovation and economic growth.
The EESC calls for the next evaluation of Erasmus+ to take account of the observations of this opinion, and for the Commission to provide a clear assessment of the impact of including sports in that programme, especially as regards meeting the objectives on new skills and jobs and young people.	Erasmus+ requires that a mid-term evaluation report is carried out to address inter alia the continued relevance of all of its objectives, and the contribution made by the measures taken to the realisation of the Europe 2020 strategy.

<p><b>N°22 Financing for Development - position of civil society (own-initiative opinion)</b>  <b>EESC 2015/1637 – REX/441</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Mr Ivan VOLEŠ (GRI-CZ)</b>  <b>DG DEVCO – Commissioner MIMICA</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>This EESC opinion sets out the EESC's position on the key elements of the post-2015 Financing for Development agenda. There is a particular focus on the role of civil society.</p> <p>The opinion garnered broad support in the EESC: it was adopted on 2 July 2015 by 142 votes to 0 with 3 abstentions.</p>	<p>The European Commission welcomes the engagement from the European Economic and Social Committee on this important topic. The Commission services, in collaboration with the EEAS, have worked to ensure that the key issues raised by the EESC are reflected in both the Addis Ababa Action Agenda (AAAA), adopted at the UN Conference on financing for development in Addis Ababa on 15 July 2015, and the 2030 Agenda for Sustainable Development adopted at the UN Summit on 25-27 September 2015.</p>
<p>The EESC underlines that 2015 is a key year in development and calls for a holistic approach to sustainable development, balancing the social, economic and environmental dimensions and bringing all available financial resources into play.</p>	<p>The Commission fully agrees. Both the AAAA and the 2030 Agenda for Sustainable Development reflect EU priorities and are significant in terms of creating a new comprehensive framework for sustainable development. They clearly incorporate all dimensions of sustainable development and set out a holistic means of implementation narrative, which brings together financial and non-financial, national and international, public and private sources under a single framework.</p>

<p>The EESC recommends that "Civil society, including social partners and non-governmental organisations, must be involved far more actively and in a far more structured way in shaping development programmes, monitoring their implementation and evaluating their outcomes and impact. Both developing and developed countries therefore need to systematically put together and improve the system for monitoring development aid processes and involve the relevant civil society organisations in it. The EESC is willing to make available its considerable experience of cooperation with partners in, for example, the ACP countries, Latin America, Asia, Eastern Partnership, and EuroMed"</p>	<p>The Commission agrees with the EESC on the essential role that civil society organisations (CSOs), both from developed and developing countries, play in shaping development cooperation. Their role will be particularly important in the context of the 2030 Agenda for Sustainable Development. The EU promotes the participation of civil society in countries' development processes and in broader dialogue. In 2010 a "Structured Dialogue for an efficient partnership in development" was launched and was followed by the Policy Forum on Development (PFD)<sup>1</sup> to provide space for a multi-stakeholder dialogue. The EESC's participation in the dialogue has been much appreciated. In partner countries, the EU and its Member States are committed to country roadmaps for engagement with CSOs, as foreseen in the 2012 Communication "The roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations", COM(2012)492 final). To date roadmaps have been developed for 93 countries out of a targeted 119. The Commission is also committed to taking forward the implementation of the 2030 Agenda for Sustainable Development and the reflection on the future of the EU's partnership with African, Caribbean and Pacific countries in consultation with all stakeholders. EESC engagement would be welcome.</p>
<p>The EESC calls on the European</p>	<p>The "support to" and "participation of"</p>

---

<sup>1</sup> [https://webgate.ec.europa.eu/fpfis/mwikis/aidco/index.php/Policy\\_forum\\_on\\_development](https://webgate.ec.europa.eu/fpfis/mwikis/aidco/index.php/Policy_forum_on_development).



<p>Commission to support the work of EU civil society organisations aimed at meeting SDGs with adequate funding of programmes to build civil society institutions in partner countries. The EESC is currently drawing up an information report to complement this opinion that will recommend models for effectively involving civil society in the implementation and monitoring of the post-2015 development agenda.</p>	<p>CSOs in pursuit of internationally agreed goals and development effectiveness are promoted in EU policy. The Multi-Annual Indicative Programme 2014-2020 for civil society organisations and local authorities under the Development Cooperation Instrument (DCI) (C(2014) 4865 final) specifically refers to strengthening regional and global Civil Society networks (including in the EU) to maximise the effectiveness of their work as development actors and partners in policy-making, especially in relation to the post-2015 development agenda. The Commission welcomes the EESC initiative to explore civil society involvement in the 2030 Agenda for Sustainable Development.</p>
<p>The EESC is clear that Official Development Assistance (ODA) should be directed to the Least Developed Countries (LDCs) and countries in vulnerable situations. They call on the Commission and Council to reaffirm the 0.7% ODA/GNI commitment, and the commitment to provide of 0.15-0.20% of GNI as ODA to LDCs. They also support the efforts of the OECD to better monitor non-ODA aid.</p>	<p>In view of the Financing Conference in Addis Ababa, the EU made keynote commitments on ODA, including committing to reach collectively the 0.7% ODA/GNI target within the timeframe of the 2030 Agenda, as well as to reach the 0.15%-0.20% ODA/GNI for LDCs target in the short term, and the 0.20% threshold in the timeframe of the 2030 Agenda. The EU led the way internationally in making these commitments, which were commended in the AAAA. We continue to urge other donors and emerging economies to do more too. The Commission fully supports efforts in the OECD Development Assistance Committee (DAC) to develop a better statistical measure for non-ODA assistance.</p>
<p>The EESC notes the important role of PPPs and blending activities. They also underline the importance of supporting micro, small and medium-sized enterprises</p>	<p>The Commission agrees with the EESC views on the importance of the role of blending, PPPs and support for SMEs. The Commission is active in these areas. The</p>

<p>given that they are the main source of potential growth and job creation. They propose that the EU should promote the application of the principle of its directive on combatting late payment to improve the funding of SMEs.</p>	<p>Commission also notes and agrees with the recommendation to promote the application of the principle of its directive on combatting late payment to improve the funding of SMEs.</p>
<p>The opinion notes the growing importance of domestic resources in development. They note that support to developing countries in raising more, and making better use of domestic resources should be a priority, and calls on the EU to do more.</p>	<p>The negotiations on the AAAA and the 2030 Agenda underlined that domestic resource mobilisation and their effectiveness must be at the crux of our common pursuit for sustainable development. This is also at the core of the "Collect More-Spend Better" informal discussion paper, which was submitted by the Commission as a contribution to the recent international debates on finance for development in Addis Ababa.</p> <p>The Addis Tax Initiative was launched in July 2015, with commitments, including from the Commission, to enhance the mobilisation and effective use of domestic revenues and to collectively double the support to developing countries in this area.</p>

<p><b>N°23 Towards an ILO convention against gender-based violence at work (own-initiative opinion)</b>  <b>EESC 2015/1969 - REX/445</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Béatrice OUIIN (GRII-FR)</b>  <b>DG EMPL – Commissioner THYSSEN</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>The EESC calls on Member States, to call with one voice on the ILO to put a proposal for an international standard on gender-based violence at work on the agenda of the International Labour Conference during the November 2015 ILO Governing Body.</p>	<p>In coordination with the EU Delegation to the UN in Geneva, the Commission informed Member States of the EESC opinion ahead of the 325<sup>th</sup> session of the International Labour Organization (ILO) Governing Body, which decided to place a standard-setting item on “Violence Against Women and Men in the World of Work” on the agenda of the 107th Session (June 2018) of the International Labour Conference and to convene a tripartite meeting of experts in 2016 to provide guidance on its preparations.</p>
<p>The high prevalence of gender-based violence is recalled: 35% of women in the world are victim to direct violence at the workplace, including sexual harassment; 45% of women in the EU to have suffered gender-based violence; 40-45% to have suffered sexual harassment at work according to the European Women's Lobby.</p>	<p>The Commission recognises that gender-based violence has high prevalence, as shown in the figures of the 2014 Fundamental Rights Agency (FRA) survey Violence Against Women: an EU-wide Survey".</p>
<p>In addition to being a violation of human rights and an attack on dignity and physical and psychological integrity, gender-based violence at work is considered as perpetuating inequalities at work and having a negative impact on economy, worker</p>	<p>The Commission agrees with the need to address gender-based violence at international level and is taking initial steps for a possible accession to the Council of Europe Convention on preventing and combating violence</p>

<p>productivity and social progress.</p>	<p>against women and domestic violence (Istanbul Convention).</p>
<p>Reference is made to the Equal Treatment Directive and to the European social partners' Framework Agreement on Harassment and Violence at Work as instruments to be taken as a basis for an ILO instrument to tackle sexual harassment in the workplace.</p>	<p>The Commission agrees that the Equal Treatment Directive and the European social partners' Framework Agreement on Harassment and Violence at Work should be used as a reference for EU input on gender-based violence at work.</p>
<p>Main points of the proposed content for an ILO standard on gender-based violence at work:</p> <ul style="list-style-type: none"> <li>- definition of the different forms of gender-based violence at work,;</li> <li>- definition of "workplace" covering the journey to and from work;</li> <li>- description of the most affected groups;</li> <li>- provisions to prevent gender-based violence at work and measures to protect and support victims;</li> <li>- guidance on organising training to increase understanding and develop a culture of non-violence;</li> <li>- particular focus on the role of the media in raising awareness;</li> <li>- particular focus on the new risks related to use of the internet and new technologies.</li> </ul>	<p>Any new international standard on gender-based violence at work should be consistent with the EU law and social partners' agreement, the Istanbul Convention and existing ILO standards, such as the Domestic Workers Convention 189, the Worst Forms of Child Labour Convention 182 and the 2014 Protocol to the Forced Labour Convention 29.</p>

<p><b>N°24 Building a financial ecosystem for social enterprises (exploratory opinion)</b>  <b>EESC 2105/3146 - INT/770</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteurs: Ms Marie ZVOLSKÁ (GRI-CZ) and Ms Ariane RODERT (GRIII-SE)</b>  <b>DG EMPL – Commissioner THYSSEN</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.2. The EESC urges to the Commission not to lose the momentum in supporting the social economy agenda and ensuring a continued and supportive policy framework for social economy development. This by renewing the Social Business Initiative (SBI) agenda including the tailored financial ecosystem needed.</p>	<p>The Commission is committed to continue to support the development of social enterprises to unleash their potential for job creation, social innovation and social inclusion, as outlined in the 2011 Social Business Initiative.</p>
<p>1.5. (5.2.2.; 5.2.3.; 5.2.4.; 5.2.5. 5.2.7.) The Commission should support the emergence of new instruments, ensure that financial regulation enables development, promote research on the societal added-value of investing in SEE and ask Member States for peer reviews on the subject.</p> <p>(5.2.5.) The Commission should promote research on the societal added-value of investing in SEE. Issues to explore could be how social and economic value is created and captured and the effectiveness of various financial instruments.</p> <p>5.2.7 The Capital Markets Union (CMU) stresses the emergence of environmental, social and corporate governance investment and that public and private funding can work together to improve the supply side of investments. It is important that the</p>	<p>The Employment and Social Innovation (EaSI) Programme includes support to social enterprise financial markets. A guarantee scheme was launched in June 2015. Other instruments are under preparation.</p> <p>Several research projects in Social Sciences and the Humanities from the Seventh Framework Programme for Research (FP7) are still active in the SEE field. The Seforis project seeks to understand the potential of social enterprise within the European Union and beyond to improve the social inclusiveness of society through greater stakeholder engagement, promotion of civic capitalism and changes to social service provision. The Third Sector Impact project has shown that social</p>

Commission ensures in its regulatory activity that there is a link between the promotion of SEE development and the CMU proposals.

enterprises, which have been invisible in European statistics for way too long, are now put high on the statistical agenda so that its important contributions can be better understood and its talents and resources can better be utilised. The Efeseiis project identifies the macro-meso and micro conditions under which social enterprises can contribute effectively and efficiently to building an inclusive and innovative society, and will establish a database of good practices. The Cressi project addresses explicitly the role of finance in social innovation ecosystem as an issue of access to resources and from the accounting perspective. The Simpact project addresses the issue of social business models for finance (crowdfunding, microfinance etc.) including in social enterprises.

The European Social Entrepreneurship Fund Regulation is specifically designed to encourage investment in social enterprises and has put in place robust, proportionate and innovative new rules on how social impact is measured. As part of its work on Capital Markets Union (CMU), the Commission is also analysing the new social finance instruments, such as social impact and environmental or green bonds that are emerging.

The CMU Action Plan aims at promoting innovative forms of financing such as crowdfunding. The Commission set up a Crowdfunding Stakeholder Forum to support policy

	<p>development in this area and launched a study to gather and analyse data on crowdfunding markets across the EU and assess the impact of national legislation. Building on existing work, the Commission will publish a report on the development of European crowdfunding in the first quarter of 2016.</p>
<p>1.6. (5.2.6.) The EESC welcomes that the social economy is an investment priority in the current Investment Plan for Europe<sup>1</sup> and urges the Commission to fully make use of this provision.</p>	<p>The Commission agrees with this statement.</p>
<p>1.7. (5.2.10.) The Commission should review if/how social impact investment can be a component of the financial ecosystem for SEE and if the policies behind really support SEE development.</p>	<p>The forthcoming monitoring and evaluation of the EaSI implementation will provide useful elements for such an analysis.</p> <p>On 30 September 2015, the Commission also launched a "call for evidence" – a public consultation seeking feedback and empirical evidence from all interested stakeholders on the benefits, unintended effects, consistency and coherences of the EU regulatory framework for financial services and the impact of rules on the ability of the economy to finance itself and grow. With regards to the latter, the focus will be on SME financing (including SEE), long-term innovation and infrastructure projects and climate finance.</p>

---

<sup>1</sup> Recital 17 and article 9.2.

<p>1.9. (5.2.13.) Financial support from the EU level must be coupled with the Commission providing guidance, training and capacity building for governments and key stakeholders.</p>	<p>The Commission agrees with this statement. Currently such activities are implemented jointly by the Commission and the Organisation for Economic Co-operation and Development (OECD).</p>
<p>5.2.8. The European funds play a particular role in supporting SEE. ESIF could be used as an enabler for Member State action by providing guarantees or financial leverage to stimulate the emergence of social welfare funds across Europe. EaSI and COSME funds should be used by the Commission to boost the investment capacity of financial intermediaries and the investment readiness of SEE. The Commission should secure a balanced participation in the Horizon 2020 programme, enabling the SEE to participate in mainstreaming projects. The Commission should closely monitor and report on the uptake of these funds for SEE both from a political and technical viewpoint.</p>	<p>The Commission is using the EaSI Programme exactly to boost the investment capacity of relevant intermediaries. Furthermore, countries can also channel European Structural and Investment Funds (ESIF) through EaSI to stimulate social enterprise financing markets in their territory. Reporting and monitoring under EaSI will cover the suggested dimensions.</p> <p>The Work Programmes under Horizon 2020 include topics on 'SME business model innovation'(WP2014-2015) and on 'New business models for inclusive, innovative and reflective societies'(WP2016-2017) which are equally addressed to social (for profit) enterprises. The specific challenge of these topics is to enable SMEs - in traditional sectors, such as manufacturing industries, in sectors particularly rooted in Europe's history such as cultural heritage as well as in new sectors including different services and creative industries, and the social economy – to innovate and grow across traditional boundaries, through new business models and organisational change. SMEs can benefit from indirect support measures and services as well as access to the financial facilities supported under Access to</p>



	Risk Finance.
5.2.16. The Commission should review the benefits and challenges of Member States providing tax incentives.	The Commission will continue its efforts to build the evidence basis for policy making at national and EU level. The proposed dimension can be considered in that context.

<p><b>N°25      Improving the performance of national dual training systems (own-initiative opinion)</b>  <b>EESC 2015/1718 – SOC/523</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Ms Dorthe ANDERSEN (GRI - DK)</b>  <b>DG EMPL – Commissioner THYSSEN</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.4.1. The EESC believes that there is a need for a European quality assessment tool that documents progress as well as the effects of the reforms Member States are undertaking in order to improve performance of the VET and dual training systems.</p>	<p>The Commission notes the potential added value for an enhanced assessment of the impact of Member States' reforms aiming to improve the performance of the Vocational Education and Training (VET) and dual training systems. The Commission already supports Member States in improving their VET and dual training systems through the Copenhagen process and a number of supporting tools, including the EQAVET, ECVET and the monitoring of mid-term priorities for European cooperation in VET, set out in the Bruges Communiqué and reiterated in the Riga Communiqué. The Commission will further examine options of how to further strengthen existing tools or develop new instruments to support Member States in ensuring high quality VET and dual training systems.</p>
<p>1.4.2. The EESC recommends that the Commission – with the relevant partners – develop tools to monitor and collect data, evaluate what works in the Member States and identify the key elements of well-functioning dual training systems. The aim is to measure and assess what works, to ensure quality in the training systems and to</p>	<p>The Commission is currently working on enhancing the monitoring of Member States actions to achieve the goals set out in the Riga Communiqué. This will examine how to improve the documentation of progress and the effects of reforms in the Member States. The work will be carried out in close</p>

<p>highlight the correlation between dual training and employment.</p>	<p>cooperation with CEDEFOP and with the involvement of Member States, EU social partners and other relevant stakeholders.</p>
<p>1.4.3. High-quality and labour market-relevant vocational skills and qualifications will also in the future constitute a core segment of the labour markets and European competitiveness. The EESC therefore proposes setting an EU target for VET and dual training, which can serve as a path for better youth employment opportunities. This could be part of a renewed EU2020 strategy and the EESC therefore calls on the Commission to examine the options.</p>	<p>The Commission is currently examining options on how to strengthen the social dimension of EU policies, including on access to skills, quality vocational training and employability of VET graduates. Starting with the 2016 European Semester, the Commission would progressively suggest benchmarks and cross-examination exercises across policy or thematic areas. These will feed into debates in the appropriate Council formations with a view to fostering a common understanding of challenges and policy responses. Convergence towards best practices in the employment and social policy field should contribute to a better functioning of the EU in general. Upward convergence would be achieved by promoting policies towards benchmarks in line with the components of the 'flexicurity' concept, i.e. flexible and reliable labour contracts that avoid a two-tier labour market, comprehensive lifelong learning strategies, effective policies to help the unemployed re-enter the labour market, and modern and inclusive social protection and education systems and enabling labour taxation.</p>
<p>1.4.4. The EESC believes that an EU VET-target and the compilation of data could help keep the Member States on track to improve educational levels and ensure that young people have a positive experience of the education system and leave with the skills needed on the labour market.</p>	<p>The Commission believes that high quality and comparable cross-national evidence (particularly statistics) is essential for the comparison of the performance of Member States' VET and dual training systems. Thus the Commission puts substantial efforts in how to improve and enhance the</p>

	<p>availability of evidence and statistics as well as support the use of such data for the analysis of VET and dual training systems to identify areas needing reform and support Member States to track progress of those reforms.</p>
--	---

<p><b>N°26 Recognition of skills and qualifications acquired through non-formal and informal learning – the practical input of organised civil society (own-initiative opinion)</b>  <b>EESC 2015/0802 - SOC/521</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Mr Pavel TRANTINA (GR11-CZ)</b>  <b>Corapporteur: Ms Marie ZVOLSKÁ (GR1-CZ)</b>  <b>DG EMPL – Commissioner THYSSEN</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>Recommendations 1.1. to 1.8.</p>	<p>The Commission welcomes overall the positive opinion of the EESC around the validation of competences on non-formal and informal learning as expressed under the recommendations 1.1. to 1.8. These are fully in line with the 2012 European Recommendation on validation of informal and non-formal learning and reinforce various ongoing implementations, such as the European Guidelines and the EU Inventory. Member States, education and training institutions, social partners and other relevant stakeholders have been invited to intensify work in this area and, by 2018, put in place appropriate national arrangements allowing individuals to value and make visible the outcomes of learning at work, at home, during leisure time and in voluntary activities.</p>

Recommendation 1.9.

Support should therefore be provided for the development and use of self-evaluation tools that help people identify and describe their learning outcomes. The experience of civil society organisations should be harnessed here. The EESC has already supported the creation of a European skills passport and, subsequently, the Europass Experience. It is therefore disappointed that the Commission has suspended the preparatory work on the Europass Experience and calls on it to see this initiative through to completion.

The Commission welcomes this opinion of the EESC and is actually developing common EU competence frameworks for transversal skills such as digital competences and entrepreneurship, enabling individuals to assess and describe their level of being digital savvy (available through Europass) and entrepreneurial (available 2016). Civil society organisations as other multiple stakeholders have been fully engaged in these developments. Other transversal skills often required through informal and non-formal learning can follow. These competency frameworks will facilitate the recognition of prior and informal learning for all citizens.

The Commission however has not suspended the work towards a European skills passport but is currently working on the reform of the Europass framework. The Commission will not only address documentation of skills (like Europass) but explores ways to integrate other skills services like self-assessment of skills, forecasting and anticipation of skills needs and mismatches, lifelong guidance, and job matching .

<p><b>N°27 The effects of digitalisation on the services sector and employment in relation to industrial change (exploratory opinion)</b>  <b>EESC 2015/0765 – CCMI/136</b>  <b>Rapporteur: Mr Wolfgang GREIF (GRII-AT)</b>  <b>Corapporteur: Mr Hannes LOE (GRIII-AT)</b>  <b>DG EMPL – Commissioner THYSSEN</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.5.3. Better statistics and research on the service industry are needed (at global and European level) to deliver detailed forecasts of developments in the labour market and of the polarisation of work, employment and income. Horizon 2020 should therefore provide adequate funding for research into employment in the service industry. Moreover, detailed and frequently updated statistics are urgently needed depicting the proliferation and growth of non-standard forms of employment, including data on practices such as crowdsourcing.</p> <p>1.5.4. In order to counter the rise in income inequalities that are partly driven by digitalisation, collective bargaining should be promoted at all levels, especially in sectors and businesses that are affected by digitalisation. This can ensure that new forms of digitalised work organisation improve rather than deteriorate job quality.</p> <p>3.3. Reliable knowledge concerning skills needs and gaps is required in order to address this skills mismatch in curricula. Indeed, the EU is already active in this field, particularly through agencies such as Cedefop. Allowing the social partners to</p>	<p>In relation to the impact of digitalisation on employment and skills (not only in the services sector), the Horizon 2020 Work Programme ‘Europe in a changing world; inclusive, innovative and reflective Societies’ funds the following research:</p> <ul style="list-style-type: none"> <li>- Platform for ICT for Learning and Inclusion (Work Programme 2004-2015) to develop a sustainable platform engaging a large number of key actors and stakeholders on how to improve co-creation and delivery of digital tools, solutions and services for the modernization of education and training and for boosting the employability of young people, as well as for tackling the risk of digital exclusion.</li> <li>- Multi-stakeholder platform for enhancing youth digital opportunities (Work Programme 2016-2017) to bring together stakeholders with youth and children in order to jointly address their digital vulnerabilities and to support their strengths.</li> </ul> <p>The European Agency for the Improvement of Living and Working</p>

take the lead in such "skills intelligence", for instance in the form of sector skills councils, has already proved a successful practice. Against this background, it is regrettable that the Commission is considering weakening their role by replacing social partner skills councils with multi-stakeholder skills alliances. However, as the problem of the skills mismatch persists despite the skills intelligence available, the lack of strategic implementation and investment would seem to be the chief problem.

conditions has carried out research on changing forms of employment, including crowdsourcing. It is envisaged to pay particular attention in the forthcoming years to digitalisation and its consequences for working conditions and the functioning of labour markets.

It is the Union's task to promote social dialogue at all levels. As part of the EU social dialogue, supported by the Commission, social partners discuss how to best address the challenges connected to digitalisation. This is the case for sectors such as commerce, telecommunications and banking, which all have a sectoral social dialogue committee at EU level.

Rather than "weakening the role" of the Sector Skills Councils, the Commission is now bringing together the former Sector Skills Councils and Sector Skills Alliances together in one Sector Skills Alliances instrument to provide a coherent financing perspective and an increased duration and budget. The new instruments will have two LOTS, LOT 1 aimed at identifying skills needs and gaps and LOT 2 aimed at developing trans-national education and training content. LOT 1 of the new instrument on "identifying skills gaps and needs" corresponds largely to the previous Sector Skills Councils. Furthermore, the new Sector Skills Alliances instrument maintains the social partners as eligible partner organisations.



<p><b>N°28 Principles for effective and reliable welfare provision systems (own-initiative opinion)</b>  <b>EESC 2015/1011 - SOC/520</b>  <b>510<sup>th</sup> Plenary Session – September 2015</b>  <b>Rapporteur: Mr Bernd SCHLÜTER (GR11-DE)</b>  <b>DG EMPL - Commissioner THYSSEN</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>The Commission is urged to frame general social policy principles as part of a solid work programme. The EESC presents proposals for these principles.</p> <p>The EU should create a common forum for discussion about social policy, draw up modern standards and take initiatives itself. It should promote convergence between welfare systems as they continue to evolve.</p>	<p>The Commission has a cross-cutting social policy agenda, with the clear ambition of delivering “a Triple A social rating for Europe” in line with the President's Political Guidelines which call for social fairness and a reinforcement of the principles of a European Social Market Economy.</p> <p>Commissioner Thyssen made it clear that creating jobs, restoring fairness, providing protection and reducing inequalities remain priorities for a successful economic recovery that benefits all people in Europe.</p> <p>The Commission is ready to take the social dimension fully on board in all its policies by strengthening the current economic governance framework in order to achieve upward economic and social convergence by way of benchmarks, by setting out an ambitious legislative agenda, and by underpinning these efforts through a targeted use of EU Structural and Investment Funds.</p>
<p>These social policy principles should form a substantive basis for the Commission's</p>	<p>Efficient and effective social protection systems help Member States fare better</p>

recommendations to the Member States in the context of the European Semester, the Europe 2020 Strategy, the open method of coordination and application of the social impact assessment under Article 9 TFEU and use of the Structural Funds.

in economic downturns, by improving the resilience of the society and ensuring that everybody benefits from economic growth. In fact, evidence shows that the Member States that have implemented reforms to improve the effectiveness and efficiency of social protection systems have fared much better during the crisis. This is why the Commission will continue to recommend such reforms as part of the EU's economic policy coordination, in the framework of the implementation of the Europe 2020 Strategy, as well as in the context of the ongoing cooperation with the Member States in the Social Protection Committee.

As put forward in the Commission Work Programme 2016, the Commission will identify "social benchmarks, notably as concerns the flexicurity concept, built on best practices in the Member States with a view to upwards convergence, in particular in the euro area, as regards the functioning of the labour market, skills and social protection".

The functioning of the Multiannual Financial Framework (MFF) 2014-2020 will be reviewed by the Commission in 2016, taking full account of the economic situation at the time as well as the latest macroeconomic projections.

The new integrated Guidelines on Better Regulation issued on 19 May 2015 confirm the importance of a careful consideration of economic,

	social and environmental impacts alongside each other in all of the main Commission's activities.
A binding social protection floor <sup>1</sup> should be aspired to as part of these measures. The existing legal bases should be used to achieve this.	Setting out a pillar of social rights, building on the EU acquis, in order to identify common principles and reference benchmarks, will help create a greater convergence of employment and social performance over time. In addition, the social pillar would ensure the necessary consistency and clarity of existing EU labour law and address the gaps of the current legal framework to take account of today's work environment and to ensure that new models of work maintain a fair balance in the relationship between employers and workers.
The social partners are key players in social insurance systems [...]. They should be involved in the framing of social policy principles.	The Commission is committed to strengthening the dialogue with social partners, which are key actors of the social market economy and help shape and implement structural reforms. Social partners already play an important role in EU policy making and legislation. As policy coordination at European level becomes more and more important, notably in the European Semester, so too does the role of the national and European social partners. The Commission is actively seeking to involve national and European-level social partners

---

<sup>1</sup> Social protection floor: guarantee of basic welfare provision, including subsidiary subsistence protection/minimum income for people without an adequate income, e.g. from work, pension or other welfare provision. This includes developing common indicators for basic welfare provision. This financial subsistence protection should be at least sufficient to cover the real costs of food, accommodation, clothing, water, energy and basic healthcare.

	more closely in EU economic governance.
<p>Civil society actors and associations of welfare providers, social businesses, local authorities, welfare authorities, social insurance bodies, users and consumers should also be involved within their areas of responsibility.</p>	<p>The Commission pays particular attention to the dialogue with civil society organisations in the area of employment policies, social policies and inclusion. This is part of strengthening the social dimension in the EU and contributes to the joint efforts to combat current social and employment challenges. The new approach for cooperation with civil society discussed recently with EU-level civil society organisations explored options and opportunities for them to support the priorities of the Commission and to help it foster upwards convergence and social and employment rights in Europe.</p>

<p><b>N°29 Creative and cultural industries – a European asset to be used in global competition (own-initiative opinion)</b>  <b>EESC 2015/1499 – CCMI/137</b>  <b>510<sup>th</sup> Plenary Session – September 2015</b>  <b>Rapporteur: Ms Emmanuelle BUTAUD-STUBBS (GRI-FR)</b>  <b>Corapporteur: Mr Nicola KONSTANTINOU (GRII-EL)</b>  <b>DG GROW – Commissioner BIENKOWSKA</b></p>	
Points of the EESC opinion considered essential	Commission position
<p>1.1.</p> <p>Given the importance of cultural and creative industries (CCI) in the European Union, the EESC calls on the European Commission to draw up a multi-annual strategy for the development of these industries.</p>	<p>The potential of cultural and creative industries (CCIs) has been recognised by the Commission (notably in the Communication ‘Cultural and Creative Sectors for growth and jobs in the EU’ adopted in September 2012<sup>1</sup>). In particular, the Communication recognized the role of CCIs in generating jobs and growth while at the same time promoting social inclusion and cultural diversity. Moreover, it stressed that CCIs constitute a key component of the knowledge economy, driving innovation in other industries.</p> <p>The above-mentioned Communication outlined five key policy drivers to be addressed at national, regional, local and EU level: developing skills; improving access to finance; promoting new business models and enlarging audiences; facilitating cooperation with other sectors and policies; and expanding international reach. On this</p>

---

<sup>1</sup> COM(2012) 537 final.

	<p>basis, the Commission is currently working towards ensuring better coordination between different policies (breaking the silo approach) and optimising the use of various instruments and programmes at the EU level that can address the challenges faced by CCIs, including the five above-mentioned areas.</p> <p>Moreover, an external study recently launched by the Commission<sup>1</sup> will allow a better understanding of the evolution of CCIs in the past years and help identify the current and future challenges and opportunities for these industries and possible future policy needs for various levels of governance.</p>
<p>1.2.</p> <p>The EESC considers in particular that these industries (...) must be taken on board in the ongoing discussions at the European Commission on the Communication expected in autumn 2015 on a new strategy with regard to trade policy.</p>	<p>The Communication ‘Trade for All: Towards a more responsible trade and investment policy’<sup>2</sup> was adopted by the Commission on 14 October 2015. In the process of its preparation, the Commission conducted a broad outreach seeking inputs from various stakeholders, and had a good round of exchanges with the EESC representatives (REX section), and most notably with the rapporteur on the dedicated EESC Opinion on this new trade and investment policy strategy, Mr J. Peel.</p> <p>The Communication addresses in particular the following issues of relevance for the cultural and creative</p>

<sup>1</sup> <https://ec.europa.eu/easme/en/tender/1951/boosting-competitiveness-cultural-and-creative-industries-growth-and-jobs>.

<sup>2</sup> COM(2015) 497 final.

	<p>industries:</p> <ul style="list-style-type: none"> <li>- the need for an ambitious agenda of services liberalisation;</li> <li>- the rise of services embedded in manufacturing – which can be of particular interest to certain cultural and creative industries. This would mean moving beyond traditional thinking exemplified by the fact that goods and services liberalisation commitments are currently dealt with separately in trade negotiations.</li> </ul>
<p>4.4.2.</p> <p>Taking the specific features of these industries into account in terms of content involves paying greater attention to intellectual property rights and regulation of e-commerce,</p> <p>and</p> <p>3.3.5.</p> <p>In addition, the EESC calls on the European Commission to be consistent by also revising Directive 2000/31/EC on electronic commerce, to make all those involved (actors/entitled parties, hosts, search engines, suppliers of payment solutions, etc.) aware of their responsibilities in the fight against piracy.</p>	<p>In the context of the Digital Single Market Strategy<sup>1</sup>, the Commission has presented its vision for policy and legislative action in the area of copyright in the Communication "Towards a modern, more European copyright framework" adopted on 9 December 2015<sup>2</sup>. A first legislative proposal aiming to ensure cross-border portability of digital content has been adopted on the same day. As indicated in this Communication and confirmed in the 2016 Commission Work Programme, further legislative proposals on copyright will be tabled in 2016. Work aiming to clarify the rules on the activities of intermediaries in relation to copyright-protected content is part of the copyright-related work currently being carried out by the Commission.</p>

---

<sup>1</sup> COM(2015) 192 final.

<sup>2</sup> COM(2015) 626 final.

The Digital Single Market Strategy also announces the launch of a comprehensive assessment of the role of platforms, and of online intermediaries. In tandem with its assessment of online platforms, the Commission will also analyse the need for new proposals to tackle illegal content on the Internet such as more rigorous procedures for removing illegal content and whether to require intermediaries to exercise greater responsibility and make more efforts in the way they manage their networks and systems – a duty of care.

Moreover, with relation to EU trade policy, the Communication ‘Trade for All: Towards a more responsible trade and investment policy’<sup>1</sup> underlines the importance of using FTAs and TiSA (Trade in Services Agreement) to set rules for e-commerce and cross-border data flows and tackle new forms of digital protectionism, in full compliance with and without prejudice to the EU’s data protection and data privacy rules. It also stresses the need to support creativity, research and design, which are essential to a value chain economy – but particularly vulnerable to poor protection and enforcement of intellectual property rights (IPR) in other jurisdictions, and at times subject to forced technology transfer. EU trade policy should

---

<sup>1</sup> COM(2015) 497 final.



	endeavour to support innovative and high-quality products by protecting the entire spectrum of IPRs, including patents, trademarks, copyrights, designs, and geographical indications, as well as trade secrets.
<p>4.8.1.</p> <p>The EESC (...) calls for a European forum on creativity to be set up. This forum "would bring together public, private and voluntary groups to analyse ways in which Europe could apply creative solutions to pressing local and European problems".</p>	<p>The Commission is in contact with the CCIs' communities, including by means of a structured dialogue with civil society. For instance, the 'Voices of Culture' initiative is a structured dialogue between the European Commission and EU civil society stakeholders with regard to culture. Developing the entrepreneurial and innovation potential of the cultural and creative sectors will be a key theme for discussion during 2016.</p> <p>Moreover, the next edition of the European Culture Forum, organised by the European Commission, which brings together public and private stakeholders in the field of culture and CCIs, is planned for spring 2016 in Brussels. The main focus will be on talent and creativity.</p>

<p><b>N°30 SBA experiences in the USA and EU: "best practices" for innovative SME actions? (own-initiative opinions)</b>  <b>EESC 2015/2060 - INT/755</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Mr Ullrich SCHRÖDER (GRI-NL)</b>  <b>DG GROW – Commissioner BIENKOWSKA</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p><i>1.1 The review of the SBA is necessary</i></p>	
<p>The European Commission had indicated that it intended to publish a review in the first half of 2015, but has now postponed it. As there are important areas of possible improvement (see below), the SME community expects a review after the hearings; because of the vital importance of SMEs, the review should be published as soon as possible.</p>	<p>The results of the 2014 public consultation on the future of the EU SME policy (approximately 1 800 replies) confirmed the importance of continuing the action in the four main priorities of the SBA: helping SMEs' access to finance, facilitating their access to markets, reducing the administrative burden for SMEs and promoting entrepreneurship. It also suggested adding 'skills' as a fifth priority to the EU SME policy.</p> <p>All these SBA priorities are covered by the ten priorities of the Juncker Commission. Therefore, the Commission decided not to prepare a review of the SBA in 2016. The objective is to address SME concerns horizontally, in particular the Single Market Strategy and through the Better Regulation agenda.</p>
<p><i>1.2 Legal position and enforcement</i></p>	
<p>The SBA has to be upgraded to a more binding form, with a more ambitious approach. This was also requested by the</p>	<p>The SBA, as a Communication, is not legally binding as such. However it announced legally binding actions and</p>

<p>EESC in 2008 and 2011, but was not implemented by the European Commission.</p> <p>This should be applied at both EU and Member State level, and will involve a more substantial role for the European Parliament and national parliaments.</p> <p>The "Think Small First" and "Only Once" principles need to be included in the EU institutions' interinstitutional agreement on better regulation.</p>	<p>politically binding targets for Member States.</p> <p>The Commission is committed to apply the “Think Small First”, as confirmed in the recently adopted Better Regulation package, and the “Only Once” principles, as confirmed in the Digital Single Market Strategy (e-Government Action Plan 2016 - 2020).</p> <p>Moreover, if the Interinstitutional agreement on better law-making is formally adopted by the European parliament:</p> <ul style="list-style-type: none"> <li>- the three institutions should agree annually a list of proposals selected from the Commission Work Programme which would receive priority treatment in the legislative process.</li> <li>- the three Institutions agreed to cooperate in order to update and simplify legislation and to avoid overregulation and administrative burdens for citizens, administrations and businesses, including small and medium-sized enterprises, while ensuring that the objectives of the legislation are met. In this context, the three Institutions agree to exchange views on this matter prior to finalisation of the Commission's annual work programme.</li> </ul>
<p>1.3 Political position</p>	
<p>With a view to strengthening the position in the EU, the EESC recommends that:</p>	<p>In 2013 under the Lithuanian Presidency, the Competitiveness Council informed the Network of SME</p>

<ul style="list-style-type: none"> <li>- a special annual Competitiveness Council for SMEs and the SBA be organised at EU level, as the EESC advised in its 2011 opinion ;</li> <li>- the Council's High Level Group for Competitiveness and Growth should review progress on national actions for implementing SBA priorities and reflect on additional measures at EU level. Results should be forwarded to the annual Competitiveness Council for SMEs and the SBA;</li> <li>- the European SME Envoy Network be upgraded by raising the level of participants to the directors-general of the Ministries of the Economy. This would ensure stronger and better coordination between the EU and the Member States.</li> </ul>	<p>Envoys that it wishes to receive a regular report on the implementation of the SBA. The first such report was presented to the Competitiveness Council in December 2014 and the next report is due for the Competitiveness Council on 30 November 2015. It is up to the Council to decide on the agendas of the Council meetings and the High Level Group.</p> <p>As regards the SME Envoys, the Commission states that, for the good and efficient functioning of the Network, it is important that the members are responsible for SME policy in their respective countries. In the Commission's view the composition of the Network is satisfactory. The rank and title of the members varies depending on the Member State. Some of the current members are of considerably higher rank than Director-General.</p>
<p>1.4 Governance and efficiency</p>	
<p>1.4.1 An EU's yearly report on SBA implementation must be introduced and also include a data-based report on the Commission's management of it and of the functioning of individual programmes.</p>	<p>A report on the implementation of the SBA (SME Envoy Report) is being published on a yearly basis. The Commission publishes annually, in addition, the SME Performance Review, a comprehensive report on the situation of Europe's SMEs, both economically and in relation to the implementation of the SBA. The individual Commission programmes, such as COSME, have their separate reports on the implementation.</p>
<p>1.4.2 The European Court of Auditors</p>	<p>Within the Commission, DG GROW's</p>

<p>should be encouraged to publish regular reports on the functioning of relevant SME programmes and measures, as the external Governmental Accountability Office does in the USA concerning the US SBA.</p> <p>An independent office within the Commission should deal with internal governance, along the lines of the "Office of the Inspector General" within the USA's Small Business Administration.</p>	<p>Directorate "COSME Programme" coordinates the implementation of the programme with its specific support measures for Europe's small businesses, and the relevant monitoring and reporting.</p>
<p>1.4.3 The SBA will not succeed unless a multi-stakeholder governance partnership is established (with social partners and public and private stakeholders). Therefore, the SBA Advisory Group (see 4.3.4), planned to be set up in 2011, but never established, needs to be made operational and to be consulted in the pre-decision stage.</p>	<p>The SME Assembly and the network of SME Envoys chaired by the EU SME Envoy, where SME stakeholders are also participating, are fulfilling the role proposed for an "SBA Advisory Group".</p> <p>The Commission works intensively with Member States in the European Semester towards reforms to improve the business environment, namely for SMEs.</p> <p>SBA follow-up meetings are also regularly organised with main EU SME stakeholders. They allow the Commission and the SME stakeholders to monitor the implementation of the "Think Small First" principle in the Commission Work Programme.</p>
<p>1.4.4 The system of national and local SBA implementation plans (see 4.3.3) has to be improved and complemented by systematic use of scoreboards.</p>	<p>The SME Performance review provides statistical data on the performance of the SMEs in Europe and, with the SBA Fact Sheets, monitors the implementation of the SBA in Member States. The Fact Sheets include indicators to assess the implementation of the ten SBA principles. This analysis feeds into the European</p>

	Semester, monitoring relevant reforms in Member States. Member States pick up important actions in their National Reform Programmes in this process.
1.5 Use of targets	
<p>It is advised that more use be made of indicative targets in order to increase SME involvement in public procurement, and of binding targets regarding R&amp;D programmes (at both EU and national level). Using this target mechanism, the levels should be increased over the years.</p>	<p>The reservation of quotas for SMEs in the public procurement market is incompatible with the basic principles of equal treatment and non-discrimination of economic operators enshrined in the Treaty on the Functioning of the European Union. Imposing quotas in specific sectors or for specific amounts distorts the market and does not ensure best-value-for-money. The best tender should win; the Commission therefore believes that a better way to help SMEs is to ease their participation and level the playing field for them.</p> <p>EU public procurement legislation has undergone a major reform in 2014. One of the objectives of the reform was to improve access to public procurement, notably for SMEs. The new directives now include different provisions to this effect.</p> <p>Binding targets are already introduced for Horizon 2020. SMEs should be the beneficiaries of 20% of the funds of 'Leadership in industrial technologies' and 'Societal challenges'. One third of these 20% should be allocated to the 'SME instrument' - a specific instrument to support the most ambitious innovative SMEs to realise their growth oriented business plans.</p>

	<p>During the first two years, total SME participation is around 22% of funds allocated to large research projects.</p> <p>Setting targets has nevertheless its limits: more emphasis should be put on the quality of SME participation. Many SMEs undertake in the context of the supported projects their normal business activities but do not generate new intellectual property and do not innovate their business activities.</p>
<p>1.6 Yearly Conference of Small Business Stakeholders</p>	
<p>In the USA and the EU, there is considerable know-how and experience regarding SME policies and programmes, but no structural and regular discussions including stakeholders are organised. A yearly conference for this, alternating between the USA and the EU, based on best examples, would be useful. It should include relevant stakeholders on both sides of the Atlantic: politicians and administrations, the SME Envoy Network and small business organisations. Because of the limited budgets of small business organisations, their participation costs should be compensated. Every year, alongside the general discussions, a special topic could be discussed: finance, innovation, trade (including the TTIP), female entrepreneurship, etc.</p>	<p>Since 2011, the European Commission jointly with the US Government organises on an annual basis the EU-US SME Dialogue.</p> <p>It is a platform for regularly exchanging information related to SME support policies. Discussions include, for instance, access to finance, access to markets, entrepreneurship, IPR issues, update on TTIP negotiations, cluster policy, SMEs access to standards, reinforced contacts between the European Enterprise Network (EEN) and the US International Trade Administration. Dialogues involve various stakeholders (DG GROW/DG TRADE, the United States Trade Representative (USTR), the Department of Commerce, the US SBA) and allow for a close interaction with business associations, including both horizontal as well as sectoral representatives of businesses.</p>





<p><b>N°31 Family businesses in Europe as a source of renewed growth and better jobs (own-initiative opinion)</b>  <b>EESC 2015/0722 - INT/765</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Mr Jan KLIMEK (GRI-PL)</b>  <b>DG GROW – Commissioner BIENKOWSKA</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>The EESC calls on the European Commission to implement an active strategy promoting best practices on family businesses among Member States.</p>	<p>The most effective way to help family businesses, that are certainly important economic actors, is to address their problems in existing SMEs or industry-related policies, such as creation of a supportive business environment or participation in the various EU funding programmes or programmes for training of young entrepreneurs. National tax policies can also play an important role.</p>
<p>The EESC proposes that a family business category be included in European statistics (Eurostat) and that national statistics offices gather data on family businesses in an effective way.</p>	<p>To make Governments more sensitive to the issue of family businesses, the Commission took action to make more visible the economic importance of this sector. In many Member States there is no statistical information. In addition, ESTAT is not collecting such statistics as national accounting systems do not take into account their specific characteristics. For this reason, the Commission finances a number of national statistical offices to collect data on family businesses, in order to get a clearer picture on them. The results will be known by 2018.</p>
<p>The EESC calls for better regulation on the transfer of family businesses from one</p>	<p>Family businesses have an interest in the smooth transfer of business to the</p>

<p>generation to the next, particularly from a tax perspective, with a view to reducing the exposure of these businesses to liquidity problems, and tax deductions to be introduced on reinvested profits.</p>	<p>next generation, including its fiscal consequences. However, taxation is an area of sole competence of Member States. The Commission works intensively with Member States within the European Semester towards “growth-friendly” tax policies at national level under full consideration of the need to keep public finance sustainable.</p> <p>In its Action Plan for Fair and Efficient Corporate Taxation<sup>1</sup>, the Commission announced it would consider, in the re-launch of the proposal for a Common Consolidated Corporate Tax Base (CCCTB), whether to address the corporate debt equity bias in order to strengthen the Capital Markets Union. This is also one of the actions of an Action Plan on Building a Capital Markets Union presented by the Commission on 30 September 2015<sup>2</sup>.</p>
<p>The main causes of failure in succession planning should be examined, and measures to facilitate business transfers should be supported, e.g. inheritance law or tax incentives which support transfers.</p>	<p>The Commission is currently running a project on identifying good practices and useful tools in preparing on time transfer of businesses.</p>
<p>The Committee believes that education should be developed and research promoted in the area of family entrepreneurship.</p>	<p>The Commission runs various programmes like Erasmus for Young Entrepreneurs from which all younger members of the family business can benefit, in order to prepare for entrepreneurship as an attractive and realistic career option.</p>

<sup>1</sup> COM(2015) 302 final of 17.06.2015.

<sup>2</sup> COM(2015) 468 final of 30.09.2015.

<p>Innovation in family businesses can be supported by means of an innovative public procurement system in which price should not be the sole criterion for selecting a bidder. Therefore, family businesses generally do not bid for public contracts that have price as their sole criterion. It is suggested that the values of the most economically advantageous tender (MEAT) be promoted as the assessment criterion, and this information disseminated among family businesses.</p>	<p>The new Public Procurement Directive that is to be implemented by April 2016 gives the right to Member States to opt for the most economically advantageous tenders.</p>
---	---

<p><b>N°32 The Economy for the Common Good: a sustainable economic model geared towards social cohesion (own-initiative opinion)</b>  <b>EESC 2015/2060 - ECO/378</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Mr Carlos TRIAS PINTO (GR11-ES)</b>  <b>Corapporteur: Mr Stefano PALMIERI (GR11-IT)</b>  <b>DG GROW – Commissioner BIENKOWSKA</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.4.2 Policy-making aimed at recognising companies with higher contributions to the common good, such as ethical public procurement and the promotion of ethical internal trade.</p>	<p>On public procurement procedure, contracting authorities cannot require that a bidder applies "Corporate Social Responsibility (CSR)", since it is not linked to the subject matter of the contract, as mandated by EU public procurement rules. However, provided a link with the subject matter of the contract is established, public procurement rules offer contracting authorities a number of tools allowing them to legitimately support socially responsible behaviour through procurement, e.g. by requiring that a certain process of production/provision is used, or by awarding contracts on the basis of socially relevant characteristics of the performance.</p> <p>Support for ethical standards through public procurement procedures within the EU must however always take into account the following caveats:</p> <ul style="list-style-type: none"> <li>- such criteria must bear a link to the subject-matter of the contract;</li> <li>- they must not be discriminatory (e.g. on a geographical basis).</li> </ul>

<p>1.4.3 Promoting ethical external trade as the "Brand Europe". In this way, Europe will pave the way to be recognised as an ethical market and European companies will lead the global ethical market and will contribute to the enhancement of human rights, labour standards and the protection of the environment throughout the world.</p>	<p>The Commission globally supports the Conclusions and Recommendations summarized in Chapter 1 of this Opinion as expressed in the Commission's 2011 Communication on Corporate Social Responsibility<sup>1</sup>, and the Staff Working Document on the EU's Implementation of the UN Guiding Principles on Business and Human Rights (UNGPs)<sup>2</sup>.</p>
<p>1.4.5 Fostering ethical consumption and awareness among European consumers.</p>	<p>The Commission indeed believes that the role of consumer awareness plays an important part in encouraging a culture which is conducive to responsible consumption. Building on its CSR activities, the Commission sees consumer involvement/awareness as an important element of future engagement. These principles are outlined in the Commission's 2011 Communication on Corporate Social Responsibility<sup>3</sup>, and the Staff Working Document on the EU's Implementation of the UN Guiding Principles on Business and Human Rights (UNGPs)<sup>4</sup>.</p>
<p>1.5 The EESC demands that the European Commission, as part of the renewed CSR strategy, makes a qualitative step in order to reward (in terms of public procurement, access to external markets, tax advantages, etc.) those enterprises that can demonstrate higher ethical performance.</p>	<p>The Commission has completed several phases of its collection of input regarding a potential updated action plan on responsible business conduct, building on the Commission's 2011 Communication on Corporate Social Responsibility which identified several incentive schemes. The suggestions</p>

<sup>1</sup> COM(2011) 681 final.

<sup>2</sup> SWD(2015) 144 final.

<sup>3</sup> COM(2011) 681 final.

<sup>4</sup> SWD(2015) 144 final.

	<p>made here further enrich the ongoing analysis.</p> <p>The new Public Procurement Directive that is to be implemented by April 2016, gives the right to Member States to opt for the most economically advantageous tenders (MEAT) which implies that criteria like ethical trade, solidarity action, and social values can be taken into consideration (see also above 1.4.2.).</p>
<p>5.9 Entrepreneurs for the Common Good:</p> <p>Fostering entrepreneurship is key to ensuring the European Union's economic sustainability. By the same token, social innovation must, by definition, be geared to supplying products and services that contribute to the common good of society. For this reason, policies to promote entrepreneurship in the "European Ethical Market" would foster business start-ups and training for entrepreneurs on the basis of the values of human dignity, solidarity, ecological sustainability, social justice and democratic participation. Common Good hubs could be set up in all (Common Good) cities, creating businesses that either practice the balance sheet from the outset or are initially set up as "common good enterprises".</p>	<p>The Commission would like to emphasize that such models already exist in social economy forms and are already promoted by the Commission (for example the Social Business Initiative).</p> <p>Social economy enterprises generate a significant impact on society, environment and local community. They contribute to inclusive growth due to their emphasis on people and social cohesion.</p> <p>The EESC's proposals to promote entrepreneurship for a "European Ethical Market" could usefully feed into the Commission Working Group on Social Entrepreneurship (GECES).</p> <p>On social impact investing, the GECES has already produced a report with key recommendations<sup>1</sup>.</p>

---

<sup>1</sup> Proposed Approaches to Social Impact Measurement (12/01/2015).

<p><b>N°33 Towards digital health – electronic information for safe use of medicinal products (own-initiative opinion)</b>  <b>EESC 2015/0424 – INT/767</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Ms Renate HEINISCH (GRIII-DE)</b>  <b>DG CNECT – Commissioner OETTINGER</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.2. The EESC notes that people seeking information, patients and healthcare professionals have repeatedly stressed the need for full, accurate and up-to-date information on medicinal products and for a single digital market.</p>	<p>The Commission acknowledges the importance of patient empowerment supported by access to digital health data and health information. Digital solutions can help healthcare systems to improve their efficiency and cope with the increasing demand from an ageing population.</p>
<p>1.4. The EESC believes electronic distribution of product information approved by drug licensing authorities will further improve access. An electronic database of patient information leaflets (PILs) and technical information approved by health authorities (Summary of Product Characteristics – SPCs) can ensure the availability of up-to-date and targeted information on medicinal products.</p> <p>1.8. The EESC thinks that the website/portal for officially approved information should be developed in close collaboration with all major stakeholders</p>	<p>The Commission would like to point out that the Union legislation provides<sup>1</sup> that the European Medicines Agency shall create a database on medicinal products, to be accessible to the general public, and ensuring that it is updated, and managed independently of pharmaceutical companies.</p> <p>The database shall facilitate the search for information already authorised for package leaflets; the information provided to the public shall be worded in an appropriate and comprehensible manner.</p>

---

<sup>1</sup> Article 57 of Regulation (EC) No 726/2004 of the European Parliament and of the Council laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency.

<p>– the pharmaceutical industry, which should operate and finance it, as well as patient associations, organisations representing people with disabilities and healthcare professionals – in order to best meet requirements.</p>	<p>The database shall include the summaries of product characteristics, the patient or user package leaflet and the information shown on the labelling. The database shall be developed in stages, priority being given to medicinal products authorised under the centralised procedures and under the decentralised/mutual recognition procedure. The database shall subsequently be extended to include any medicinal product placed on the market within the Community.</p>
<p>1.5. The EESC proposes that information for the visually impaired be made available in the way that is most appropriate, for example in larger print or as audio data. Videos, possibly with sign language, could be produced to demonstrate the proper use of medical appliances (such as asthma sprays) to the deaf. "Simplified language" versions offer further possibilities to reduce barriers to communication. These allow people with learning disabilities to access information targeting them and compensate for educational shortcomings.</p>	<p>The Commission would like to remark that Union legislation<sup>1</sup> already places an obligation on the marketing authorisation holder to ensure that the package information leaflet is made available on request from patients' organisations in formats appropriate for the blind and partially-sighted.</p> <p>The marketing authorisation holder is also required to express the name of the medicinal product in Braille format on the packaging.</p> <p>Videos are already used through Quick Response (QR) codes in the labelling and package leaflet – the European Medicines Agency has recently published general principles of acceptability of QR codes and rules or</p>

---

<sup>1</sup> Article 56a of Directive 2001/83/EC of the European Parliament and of the Council on the Community code relating to medicinal products for human use.



	procedure with respect to centrally authorised medicinal products <sup>1</sup> .
1.10. Even though electronic access to information is considered to be important, it should be stressed that doctors (particularly GPs) and other healthcare professionals, such as pharmacists and nurses, are the first point of contact for patients, providing them with recommendations regarding their ailments and treatment options.	The Commission would like to underline the importance of consulting the doctor or the pharmacist, as appropriate, for any clarification on the use of the product. This is recognised in Union law through a specific requirement <sup>2</sup> to include such recommendations in the packaging leaflet. Exchange with healthcare professionals is also important for the purpose of communication by patients of any suspected adverse reactions (pharmacovigilance). A standardised text asking patients to communicate such reactions is also mandatory in the packaging leaflet <sup>3</sup> .
1.11. The EESC asks the Commission to support the proposal for the IMI2 project on electronic product information. Member States are invited to join the effort to coordinate existing databases.	The need for such a project has to be evaluated inter alia in the light of the comments provided on points 1.4. and 1.8.
3.2.3. Education and training  Improve Citizens Digital health literacy	Digital health literacy is an essential element for citizens in managing their health and diseases, and towards the successful deployment of eHealth. Its importance is highlighted in the eHealth Action Plan 2012 – 2020: Innovative Healthcare for the 21 <sup>st</sup> century.

<sup>1</sup>[http://www.ema.europa.eu/docs/en\\_GB/document\\_library/Regulatory\\_and\\_procedural\\_guideline/2015/07/WC500190405.pdf](http://www.ema.europa.eu/docs/en_GB/document_library/Regulatory_and_procedural_guideline/2015/07/WC500190405.pdf).

<sup>2</sup> Article 59(1)(d)(viii) of Directive 2001/83/EC of the European Parliament and of the Council on the Community code relating to medicinal products for human use.

<sup>3</sup> Article 59(1), last paragraph, of Directive 2001/83/EC of the European Parliament and of the Council on the Community code relating to medicinal products for human use.

	<p>The H2020 Work Programme 2016 foresees funding for projects that will provide support for the improvement of digital health literacy of citizens, e.g. designing open access online courses ("MOOCs") for different population cohorts including children and the elderly and other high-risk patient groups, supporting an interactive learning environment.</p> <p>The intermediate evaluation of the implementation of the eHealth Action Plan is currently ongoing and this process includes the analysis of further necessary actions in the area of digital health literacy.</p>
<p>3.2.3. Education and training</p> <p>Training for health professionals as part of their academic studies.</p>	<p>As regards the digital skills of healthcare professionals, the H2020 Work Programme 2014 - 2015 has already funded a project analysing the gap between the current level of digital skills of healthcare professionals and the need for such skills (project CAMEI). The project contributed to the implementation of the Memorandum of Understanding between the Commission and the US Department of Health and Human Services on eHealth which was signed in 2010. One of the areas of cooperation is addressing digital skills of healthcare professionals.</p> <p>Further funding for research and innovation in this area is foreseen under the H2020 Work Programme 2016. The project(s) are expected to map the current knowledge structure, identification and quantification of the</p>

main trends and gaps, catalysts and barriers in IT skills and training needs of the healthcare workforce for optimum use of eHealth solutions.

The intermediate evaluation of the implementation of the eHealth Action Plan is currently ongoing and this process includes the analysis of further necessary actions in the area of digital (eHealth) skills of healthcare professionals.

<p><b>N°34 Social innovation, networking and digital communication (own-initiative opinion)</b>  <b>EESC 2014/4902 - TEN/560</b>  <b>510th Plenary Session – September 2015</b>  <b>Rapporteur: Mr Bernardo HERNÁNDEZ BATALLER (GR III-ES)</b>  <b>DG CNECT – Commissioner OETTINGER</b></p>	
Points of the EESC opinion considered essential	Commission position
<p>Conclusion and Recommendation 1.1.</p> <p>Social Innovation and collaborative networks must be fully used in order to boost participation by the public and civil society in general in designing and managing EU policies by means of distributed, collective and bottom-up projects that strengthen more direct democracy.</p>	<p>The Commission is funding Collective Awareness Platforms for Sustainability and Social Innovation pilots which directly involve civil society. A budget of EUR 43 million from the H2020 R&amp;D programme is devoted to Collective Awareness Platforms projects, starting from 1<sup>st</sup> January 2015. A further EUR 5 million is to be engaged in 2016 to address the distributed architecture and data privacy aspects of the Collective Awareness Platforms for Sustainability and Social Innovation (CAPS) that are to develop distributed open platforms for citizen participation. The European Social Innovation Competition run by DG GROW since 2012 is another example of the open and bottom-up crowd-sourcing process implemented by the Commission. In its 2015 edition, it attracted 1408 entries including from many individuals and unconstituted groups.</p>
<p>Recommendation 1.3.</p> <p>The new information and communication technologies, with the support of social innovation and use of collaborative</p>	<p>The potential of the collaborative economy in all its dimensions, potential benefits and potential risks is addressed in the Single Market</p>

<p>networks, should play an important role in creating skilled, high-quality jobs by supporting projects seeking to set up innovative businesses and generate initiatives that can bring down current unemployment rates.</p>	<p>Strategy, including with respect to entrepreneurship, jobs and social innovation. The Commission has launched in 2015 a comprehensive assessment of the role of platforms, including in the sharing economy, and of online intermediaries. In addition, the Internal Market Strategy<sup>i</sup> proposes to develop an EU collaborative economy agenda with guidance on how existing EU law applies, assess possible regulatory gaps and monitor its development.</p> <p>In parallel, the Commission also supports the development of a favourable framework for social enterprises in Europe, which have a great role to play for social innovation, work integration and job creation. This is done through the Social Business Initiative (see: <a href="http://ec.europa.eu/internal_market/social_business/index_en.htm">http://ec.europa.eu/internal_market/social_business/index_en.htm</a>).</p>
<p>Recommendation 1.6.</p> <p>The EESC calls for social innovation combined with the new technologies on the basis of social networks and collaborative work to enable technical solutions to be implemented that help people with disabilities to integrate better, making it easier for them to achieve maximum autonomy and participation, and enabling them to meet specific challenges and overcome any barriers that might give rise to discrimination.</p>	<p>In this respect, the Commission would like to draw attention to the conclusions of a project funded by DG EMPL and implemented by JRC which precisely explores those questions: ICT-enabled Social Innovation in support of the Implementation of the Social Investment Package (IESI) - Mapping and analysis of ICT-Enabled Social Innovation initiatives promoting social investment through integrated approaches to the provision of social services (see <a href="https://ec.europa.eu/jrc/en/publication/eur-scientific-and-technical-research-reports/ict-enabled-social-innovation-">https://ec.europa.eu/jrc/en/publication/eur-scientific-and-technical-research-reports/ict-enabled-social-innovation-</a></p>

	<a href="#">support-implementation-social-investment-package-iesi-mapping</a> ).
<p>Recommendation 1.9.</p> <p>The EESC asks the Commission to launch a clear and concrete policy on social innovation ‘in line with the European Commission’s social investment package’.</p>	<p>Social innovation was made a commitment (No 26) in the Innovation Union Policy adopted in 2010. It makes more sense to consider it with all other innovation actions, as it is by definition a cross-cutting dimension applying to all fields and sectors. Within Horizon 2020, social innovation is supported through various work programmes, in particular by the work programme for innovative, inclusive and reflective societies, by the work programme for ICTs and by the work programme for innovation in SMEs. On the other hand, DG EMPL has a dedicated programme entitled Employment and Social Innovation (EaSI) to implement the social innovation objectives of the Social Investment Package. DG CNECT and a number of services (DG RTD, the JRC ISPRA) invest R&amp;D budget towards achieving social innovation which directly relates to the Committee opinion TEN/560 paragraph 2.2., 2.4. and 3.1. For example, the WebCOSI project (DG CNECT) has published surveys on the use of big data by and for social entrepreneurs for better and more inclusive policymaking.</p>

<p><b>N°35 Cyberactivism and civil society organisations (own-initiative opinion)</b>  <b>EESC 2015/1058 - TEN/571</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Mr Bernardo HERNÁNDEZ BATALLER (GRIII-ES)</b>  <b>DG CNECT – Commissioner OETTINGER</b></p>	
Points of the EESC opinion considered essential	Commission position
<p>Referring to 'Proposals for Action' in section 6 of the opinion, the Commission's understanding is that the EESC opinion asks the Commission and the Member States:</p> <ul style="list-style-type: none"> <li>- to promote the implementation and development of a mechanism for cyberactivism and online participation, so as to encourage and strengthen social engagement and volunteering;</li> <li>- to support defining standards and criteria to evaluate cyberactivism activities' value and impact;</li> <li>- to ensure data protection and accessibility to information when engaging in cyberactivism;</li> <li>- to ensure that tools and infrastructures are made available allowing cyberactivism;</li> <li>- to promote educational and training activities to develop citizens' skills to use these tools;</li> </ul>	<p>The Commission welcomes the proposal, in particular several of the mentioned proposals for action in section 6.</p> <p>All of this is in line with the Commission's current work/thinking (in the context of ICT enabled public sector modernisation), as reflected in the Digital Agenda for Europe (DAE), the Digital Single Market (DSM) and the vision paper (A vision for public services<sup>1</sup>).</p> <p>The Commission considers this EESC opinion a source of inspiration/input to improve eGovernment.</p> <p>However, in this context the Commission refers rather to 'digital engagement' or 'citizen empowerment and eParticipation' rather than 'cyberactivism'.</p>

<sup>1</sup> The Public Services unit in DG CNECT has drafted "A vision for public services" with the aim of outlining the long-term vision for a modern and open public sector and the way public services may be delivered in an open government setting (enabled by ICT), i.e. how public services may be created and delivered seamlessly to any citizen and business at any moment in time: <http://ec.europa.eu/digital-agenda/en/news/vision-public-services>.

<p>- to raise people's awareness around eParticipation opportunities.</p>	
---	--



<p><b>N°36 The importance of agricultural trade for the future development of farming and the agricultural economy in the EU in the context of global food security (own-initiative opinion)</b>  <b>EESC 2015/1349 - NAT/662</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Mr Volker PETERSEN (GRI-DE)</b>  <b>DG AGRI –Commissioner HOGAN</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.4 The EESC welcomes the fact that the EU's agriculture and development policies are pointing in the same direction.</p>	<p>The Commission is committed to ensure coherence between the EU's agriculture and development policies.</p>
<p>1.5 The EESC recommends that the EU agri-food sector be helped in a sustainable way to participate successfully in the emerging worldwide trade in agriculture.</p>	<p>The EU supports the EU agri-food sector by securing better access to third countries' markets in bilateral free trade agreements and upholding the multilateral trading system, addressing Sanitary and Phytosanitary (SPS) issues and assisting promotion campaigns. Through successive reforms of the CAP, EU support is non-market distorting and non-trade distorting, and requires producers to respond to market signals, producing a more competitive sector better equipped to succeed in global markets, particularly for high value added products in which Europe excels.</p>
<p>1.6 Bilateral free trade agreements concluded by the EU can help considerably in dismantling non-tariff barriers to trade. At the same time, there will always be rules that are non-negotiable on both sides. In</p>	<p>The Commission remains committed to enforce the high food safety standards of the EU including for imports from third countries. The Commission is also committed to ensuring that trade</p>

<p>these areas, rules must be adopted to facilitate trade outside the framework of harmonisation.</p>	<p>agreements do not lower levels of regulatory protection<sup>1</sup>. In many cases, there is scope for trade facilitation and simplification of procedures without compromising consumer protection.</p> <p>SPS provisions introduced in the bilateral FTAs aim at ensuring full transparency as regards SPS measures applicable to trade whilst safeguarding public, animal and plant health. They also focus to a large extent on how to make complying with the necessary and justified standards more predictable and less costly and time-consuming, ensuring balanced import/export procedures.</p>
<p>1.7 SMEs play a significant role in EU agricultural trade. In the international context, they are particularly dependent on sustained administrative support for accessing markets in third countries – support that must be provided by the relevant EU staff.</p>	<p>99% of food companies in the EU are SMEs. The Commission is supporting further measures to increase SME Internationalisation in order to exploit the potential of the Internal Market and of markets in third countries. The COSME programme includes actions to support SMEs to go international and provides access to finance. The Enterprise Europe Network (as major action in COSME) is increasing its reach to more than 600 partner organisations in 63 countries and plans to further develop specialised advisory services for the internationalisation of SMEs, including specific activities for SMEs in the agro-food sector.</p>
<p>1.8 The EESC welcomes the further</p>	<p>When negotiating economic</p>

---

<sup>1</sup> Commission Communication 'Trade for All', COM(2015) 497 final, point 4.1.1.

<p>extension of the partnership agreements with developing countries, which are the basis for allowing those countries to enjoy the benefits of open and fair trade. The objective of such agreements should be to support a degree of self-sufficiency in agricultural products for such countries, with agricultural trade serving to supplement local production.</p>	<p>partnership agreements with African, Caribbean and Pacific (ACP) countries, the EU offers full liberalisation of EU imports from those countries while accepting that those countries retain some tariff protection for their sensitive, mainly agricultural, products as well as having resort to safeguard measures.</p>
<p>6.5.1 The rules governing global agricultural trade originate above all in different approaches to ensuring consumer and health protection in different countries. The EU institutions, in particular the Commission, are called upon to urge countries with such technical regulatory barriers to trade to open their markets rapidly; where necessary the EU should enter into appropriate negotiations.</p> <p>6.5.2 In the EESC's view it is urgently necessary for the Commission to clearly and explicitly assume responsibility for the whole EU in these matters. This is the only way that EU positions can be efficiently and emphatically enforced vis-à-vis its trading partners. It is also detrimental to fair competition between the Member States if they have various agreements with non-EU countries. Only where regional or country-specific restrictions are appropriate at Member State level should they be able to introduce special provisions for justified cases.</p>	<p>6.5.1 The Commission defends that SPS trade conditions should be aligned with international standards in accordance with the WTO/ SPS Agreement (OIE, IPPC, Codex Alimentarius recommendations) or provide a solid scientific justification when different measures are applied. The Commission uses all available channels, including the SPS Committee meetings, and in particular the negotiation of bilateral SPS Agreements, to seek the commitment of trade partners to fully respect the latter.</p> <p>SPS is forming a key part of all FTA negotiations. It figures centrally in the implementation of multilateral and bilateral commitments to ensure that well justified SPS are not applied in a way that is becoming a trade obstacle in itself.</p> <p>To the extent possible, SPS trade conditions should be aligned with international standards in accordance with the WTO/ SPS Agreement. The Commission uses all available channels, including the SPS Committee meetings, to pursue this objective.</p>

	<p>In all negotiations with third countries, the Commission continues to emphasise the high level of harmonisation of the EU legislation in the SPS field. Approval procedures should take account of this harmonisation.</p> <p>To ensure that the potential benefits of trade agreements will be available to all EU Member States, the Commission calls for close cooperation between the Commission, Member States and EU industry to address issues such as repetitive market access application procedures with possibly diverging outcomes that may be the cause of unnecessary delays and costs. This is particularly the case in the agri-food sector, where the EU is the largest exporter in the world but may not make full use of this potential due to such barriers. Recognition of the EU as a single entity in the agri-food sector is essential to ensure exports from the 28 EU Member States are all treated equally. At the same time, the EU may need to reflect on how to offer trading partners the guarantees they seek in order to address the issue.<sup>1</sup></p>
<p>6.5.4 EU standards should be the basis for licences granted for imports into the EU. Production conditions and other rules should be based on minimum requirements for imports that take sufficient account of the situation in the EU and do not put</p>	<p>According to the WTO Agreement on Technical Barriers to Trade, all WTO members shall ensure that technical regulations are not prepared, adopted or applied with a view to or with the effect of creating unnecessary obstacles</p>

---

<sup>1</sup> Commission Communication 'Trade for All', COM(2015) 497 final, point 2.2.2.

<p>businesses there at a competitive disadvantage.</p>	<p>to international trade. Restricting imports on grounds of non-fulfilment of domestic production standards would infringe the WTO principles, unless the restrictions would be justified by certain legitimate reasons such as national security requirements, the prevention of deceptive practices, protection of human health or safety, animal or plant life or health, or the environment. Application of such restrictions would in any case be disputable and made subject to litigation in the WTO Dispute Settlement Body. Instead of setting minimum production requirements for imports into the EU, the Commission aims at promoting high production standards in the dialogue with third countries, in particular developing countries, both in the bilateral and multilateral context.</p>
--	--

<p><b>N°37 Rural Development Programmes – Sticking Plasters or Green Shoots of Recovery? (own-initiative opinion)</b>  <b>EESC 2015/0601 - NAT/661</b>  <b>510th Plenary Session - September 2015</b>  <b>Rapporteur: Mr Tom JONES (GR11-UK)</b>  <b>Corapporteur: Ms Joana AGUDO I BATALLER (GR11-ES)</b>  <b>DG AGRI – Commissioner HOGAN</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.9 There is a serious concern that the RDPs will be unable to deliver improved territorial cohesion. The more remote and economically marginal areas, both within and between states and regions, lack the structural capacity to capitalise on the funds and support available. Further targeted resources, for longer periods, are required, including cross-border mentoring, twinning, capacity building for advisory structures and innovative private and social enterprise loans and investments.</p>	<p>The European Agricultural Fund for Rural Development (EAFRD) has a stronger focus on agriculture, local infrastructure, and sustainable land management. Nevertheless, RDPs can contribute significantly to territorial cohesion, in particular in areas with a strong agricultural profile. Indeed, EAFRD does provide for capacity building, advisory structures, as well as the establishment of financial instruments. The contributions of EAFRD must be seen in the context of all European Structural and Investment (ESI) Funds within which EAFRD works in complementarity.</p>
<p>3.7 There has been a serious delay in the preparation and approval process for many of the new programmes, despite promises of simplification. This is highly regrettable given the parlous state of many of the poorest rural areas and the desire for these programmes to urgently contribute to tackling low income, youth unemployment, poor public services and the impact of</p>	<p>Rural Development Programmes (RDPs) are prepared by Member States and/or regions and submitted to the Commission for approval. Based on the assessment of RDPs, including the correspondence to the findings of ex-ante evaluations and needs assessments, the Commission issued observation letters, inviting Member</p>

<p>climate change. As of May 2015, some 57%<sup>1</sup> of regional and state programmes still had to be approved, although it is hoped that the process can be completed by the end of the year.</p>	<p>States to clarify outstanding issues or to adapt programmes to ensure compliance and legality. Programme approval is an interactive process, taking its time. In no case can the Commission approve non-compliant RDPs. Nevertheless, there were RDPs that were elaborated to a degree that allowed fast assessment and approval.</p>
---	--

---

<sup>1</sup> European Commission - Press release 26 May 2015, Adoption of a further 24 Rural Development Programmes to boost the EU farming sector and our countryside.

<p><b>N°38 Data in the fisheries sector (recast)</b>  <b>COM(2015) 294 final – EESC 2015/0133 – NAT/673</b>  <b>510<sup>th</sup> Plenary Session – September 2015</b>  <b>Rapporteur: Mr Brian CURTIS (GRII-UK)</b>  <b>DG MARE – Commissioner VELLA</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>Overall assessment</p>	<p>The Commission welcomes the position of EESC. The opinion supports all aspects of the legal proposal and endorses the analysis made by the Commission.</p>



<p><b>N°39    Fighting corruption in the EU: meeting business and civil society concerns (own-initiative opinion)</b>  <b>EESC 2014/6520 - CCMI/132</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Mr Filip HAMRO-DROTZ (GRI-FI)</b>  <b>DG HOME - Commissioner AVRAMOPOULOS</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>The EU should develop without delay a coherent and comprehensive five-year anti-corruption strategy and accompanying action plan, endorsed by the presidents of the European Commission, European Parliament and European Council. [...] Progress on the strategy should be reviewed as part of the European Semester exercise.</p>	<p>President Juncker's Political Guidelines<sup>1</sup> stressed the need to tackle corruption among justice and fundamental rights priorities.</p> <p>The Commission's European Agenda on Security<sup>2</sup> of 28 April 2015 recalled that preventing and fighting corruption in the EU requires a comprehensive approach, and that the Commission EU Anti-Corruption Report, published in 2014, provided an EU-wide overview, identified trends and best practice, and analysed developments in each Member State, aiming to support governments, civil society and other stakeholders in preventing and combating corruption. It also recalled that the Report underpinned a series of further steps that the EU has taken to fight corruption: policy and monitoring initiatives (including recognising the economic cost of corruption in the European Semester), legislation, and</p>

<sup>1</sup> <http://www.eesc.europa.eu/resources/docs/jean-claude-juncker---political-guidelines.pdf>.

<sup>2</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-security/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-security/index_en.htm).

	<p>funding programmes.</p> <p>The Commission's comprehensive anti-corruption policy was defined in the Commission's Communication Fighting Corruption in the EU<sup>1</sup>.</p> <p>The Commission continues to mainstream anti-corruption issues into other policy areas, including cohesion policy, public procurement, enlargement and development aid.</p> <p>Promotion of integrity across EU policies and instruments include:</p> <ul style="list-style-type: none"> <li>- Relevant legislation (freezing, confiscation and recovery of criminal assets; disclosure of non-financial information; public procurement; money laundering...);</li> <li>- In the European Semester of economic governance, many Member States receive recommendations to modernise public administration, improve the business environment, improve public procurement or strengthen their judiciary with a clear focus on transparency and anti-corruption policies;</li> <li>- Trade policy (see below);</li> <li>- Corruption prevention in the programming of Structural &amp;</li> </ul>
--	---

---

<sup>1</sup> (COM(2011) 308 final), 06.06.2011.

	<p>Investment Funds, in particular in the context of financial support to administrative capacity and reform of public administrations.</p>
<p>Stepping up efforts to approximate national criminal legislation, where these have become a barrier to effective investigation and prosecution of corruption cases. Particular attention should be paid to the harmonisation of definitions of corruption and conflicts of interest.</p>	<p>On 1 December 2014, the transitional period provided for in Article 10 (1) of Protocol 36 annexed to the Treaties has come to an end. This lifts the limitations to judicial control by the European Court of Justice and to the Commission's enforcement powers, as the guardian of the Treaty in the areas of police cooperation and judicial cooperation in criminal matters.</p> <p>The Commission is currently assessing the implementation of the existing EU anti-corruption legislation by Member States. This will feed into reflections on whether further improvements at EU level are necessary.</p> <p>The 2014 Public Procurement directives provide for an EU-wide definition of the notion of conflicts of interest. Article 24 of Directive 2014/24 EU provide that Member States ensure that contracting authorities take appropriate measures to effectively prevent, detect and correct conflicts of interest.</p>
<p>The EU institutions and the relevant bodies should, in cooperation with Member States, step up actions to raise public awareness of how citizens can become involved in the fight against corruption, highlighting rights</p>	<p>In 2014 and 2015, the Commission organised, together with the NGO Transparency International, seminars on anti-fraud and anti-corruption measures in the context of EU funds</p>

<p>and redress available under EU law. An information campaign aimed at mass media outlets would be needed, for example to make clear the channels available to citizens to report suspicion of corruption and misuse of EU funds. This should go hand-in-hand with greater transparency about how EU funds are spent.</p>	<p>for 14 Member States in Member States' capitals<sup>1</sup>. Civil society was invited and press made aware. Reporting channels was amongst the topics presented.</p>
<p>The EU should, in addition to legislative measures, initiate and support alternative measures to promote the adoption and implementation of compliance, anti-bribery/corruption codes and standards in individual companies, in line with international, sectorial and European instruments and guidelines. [...] This concerns particularly the supply of natural resources which is a frequent source of vulnerability for corruption.</p>	<p>The Commission agrees that the private sector has an important role to play in the promotion of integrity. In this respect, the need to improve undertakings' disclosure of social and environmental information was reiterated in the Commission communication 'A renewed EU strategy 2011-14 for Corporate Social Responsibility', and found concrete form with the adoption in 2014 of Directive 2014/95/EU on disclosure of non-financial and diversity information by certain large undertakings and groups.</p>
<p>The European Commission should again review the public procurement directives, specifically to see how the transparency and soundness of the procedures can be improved. It should proactively monitor how existing provisions on preventing conflicts of interest and favouritism are implemented by Member States (also at regional and local levels) and provide more detailed guidance where necessary. Public</p>	<p>The new 2014 Public Procurement directives aim at more transparency and soundness of the procedures. Numerous new provisions have been inserted to better prevent, detect and redress corruption (e.g. definition, monitoring and reporting on conflicts of interest, strengthened exclusion grounds, mandatory e-procurement, enhanced monitoring and guidance</p>

---

<sup>1</sup> Bratislava: 13 March 2014; Praha: 20 March 2014; Sofija: 9 April 2014; Zagreb: 14 May 2014; Bucuresti: 3 June 2014; Napoli: 25 June 2014; Ljubljana: 22 October 2014; Madrid: 18 November 2014; Warsaw: 4 February 2015 and Riga 25 February 2015.

<p>procurement rules should cover all companies regardless of origin.</p>	<p>obligations for Member States). The EU Public Procurement directives, valid for procurement by contracting entities in the EU, do not distinguish as to the origin of the companies.</p>
<p>The European Commission should ensure that there are appropriate channels for reporting corruption in public procurement procedures at national and local level, and allow better possibilities for seeking redress - also by players other than those who are directly affected. The EU and the Member States should promote a high degree of transparency in these procedures. (...)</p>	<p>The new Public Procurement directives require procedures to bring potential problems to the attention of the proper bodies in the Member States. The Commission agrees that there is a need for better data and better data analytics and intends to take further steps to this end.</p>
<p>Companies bidding for public procurement contracts should provide information about their ownership, including the beneficial owner of the company. Large companies bidding for contracts should have in place a robust anti-bribery and anti-corruption code (in line with international, European and sectorial instruments/guidelines)</p>	<p>The Commission agrees that identifying the beneficial owners of companies and trusts can be a useful tool in preventing corruption or the diversion of proceeds from corruption. The recently adopted 4th Anti-Money Laundering Directive introduces new tools to enhance the identification and transparency of beneficial ownership information, in the form of central registers. The Commission is looking into further follow-up with practical initiatives that would help in implementing and applying the legislative framework.</p>
<p>(...) The European Commission, European Investment Bank and Member States should create an EU-wide cross-debarment system to integrate European-level and national level debarment systems and ensure corrupt persons are prohibited from participating in public tenders in the EU, as provided for in the new EU Procurement directives (2014/24 and 25). (...) The</p>	<p>Final conviction for corruption is a mandatory exclusion ground for bidders in public procurement procedures. In addition, the 2014 directives provide for the possibility of self-cleaning. In the context of its ‘integrity in public procurement’ policy, the Commission is currently conducting an ‘integrity pacts’ pilot</p>

<p>system should make allowance for companies who have carried out reforms and taken appropriate steps to prevent corrupt acts from occurring ("self-cleaning"). The use of "integrity pacts" – commitments by public authorities and business to heightened standards of transparency and integrity in public procurement – should be promoted. (...)</p>	<p>project.</p>
<p>The European Commission should seek alternative ways to promote protection of whistle-blowers, undertake a study on the feasibility of EU-level instruments, possibly regulation or directive, taking account of international, sectorial guidelines and the relevant European Parliament resolutions. Respecting privacy and trade secrets should not prevent exposure of corruption (Directive 2013/36 (CRD IV)). Appropriate safeguarding provisions should be in place to protect relevant parties against incorrect whistleblowing.</p>	<p>The 2014 EU Anti-Corruption Report covers whistleblowing for all EU countries, and this remains an important topic in bilateral discussions with Member States on the follow-up to the Report. The Commission has funded whistleblowers' support projects and organised an experience-sharing workshop for experts on whistleblowing in July 2015. One of the conclusions of this workshop was that whistleblowers require multiple channels (internal and external), as well as professional advice and support.</p>
<p>The EU should step up its participation in anti-corruption efforts on the global stage. It should include strong anti-corruption provisions in the agreements with third countries.</p>	<p>EU trade policy already contributes to the fight against corruption, for example by increasing the transparency of regulations and procurement processes, and by simplifying customs procedures. Under the Generalised Scheme of Preferences plus (GSP+), the EU offers trade preferences to countries that ratify and implement international conventions relating to good governance, including the UN Convention Against Corruption.</p> <p>The Commission agrees that trade agreements could be used further to</p>

	<p>tackle corruption and ensure international conventions and principles are implemented in practice. In this respect, the Commission will:</p> <ul style="list-style-type: none"> <li>- use Free Trade Agreements to monitor domestic reform in relation to the rule of law and governance and set up consultation mechanisms in cases of systemic corruption and weak governance; and</li> <li>- propose to negotiate ambitious provisions on anti-corruption in all future trade agreements, starting with the TTIP.</li> </ul>
<p>The EU Institutions themselves must ensure they are a beacon of transparency, integrity and good governance in a way that sets the standard for its Member States. [...]. To this end, the Institutions should aim for maximum accountability and transparency of the decision-making process, which would include the creation of a "legislative footprint" for EU legislation and policies – i.e. a public and timely record of interaction between EU institutions, the Member States and lobbyists – as well as legislation about mandatory registering of lobbying in EU.</p>	<p>The agreed Interinstitutional Agreement on Better Law Making reaffirms the importance that the EU Institutions are bound by, <i>inter alia</i>, the transparency of the legislative process and to the democratic legitimacy.</p> <p>Furthermore, in line with the Political Guidelines of 15 July 2014, the Commission is committed to enhancing transparency in respect of contacts with stakeholders and lobbyists. Since 1 December 2014, the Commission publishes on its website the dates, location, names of the organisations and self-employed individuals met and the topics of discussion of its bilateral meetings.</p>

<p><b>N°40 Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1829/2003 as regards the possibility for Member States to restrict or prohibit the use of genetically modified food and feed on their territory</b></p> <p><b>COM(2015) 177 final – EESC 2015/2913</b></p> <p><b>510<sup>th</sup> Plenary Session - September 2015</b></p> <p><b>Rapporteur: Mr José María ESPUNY MOYANO (GRI-ES)</b></p> <p><b>Corapporteur: Mr Martin SIECKER (GRII-NL)</b></p> <p><b>DG SANTE – Commissioner ANDRIUKAITIS</b></p>	
<b>Points of the EESC opinion considered essential</b>	<b>Commission position</b>
<p>1. Conclusions and recommendations</p> <p>1.1 The EESC welcomes the European Commission's plans to address an issue that has sparked considerable interest among the production sectors and public opinion in general.</p> <p>1.2 The EESC welcomes the fact that the Commission is taking action on its mandate to find solutions to an approval system for GMO crops which has proved inadequate in practice.</p>	<p>The Commission thanks the Committee for supporting the overall objective of the Regulation's proposal to resolve the tensions in the authorisation process for GM food and feed.</p> <p>As explained in the Commission Communication<sup>1</sup> accompanying the legislative proposal, the Member States have not managed to reach a qualified majority in favour or against draft decisions of authorisations for GM food and feed, leading to a situation where the Commission, which is bound to ensure the proper implementation of the GMO legislation, has taken alone the responsibility of authorising safe GMOs for food and feed use.</p> <p>Given that, in most cases, Member States which abstain or vote against draft decisions of authorisation do not</p>

---

<sup>1</sup> [http://ec.europa.eu/food/plant/gmo/new/authorisation/index\\_en.htm](http://ec.europa.eu/food/plant/gmo/new/authorisation/index_en.htm).



	<p>justify their vote by reasons relating to the quality of the risk assessment, but by other kinds of considerations strongly tied to national contexts, the Commission decided to adopt a more subsidiarity-based approach and to grant to Member States a decisional power to restrict or prohibit the use of GMOs on the basis of compelling grounds other than risks on health and the environment.</p>
<p>1.3 The EESC regrets that the proposal does not give enough attention to key aspects such as traceability and legislative consistency between the food and feed sectors, or provide a socio-economic impact study of the proposals.</p> <p>2. Background</p> <p>2.3 Food and feed product labelling has, for over a decade, been legally required to disclose the presence of GMOs as a matter of course. At present, 85% to 90% of industrial feed produced in the EU are labelled as GMO or containing GMO, as such feed contains a significant quantity of raw materials of GMO origin, both imported and produced in the EU. These represent on average 20-25% of the total composition of industrial feed. If this proposal comes into effect, it may seriously affect demand and supply for food and feed in the EU. The effect this may have on European agriculture and subsequently on the CAP has to be</p>	<p>The Commission would like to recall that the EU regulation on GMOs has put in place a comprehensive traceability and labelling system which covers both GMOs for food and feed use.</p> <p>Articles 12 and 24 of Regulation (EC) 1829/2003 provide that food and feed products that consist of or contain GMOs, or are produced from GMOs, must be labelled as GM unless GMO presence is below 0,9% by ingredient and is adventitious or technically unavoidable.</p> <p>The Commission also recalls that Member States are allowed to put in place “GM-free” labels highlighting that specific measures have been taken on a voluntary basis to strictly exclude the presence or the use of GMOs in some food or feed, provided that the information is not misleading for the consumer. The Commission has recently published a study giving an overview of</p>

<p>assessed thoroughly. The EU rules to ensure reliable GMO traceability in food and animal feed should be extended to also label these products as non-GMO when they truly are GMO-free.</p> <p>2.4 However, the EESC regrets and emphasises that similar efforts have not been made in EU legislation on traceability for food.</p>	<p>GM free labels in place or in development in the EU<sup>1</sup>.</p> <p>With respect to the concern expressed by the EESC because no socio-economic impact study of the proposals was provided, the Commission would like to recall that the proposal only gives a legal basis to the Member States to restrict or ban the use of GM food and feed. As in the case of Directive (EU) 2015/412 on GMO cultivation, the practical effect of the proposal will depend on the extent to which Member States make use of its provisions. The Commission therefore considers that it would be up to each Member State, when deciding to make use or not of the possibility offered by the EU legislation, to strike the balance between all relevant impacts, including possible negative effects on national farmers and operators using GM raw materials such as soya, maize or oilseed rape.</p>
<p>1.4 The EESC also has reservations about the real possibility of implementing these rules in the single market and about certain legal aspects; this is not to mention the political problems and problems of public perception that run alongside these legal questions.</p>	<p>The Regulation is compatible with the rules of the Internal Market, and the substantial conditions set out in the Regulation aim to assist the Member States in designing national measures of restriction or banning which are compliant with the EU treaty and the rules of the Internal Market.</p>
<p>1.5 The EESC therefore advises the Commission to withdraw the proposal, as currently worded, and to draw up an</p>	<p>The Commission regrets that the EESC advises to withdraw the proposal. The Commission is of the opinion that this</p>

---

<sup>1</sup> [http://ec.europa.eu/dgs/health\\_food-safety/dyna/enews/enews.cfm?al\\_id=1621](http://ec.europa.eu/dgs/health_food-safety/dyna/enews/enews.cfm?al_id=1621).

<p>improved proposal that addresses the shortcomings pointed out in this opinion and in other similar recommendations made by the European Parliament.</p>	<p>proposal allows appropriately addressing the detrimental tensions identified in the decision making process on GM food and feed. The Commission is committed to and hoping to engage in discussions with the co-legislators on the proposal in the context of the ordinary legislative procedure.</p>
<p>6 Arguments in favour of the Commission proposal</p> <p>6.1 Restoring the balance between national and EU competences</p> <p>6.1.1 It is well known that due to the current common agricultural policy's operational and budgetary constraints, many countries are now questioning the competences conferred by the Treaties in this area, causing political damage to the European institutions.</p> <p>6.1.2 Furthermore, some Member States that are not "natural" beneficiaries of the CAP often criticise the budgetary importance attached to this common policy and to other common policies under the third pillar. This political opposition is finding increasing support in certain Member States, a fact which cannot be ignored by legislators or the EESC.</p> <p>6.1.2 In practice, the Commission proposal would hand back powers, satisfying the demands of some Member States (and public opinion in those countries) to restore the balance between national and EU competences, especially in an area where Member States still have powers (with respect to GMO crops).</p>	<p>The legislative proposal made by the Commission gives competence to the Member States to take into account legitimate national considerations while maintaining at EU level the risk assessment and the authorisation of GMOs for food and feed use.</p>

<p>6.3 Removing an anomaly in the EU's legal practices</p> <p>6.3.1 As the Commission states when providing the background to the proposal, the provisions of Regulation (EC) No 1829/2003 have never been completely fulfilled, as much due to national positions that are not based on science as due to the legal anomaly of the Commission making decisions directly (comitology).</p> <p>6.3.2 This situation – truly exceptional in the context of the European regulatory system – would be limited if the proposal as presented by the Commission were to be adopted. Those Member States that have hitherto been determined that no decisions should be taken, or have been systematically opposed to sufficient majorities being formed, might no longer deem it necessary to mount political opposition within the Council if they can use other tools at national level to counteract or void the Council's decisions on this subject within their borders.</p>	<p>The Commission welcomes the analysis of the EESC in section 6.3, which fits with its own.</p>
<p>6.4 Fulfilling its mandate</p> <p>6.4.1 By drafting the proposal amending Regulation (EC) No 1829/2003, the Commission is fulfilling the mandate it was given to submit a proposal that overcomes the limitations of the existing regulatory framework for authorising GM feed and food. The Commission's proposal is therefore necessary and timely.</p>	<p>The Commission welcomes the analysis of the EESC in section 6.4, which fits with its own.</p>
<p>7. Arguments against the Commission proposal</p>	<p>The Commission is aware that the legislative proposal has been questioned</p>

<p>7.1 Universal opposition from all the sectors concerned</p> <p>7.1.1 The Commission proposal has met with widespread opposition, subsequently echoed by the media, both from sectors that have been in favour of using GMOs in food and feed and from all those who have usually argued against the use of GMOs. Significantly, it is worth noting the Committee on the Environment, Public Health and Food Safety of the European Parliament's public criticism of the proposal, on which basis its withdrawal has been recommended<sup>1</sup>.</p> <p>7.1.2 The strong reservations expressed by these sectors, albeit the expression of different and even conflicting visions, will inevitably lead to a difficult parliamentary debate with an uncertain outcome that it may be wise to avoid by submitting the proposal to a more carefully thought out review.</p>	<p>by a number of actors. The reasons for the different views expressed are very diverse depending on who formulates them. The Commission considers that these differences in views should be discussed, and possibly overcome, in the context of the decision-making procedure (ordinary legislative procedure).</p>
<p>7.2 Risk of lack of transparency in national decision-making</p> <p>7.2.1 The Commission maintains a common system of risk assessment relating to GMOs, set out in Directive (EU) 2015/412<sup>2</sup>. However, the possibility granted to Member States to use national reasons as a way of restricting risk assessments and Community authorisations (and the lack of a mandatory and transparent system of public information regarding the reasons and justifications that lead Member States to pursue exclusion</p>	<p>The Member States are responsible for setting up and implementing their national rules as regards transparency of their decision making process (for instance via public consultations), and of communication to the public of national measures restricting or banning the use of GM food and feed.</p>

<sup>1</sup> [http://www.europarl.europa.eu/meetdocs/2014\\_2019/documents/envi/pr/1065/1065989/1065989en.pdf](http://www.europarl.europa.eu/meetdocs/2014_2019/documents/envi/pr/1065/1065989/1065989en.pdf).

<sup>2</sup> OJ L 68, 13.3.2015, pp. 1-8.

<p>clauses) may seriously compromise pledges to make public decision-making transparent that were established and publicised as a priority in the Juncker Commission's policy guidelines. It would therefore be wise to demand that the regulation establish such national public information systems and ensure they are transparent and publicly accessible.</p>	
<p>7.3 Risk of unpredictability</p> <p>7.3.1 If the Commission proposal were adopted in its current form, the result might be an anomalous situation whereby Europe-wide public decisions taken according to scientific criteria may have different legal and economic implications for different Member States. This fact may undermine the predictability and credibility of EU decision-making.</p> <p>7.3.2 There is no socio-economic impact assessment of the proposal, with a detailed description of the impact on costs for the food chain, cultivation, the supply of raw materials or any market distortions.</p> <p>7.3.3 There is no mention of measures for ensuring GMO traceability in the labelling of food intended for human consumption.</p>	<p>The Commission considers that, against the background of the current situation, whereby the Member States systematically fail to find a qualified majority on decision of authorisations, mainly due to national societal considerations, the legislative proposal strengthens the credibility and predictability of the system, by striking the balance between a robust EU authorisation system based on science and the capacity for the Member States to decide on the use of authorised GM food and feed based on national overriding reasons of public interest distinct from the risk assessment.</p> <p>With regard to point 7.3.2, please refer to the comment made in relation to section 1.3 of the opinion of the EESC.</p> <p>With regard to point 7.3.3, please refer to the comment made in relation to section 2.4 of the opinion of the EESC.</p>
<p>7.4 Risk of international trade distortions</p> <p>7.4.1 Although the Commission proposal requires compliance with the EU's international obligations, the regulations do not set out specific and definite limits to Member States' actions (opt-outs) that may</p>	<p>The Commission would like to recall that the objective of the legislative proposal is to establish a framework within which the Member States may address, in conformity with the Treaty and the principle of proportionality, legitimate policy objectives of concern</p>

<p>contravene those obligations and do not establish mechanisms to enable EU institutions to overturn national decisions if they fail to observe the principle of compliance with international obligations. It is important to note that the Union's trading partners, in particular the US, have publicly expressed their reservations regarding the legislative proposal, and have even made the adoption of high-level trade talks (TTIP) subject to overcoming these reservations.</p> <p>7.4.2 International agreements that are potentially affected or restricted by the possible implementation of the proposal (as it may create distortions equivalent to international trade barriers) contain generic WTO obligations or provisions such as the Generalised System of Preferences (GSP) for developing countries and even the Everything but Arms initiative.</p>	<p>to their citizens.</p> <p>The proposal contains a number of substantive and procedural conditions whose purpose is to guide the Member States in the adoption of national measures to ensure compliance with EU Treaties and international obligations, for instance measures must be reasoned, compelling, proportionate and non-discriminatory, in particular as regards imported vs. domestically produced GM food and feed. Furthermore, the pre-adoption scrutiny phase allows the other Member States and the Commission to raise their possible concerns as regards the compatibility of the measures with EU law, including international obligations of the EU.</p> <p>The EU recalls that the "Generalised Scheme of Preferences" (GSP) allows exporters from developing countries to pay less or no duties on their exports to the EU. This gives them vital access to EU markets and contributes to their economic growth. It covers 88 countries and territories. The "Everything but Arms" (EBA) arrangement for least developed countries (LDCs), grants them duty-free and quota-free access to all products, except for arms and ammunitions. There are 49 beneficiaries of the EBA arrangement.</p> <p>The COM proposal on GMOs does not affect the preferences granted by the EU to developing countries under the GSP and EBA schemes.</p>
<p>7.5 Doubts about compliance with the</p>	<p>The Commission would like to reassure the EESC as regards the compatibility of</p>

<p>principles of free movement</p> <p>7.5.1 The Commission proposal refers to the need to uphold the principles of the internal market, which should not be changed by national measures taken in accordance with this proposal, especially since it is likely that in practice different EU regions would apply different provisions to cultivation, marketing and transport within the EU.</p> <p>7.5.2 However, the lack of an exhaustive definition of the reasons that might justify the adoption of exclusion clauses – the absence of a positive or a negative list – as well as the lack of provision of legal mechanisms to suspend national measures that could be considered unfair, not sufficiently justified, or discriminatory, makes legal uncertainty a real risk.</p> <p>7.5.3 Only the Court of Justice of the European Union will be able to resolve these uncertainties, unnecessarily tying up Member States’ administrative work in legal battles and potentially causing delays and higher costs.</p> <p>7.5.4 It is this last argument that raises the most doubts regarding the timeliness and appropriateness of the Commission proposal in its current form.</p>	<p>the legislative proposal with the principles of the Internal Market. According to the Treaty and the Case law of the European Court of Justice, exceptions to the Internal Market are acceptable when based on overriding reasons of public interest. Furthermore, the proposal does not allow a Member State to block the circulation of a product intended for another Member State (see Recital (9) of the legislative proposal).</p> <p>The Member States are the best placed to identify the compelling grounds which would correspond to their specific national contexts. The Member States may find in Article 36 of the Treaty, in the related case law or secondary legislation – including the recently adopted Directive (EU) 2015/412 as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs - examples of compelling grounds which they may consider appropriate.</p> <p>The Regulation provides that a Member State planning to adopt a national measure restricting or prohibiting the use of GMOs, must first notify its draft measure to the Commission and the Member States, which will have 90 days to provide comments they consider appropriate, which could, as the case may be, concern the compliance of the national measure with EU law. The Member State may take these remarks into account when adopting the final national measures. However, the Commission holds the right of launching</p>
--	--



	<p>an infringement procedure against the national measures, should it consider they are not compliant with the provisions of the Regulation and EU law. The national measures could also be challenged in national courts should a party consider that they are not legal.</p>
--	--

<p><b>N°41 The Community Method for a Democratic and Social EMU (own-initiative opinion)</b>  <b>EESC 2015/1820 - ECO/380</b>  <b>510<sup>th</sup> Plenary Session – September 2015</b>  <b>Rapporteur: Ms Gabriele BISCHOFF (GR11-DE)</b>  <b>DG ECFIN – Commissioner MOSCOVICI</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>The opinion stresses the importance of national social partners and civil society organisations, whose involvement would aid avoiding conflicts between economic and social objectives. The EESC points out three dimensions:</p> <ul style="list-style-type: none"> <li>- social impact assessment;</li> </ul>	<p>The Commission agrees with the importance of involving national social partners and civil society organisations in the framework of enhanced economic surveillance, respecting the distinct nature of the dialogue with social partners (Treaty-based dialogue) and with civil society organisations. As set out in its Communication on steps towards Completing EMU<sup>1</sup>, the Commission considers that Member States should pay greater attention to the contribution of national social partners, in particular to strengthen ownership of reform efforts. To this end, the Commission encourages stronger involvement of social partners in the elaboration of National Reform Programmes. In addition, Commission representations in the Member States will consult national social partners at pre-defined key milestones of the Semester. These steps would be complemented by strengthened dialogue with national social partners during</p>

---

<sup>1</sup> COM(2015) 600 final.

	<p>European Semester country visits by the Commission's members.</p> <p>Greater attention is also given to the social fairness of any possible new macroeconomic adjustment programmes to ensure that the adjustment is spread equitably and to protect the most vulnerable in society. The Commission prepared for the first time a social impact assessment for the ESM Memorandum of Understanding for Greece. It intends to continue this practice in case of any future stability support programme.</p>
<p>- removal of divergences in the functioning of labour markets, favouring "upwards harmonisation of social standards and labour rights";</p>	<p>The Commission agrees with the need to foster upward convergence in the employment and social field. Such upward convergence has been fostered through the European Semester and could be further reinforced through the development of benchmarking, as provided for in the Five Presidents' Report on Completing the Economic and Monetary Union.</p> <p>The Report states that "The Eurogroup could already in Stage 1 [until June 2017] play a coordinating role in cross-examining performance, with increased focus on benchmarking and pursuing best practices". For phase 2 (2017-2025), the Report suggests that "the convergence process would be made more binding through a set of commonly agreed benchmarks for convergence that could be given a legal nature", where "common standards should focus primarily on labour markets, competitiveness, business environment</p>

	<p>and public administrations, as well as certain aspects of tax policy".</p> <p>Moreover, the Commission intends to propose a European pillar of social rights building on the EU rules, to serve as a compass for the renewed convergence, in particular in the euro area. As stated in the 2016 Commission Work Programme, this initiative will address gaps in existing legislation and identify common principles and reference benchmarks with a view to a greater convergence of employment and social performance over time.</p>
<p>- strengthening the macroeconomic dialogue; notably the EESC suggests that EU macroeconomic dialogue (MED) needs to be strengthened and deepened within the euro area and that MED-EURO should meet at least twice a year and its conclusions taken into account in the Annual Growth Survey, the imbalances scoreboard and country-specific recommendations.</p>	<p>On 21 October 2015 the Commission adopted a package of measures to further strengthen and deepen the Economic and Monetary Union. Here, it stated that the involvement of EU-level social partners will be continued and possibly enhanced, for instance through a renewed Tripartite Social Summit and Macroeconomic Dialogue, to strengthen their contributions to the Semester process.</p>
<p>The EESC also points out that an effective investment plan is needed to generate revenue through growth, social cohesion and solidarity to adjust the current savings-oriented policy, notably through favourable conditions for private investment in order to rebuild long-term employment.</p>	<p>The implementation of the Investment Plan is well on track: the European Fund for Strategic Investment's will imminently assume its full functions, the European Investment Advisory Hub is already up and running, and the European Investment Project Portal will be online around the beginning of 2016.</p> <p>A number of investment projects with high value added and significant employment impact have already received funding approvals by the European Investment Bank under the</p>

European Fund for Strategic Investments (EFSI) initiative, making use of transitional provisions of Regulation (EU) 2015/1017 on the EFSI. Hence, the Investment Plan for Europe is making substantial progress in delivering on its key objective to mobilise additional investments of at least EUR 315billion over three years.

The third pillar of the Investment Plan aims to create an investment-friendly environment. As a part of it, on 30 September 2015 the Commission published an Action Plan on building a Capital Markets Union, which should help businesses to more diverse sources of capital and offer investors and savers additional opportunities to put their money to work.

<p><b>N°42 State aid to firms: is it effective and efficient? (own-initiative opinion)</b>  <b>EESC 2015/1139 - INT/769</b>  <b>510<sup>th</sup> Plenary Session - September 2015</b>  <b>Rapporteur: Mr Edgardo Maria IOZIA (GRII-IT)</b>  <b>DG COMP –Commissioner VESTAGER</b></p>	
<p><b>Points of the EESC opinion considered essential</b></p>	<p><b>Commission position</b></p>
<p>1.1 The European Economic and Social Committee (EESC) considers state aid impact evaluations to be key tools for checking the consistency between results and proposed targets, thus enabling resources to be allocated more effectively and efficiently, improving the transparency and the endorsement of management processes.</p>	<p>The Commission is happy to note the favourable opinion from the EESC on the introduction of evaluation requirements within State aid control.</p>
<p>1.6 The EESC would like to see a generalisation of impact evaluations and possibly a lowering of the EUR 150 million average annual budget threshold currently set by the General Block Exemption Regulation as a limit, in excess of which aid schemes are required to submit an ex-ante evaluation plan – as otherwise this requirement would not apply to many Member States, particularly when the aid in question is considerable in relation to the size of the state.</p>	<p>The Commission shares the objective of ensuring State aid evaluation for all Member States and recalls that State aid evaluation can also be required with regard to aid schemes subject to notification. It therefore prefers to collect sufficient evidence on the impact of the present requirements before reviewing the threshold, for which at this stage there are no intentions of launching a revision.</p>
<p>1.8 The European Commission must contribute towards harmonising evaluation criteria in the Member States. Establishing comparable evaluation criteria will enable an overall assessment of the effectiveness and efficiency of state aid to be carried out.</p>	<p>The Commission takes note of the EESC recommendation and wishes to highlight that through Commission Staff Working Document (SWD(2014) 179 of 28.5.2014), Member States have received guidance on best practices relevant for State aid evaluation.</p>

<p>1.11 The EESC recommends the rapid adoption of the communication on the concept of state aid, particularly in order to help local authorities.</p>	<p>The Commission takes note of the EESC recommendation and confirms that a Communication on the notion of aid is in preparation.</p>
<p>1.14 The EESC calls on the Commission not to create additional and unexpected burdens for firms and to guarantee that the whole evaluation system is rendered more efficient and effective.</p>	<p>The Commission takes note of the EESC recommendation and shares the view that, in line with Better Regulation principles, any burden on firms that may be related to State aid evaluation should be minimised to the largest possible extent.</p>

---

<sup>i</sup> COM (2015) 550 of 28.10.2015.