



**European Economic and Social Committee**

Brussels, 23 October 2006

**ACTION TAKEN ON OPINIONS**

Adopted by the European Economic and Social Committee

At its plenary sessions

In the first quarter of 2006

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Quarterly review presented

By the European Commission

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**COMMISSION FOLLOW-UP TO OPINIONS OF THE**  
**EUROPEAN ECONOMIC AND SOCIAL COMMITTEE**  
**DELIVERED IN THE FIRST QUARTER OF 2006**

**(January, February and March 2006)**

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**A. EXPLORATORY OPINIONS**

<b>4. Creation of a common consolidated corporate tax base in the EU</b> <b>Exploratory Opinion - EESC 241/2006 – February 2006</b> <b>Rapporteur : Mr NYBERG (Work./SE)</b> <b>DG TAXUD - Mr KOVÁCS</b>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
<p>The EESC supports the work carried out to date and to be carried out in the next years towards establishing a Common Consolidated Corporate Tax Base (CCCTB), and in particular the establishment of a dedicated Working Group. In three paragraphs the EESC seems to hint that sooner or later the harmonisation of corporate taxation in the EU should also target tax rates. The EESC sees the fact that a working group chaired by the Commission is to develop proposals for a common consolidated corporate tax base as a step – at last – in that direction.</p>	<p>While the Commission is grateful for the EESC's support for the CCCTB, it does not have for the time being any intention to work on tax rate harmonisation.</p>
<p>The EESC thinks that the common corporate tax base is a question of "nothing is settled until everything is settled". Where there is a big risk of delays, however, it should always be considered whether the parts on which there is agreement can be introduced gradually, through daughter directives.</p>	<p>The Commission is already working on a two-track strategy where specific issues are tackled by means of short term actions, while the CCCTB would represent a comprehensive solution to tax obstacles that companies currently face in the internal market. Therefore, there should not be a gradual introduction of the CCCTB. Ideally, the CCCTB would apply in all Member States and would be an optional base, consolidated since the beginning. However, should this not be possible, the Commission would consider a gradual implementation of the CCCTB.</p>

<p>The EESC has previously stated that a common tax base cannot be voluntary, i.e. offer the option to choose between remaining with a national tax system or opt for a special system for companies with cross-border activity. The EESC therefore considers that when a common tax base is created for corporate taxation, it must be mandatory. A common – and hopefully mandatory – tax base would provide greater scope to monitor tax payments as the authorities only need to be familiar with a single system and can communicate with each other more easily. It would also make it easier to deal with tax evasion to some degree. A non-binding common tax base – where one can choose between the latter and a residual national tax base calculation that applies to domestic companies – would, moreover, create a situation in which the Member States, rather than companies, would have to deal with several tax systems.</p>	<p>The Commission has already discussed this issue. There are pros and cons of both a mandatory and an optional system. All in all the Commission prefers an optional system – this is by the way the preferred solution for business, the current support of which could disappear if the Commission started proposing a mandatory base. It should also be noted that nothing prevents Member States from rendering the base mandatory in their domestic systems, which leads to the question whether it is really for the Commission to propose a mandatory base. However, it should be noted this position could be reviewed in the future.</p>
<p>The rules governing deductions that may be made from the tax base before tax is calculated are the tax base calculation area where differences between countries are greatest, and this is therefore an important issue for Member State discussions. In this connection, the Committee would stress in particular the need to aim for a broad base for corporate taxation. It must be remembered, however, that a broader basis may require a review of the tax rate</p>	<p>The Commission supports the view of a broad base – this means a base with as less exceptions and incentives as possible. It is probable that any change in the base would provoke an increase or decrease in the tax receipts (if rates remain unchanged and a Member State had a broader base it would have more receipts; if rates remain unchanged and a Member State had a narrower base it would have less receipts). However at this stage it is only possible to speculate on this before a concrete CCCTB is proposed.</p>
<p>Principles for a common consolidated corporate tax base.</p>	<p>The Commission agrees on all principles, except on Mandatory (see above)</p>

**14 Wood – energy source in the enlarging Europe**  
**Exploratory opinion - EESC 411/2006 – March 2006**  
**Rapporteur : Mr Kallio (Var. Int./FI)**  
**DG TREN – Mr PIEBALGS**

Reply deferred to next quarter.

<b>22. JEREMIE</b> <b>Exploratory Opinion – EESC 46/2006 – March 2006</b> <b>Rapporteur : Mr Pezzini (Empl./IT)</b> <b>DG REGIO - Mrs Hübner</b>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
<p>1.1 The EESC welcomes the Commission document presenting the JEREMIE programme<sup>2</sup> (Joint European Resources for Micro-to-Medium Enterprises) with keen interest.</p> <p>1.1.1 The Committee is grateful to Danuta Hübner, Commissioner responsible for regional policy, as well as DG Regio and the EIF, for the efforts they are making in developing this delicate programme and for the support they have given to the Committee's work.</p> <p>1.2.1. On the basis of the experience outlined above, the EESC believes that it would be appropriate, not least in view of the new programming for 2007-2013 and the Lisbon objectives, to provide more information on the new programmes, especially those aimed at micro and small enterprises, by holding meetings in the Member States with representatives of the social partners and civil society.</p>	<p>The objective of the Commission and the EIF is to ensure that as many regions and operational programmes as possible make use of the JEREMIE initiative. Communications efforts at present are focused on national and regional administrations, to explain the added value of JEREMIE, in view of preparing operational programmes including JEREMIE actions.</p> <p>The implementation of JEREMIE in the new regional programmes will take place within the framework of the partnership in which among others, the social partners and civil society are involved in accordance with the provisions of the regulations. The Commission will also use the occasion of its meetings with the social partners to explain JEREMIE.</p>

<sup>2</sup>

*JEREMIE: a joint REGIO-EIB group initiative for supporting improved access to finance for SME and micro-enterprise development in the regions* (Document 2 of 21 November 2005), presented at the Conference on *Financing growth and cohesion in the enlarged EU*, held in Brussels on 24 November 2005.

<p>1.3 JEREMIE could therefore be put forward as a "smart" tool for coordinating and rationalising existing opportunities.</p>	<p>Targets of the JEREMIE initiative include supporting non grant instruments to SMEs, in particular seed capital, venture capital and mezzanine financing.</p> <p>The EIF is expected to play a key role in promoting these modern and flexible financial products for SMEs, in the regions</p>
<p>1.3.2 The Committee emphasises the importance of Commission support for the JEREMIE initiative not only outwardly, but also through internal coordination between services managing actions to support micro, small- and medium-sized enterprises, by setting up a "JEREMIE focal point" to serve as a unit informing and coordinating between the various actions in order to optimise the results.</p>	<p>The Commission is reflecting on organisational aspects of managing the JEREMIE initiative. In any event, the necessity for close inter-service coordination has been recognised.</p>
<p>1.3.3 The EESC believes that the Commission should provide a report every two years to the European Parliament, the Council, the Committee of the Regions and to the European Economic and Social Committee on the progress and efficacy of the programme, with a view to extending this important experience to other sectors.</p>	<p>The annual implementation reports foreseen in the draft regulations for 2007-2013 provide opportunities for Member States to update the Commission on progress in implementation of operational programmes, including progress in implementing JEREMIE actions. The Commission considers it important that Member States use this occasion to provide information on JEREMIE. The Commission will use such information for its reports under article 27 of the draft general regulation for the Structural Funds.</p> <p>The Commission has already proposed to the Council to extend the JEREMIE model in the case of investments for sustainable urban development. The Commission's proposal has been accepted, and the new draft general regulation for the Structural Funds 2007-2013, sets out the basic rules to enable financial engineering in other contexts to be more readily organized,</p>

	notably under JESSICA (Joint European Support for Sustainable Investment in City Areas) initiative.
<p>1.3.4 Lastly, the Committee recommends that full compliance with the principles of economy, efficiency and transparency be ensured in tendering and selection procedures, management of the regional holding funds and accreditation of the financial intermediaries charged with project management. In particular, full compliance with the relevant Community legislation must be ensured, even in cases of exclusive rights. It must be possible to impose penalties, dismiss inefficient holding funds and revise the lists of accredited financial intermediaries</p>	<p>In the context of the decentralised management of the Structural Funds, this falls within responsibilities of Member States. The draft general regulation for the Structural Funds as well the draft Commission implementation regulation, provide possibilities for the Member States to take the steps necessary to ensure sound and efficient management of the resources used for JEREMIE.</p>

<p>2.2.3 Since there are few banks, especially of the cooperative or popular credit type, in the less developed regions, there is less competition in the banking sector and little awareness of small operators: as a result, it is rare that the valuable instruments provided by the EIB are used in such regions.</p> <p>2.2.4 In short, if efforts are not made to reverse this trend, in part by the financial mediation of those tools which JEREMIE can deploy alongside the more conventional EIB and EIF ones<sup>3</sup>, the poorer regions will be condemned to continuing long-term poverty.</p> <p>2.2.5 In order to provide loan back-up, especially in the convergence regions, a JEREMIE desk could be organised at the EIF with the task of supporting guarantees on bank loans with surety instruments, via credit consortia or other bodies which are active in the less advantaged regions in particular.</p>	<p>The Commission agrees that the EIF and the EIB should play a key role in boosting the supply of modern financial products and the relevant loan capital, in the regions of the EU supported by the Structural Funds. The JEREMIE initiative offers the framework for this to happen.</p> <p>The Commission will undertake all possible efforts in the programming period 2007-2013, in close cooperation with the EIF and the EIB, as well with other International financial Institutions and the European Banking and financial sector, to assist the regions to profit from the opportunities created by the JEREMIE initiative</p>
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The EIF (European Investment Fund) was set up in 1994 with two objectives: (1) to support the European networks, and (2) to facilitate access to credit for SMEs. The EIF shareholders are: the EIB, the European Commission and a large number of European banks. In recent years in particular, support for micro and small businesses has been a hallmark of the EIF (c.f., amongst others, the SME Guarantee programme, which – together with JEV and ETF Start-Up – stemmed from the 1997 Luxembourg European Council.

<p>2.6.5 It is, however, important that JEREMIE should explore new paths, including those envisaged by the new programmes, in the following areas in particular:</p> <ul style="list-style-type: none"><li>• SME-Guarantee;</li><li>• mezzanine credit<sup>4</sup> accessible via SME-Guarantee;</li><li>• securitisation of risk funds<sup>5</sup> of banks and credit consortia;</li><li>• establishment of SBICs (small business investment companies programs).</li></ul> <p>2.6.6 The EESC is however convinced that these interventions suffer from a major problem of information and training: the solution should involve the financial institutions, and organisations representing employees and workers, governed by the principles of corporate social responsibility and the social purpose of credit.</p>	<p>The Commission agrees on the importance of training and information actions for SMEs and social partners in general, on JEREMIE and the important role credit and modern and flexible financial instruments can have for sustainable development and jobs in the regions.</p> <p>The Commission agrees that JEREMIE actions in the operational programmes should be combined with information campaigns and training actions, which where appropriate could be supported by the Structural Funds operational programmes supporting JEREMIE. In this way, complementarities and better coordination of actions would be enhanced</p>
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4 Mezzanine credit is based more on beneficiary companies' expected cash flow than on real guarantees. It can work in two ways: (1) subordinate debt (loans at a fixed rate or index-linked rate); (2) equity kicker (the lender/investor is entitled to a percentage share of the increased worth of the property to which the loan refers). Mezzanine finance mature at between four and eight years.

5 Debt securitisation works by ceding part or all of the amount owed to a credit consortium (or bank) to specialised financial institutions in order to enable credit consortia in particular to boost the credit guarantees they can offer to undertakings.

<p><b>37. EU – China Relations : the role of civil society</b>  <b>Exploratory Opinion for the UK presidency – EESC 413/2006 - March 2006</b>  <b>Rapporteur Mr SHARMA (Var. Int./UK )</b>  <b>DG RELEX – Mrs Ferrero Waldner</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>3.3 The additional agreement on enhancing cooperation between the European ESC and the ESC of China seeks to intensify their working relations by establishing annual Presidential level meetings with the delegations of each side to be composed of representatives of various economic and social components of organised civil society. It also foresees a joint approach to ask the EU-China summit to set up a bilateral Round Table on the basis of existing cooperation between the European ESC and its counterpart in China. It is recommended that should this proposal be agreed that membership on the Chinese side include not only governmental organisations but should include significant representation from the civil society organisations together with a facility for delegates to meet with independent civil society organisations in the margins of Round Table meetings.</p>	<p>The Commission has, and continues to support the principle of a dialogue between the civil societies of the EU and of China, in particular through Round tables organised jointly by the Economic and Social Committees of the EU and China. However, there should be representation on the Chinese side from a broad range of civil society, and such Round tables should be conducted without governmental participation from each side.</p>
<p>3.8 The EESC welcomes the programmes of support for the development of civil society in China provided and proposed by the Commission, and recommends that the EU should consider increasing its financial support to civil society organisations in China but would stress the importance of incorporating support for grassroots organisations by providing small grants on the basis of a simplified application process, including the provision of technical support for the preparation of such applications.</p>	<p>The Commission will continue to promote the development of civil society in China and, where possible, to associate civil society organisations with the implementation of projects and programmes in so far as this can be done without undue interference by the state.</p>

<p>3.13 It is recommended that the EESC should, and other relevant European civil society organisations, monitor and encourage the Commission to follow up as appropriate, violations of fundamental rights with the European Parliament, and with the CESC.</p>	<p>The Commission is determined to continue the Human Rights Dialogue with the Chinese and to keep the European ESC and the European Parliament informed of its results.</p>
<p>3.14 The Commission must continue its dialogue with the Chinese government with a view to helping it to overcome its deep suspicion of "Anti-government Organisations", the "Solidarnosc-effect" and the "coloured revolutions". It should try to give a positive content to the "labour cooperation of various kinds" which the Chinese government has identified as an important point in its proposals for Economic Cooperation and Trade in its "EU Policy Paper" of October 2003. The structural EU-China dialogue on labour, employment and social affairs, agreed between Commissioner Špidla and the Chinese minister of Labour and Social Security, might provide a good opportunity for doing so. The Committee will try to use its own contacts with the CESC similarly.</p>	<p>The Commission attaches much importance to the development of its dialogue with the Chinese on Employment and Social Affairs and will pursue this activity accordingly.</p>

**B. OPINIONS ON WHICH THE COMMISSION HAS GIVEN A SUBSTANTIAL REPLY TO THE COMMITTEE'S SUGGESTIONS**

<p><b>1. The representativeness of European civil society organisations in civil dialogue Own-initiative opinion - EESC 240/2006 – February 2006</b>  <b>Rapporteur : Mr OLSSON (Var. Int./SE)</b>  <b>SG – President BARROSO</b></p>	
Main points of the EESC opinion	Commission Position
<p>The opinion of the European Economic and Social Committee in general.</p>	<p>The Commission welcomes this opinion and takes note of its different points. The opinion will be useful in the Commission's reflections on the complex and sensitive issue of representativeness. In this context it should be noted that the Commission launched on 3 May 2006 a broad debate on issues relating to interest representation, on the basis of the Green Paper on European Transparency Initiative (COM(2006)194).</p>
<p>3.7. The drawing-up of this opinion thus takes place, first and foremost, in the context of clarification and rationalisation of the EESC's own relations with European organisations and networks. This opinion thus aims to give the dialogue with organised civil society greater credibility by enhancing the legitimacy of these organisations and networks.</p>	<p>The Commission welcomes the Committee's efforts to improve further its own dialogue with civil society.</p>
<p>3.8. This opinion could also open up a field of inter-institutional cooperation, including the exchange of good practice, particularly with the Commission and the European Parliament, without there being any question of interfering with their way of organising the dialogue with European organised civil society.</p>	<p>The Commission agrees with the Committee that each EU institution and body is free to organise its own dialogue with European civil society in the way that suits it best.</p>
<p>3.1. The EESC has already emphasised on several occasions that only clearly established representativeness can give civil society players the right to participate effectively in the process of shaping policies</p>	<p>In conclusion, the Commission appreciates in general the EESC's opinion and will take it into account in its reflections. Without going into details of its different elements, the Commission would however like to provide some</p>

<p>and preparing Community decisions.</p> <p>5. A three dimensional procedure to assess representativeness</p> <p>5.5. The Committee suggests the procedure should cover three assessment criteria, viz.:</p> <ul style="list-style-type: none"><li>- the provisions in the organisation's statute and their implementation;</li><li>- the organisation's support base in the Member States;</li><li>- qualitative criteria.</li></ul>	<p>clarifications regarding the issue of representativeness. The Commission should like to point out that in its view the civil society organisations' representativeness at European level, though an important criterion, is not the only aspect for assessing contributions from interested parties or selecting participants in consultation processes and dialogue. (cf. (COM(2002)704)</p> <p>If legitimacy to participate in the process of shaping policies is determined only on the basis of representativeness of civil society organisations, other types of groups, which can also provide valuable input and expertise to the policy-making process, would be excluded.</p> <p>In its White Paper on European Governance (COM (2001)428) the Commission stated five principles of good governance: openness, participation, accountability, effectiveness and coherence, which the Committee also fully supported in its opinion to the White Paper (CES 357/2002). Regarding the principle of participation, the White Paper emphasized that "the quality, relevance and effectiveness of EU policies depend on ensuring <b>wide participation</b> throughout the policy chain – from conception to implementation".</p> <p>As to the Commission, it applies an inclusive approach in line with the principle of open governance: every individual citizen, enterprise or association is and will continue to be able to submit views and comments to the Commission.</p>
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<p><b>5. Proposal for a Decision of the European Parliament and of the Council on the financing of European standardisation</b>  <b>COM (2005) 377 final –EESC 402/2006- March 2006</b>  <b>Rapporteur : Mr. Pezzini (Empl./IT)</b>  <b>DG ENTR –Mr Verheugen</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The Committee welcomed the Commission’s proposal to establish an explicit, clear and transparent legal framework for the financing of European standardisation, given the important role that the regulatory system plays in the proper functioning of the internal market, the competitiveness of European industry and the role of European technical standards in supporting Community legislation and policies.</p>	<p>The Commission highly appreciates this positive approach.</p>
<p>The Committee suggested to include a new recital emphasising a stronger and more effective participation of stakeholders in standardisation, in particular SMEs.</p>	<p>An amendment in the European Parliament was also proposed to include a further recital focussing on stakeholder participation. The Commission is in agreement with this proposal.</p>
<p>The Committee proposed to insert in Article 3 paragraph 1 a new point g allowing expressly for the financing of training of stakeholders</p>	<p>The Commission believes that this issue is already covered by Article 3 paragraph 1 c and f. A new point is therefore not necessary.</p>
<p>For the financing arrangements Article 5 point 5, the Committee suggested to introduce flat rate systems in order to avoid burdensome certification and auditing procedures of costs incurred.</p>	<p>Improvements relating to flat rates and the coverage of overhead costs are under discussion. The Commission is prepared to accept them if they are accepted both by the Parliament and the Council.</p>

<p>The Committee wants that environmental protection is, in addition to the primary objectives of standardisation, i.e. facilitating trade, improving the quality of life, health and safety, environmental protection must also given particular attention.</p>	<p>The Decision stipulates under which conditions and for which purposes European standardisation receives financial support. It would therefore not be the appropriate place to regulate such an issue like the focus of standardisation activities in environmental protection.</p>
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<p><b>6. Tourism and culture: two forces for growth</b>  <b>Own-initiative Opinion – EESC 400/2006 - March 2006</b>  <b>Rapporteur : Mr Pesci (Empl./IT)</b>  <b>DG ENTR and EAC –Mr Verheugen and Mr FIGEL’</b></p>	
Main points of the EESC Opinion	Commission Position
<p>3.5 : Developing cultural tourism, highlighting the historical and social context of European art heritage and enhancing environmental heritage will give tourists from all countries a genuine understanding of Europe's cultural history.</p>	<p>The Commission agrees with this approach.</p>
<p>4.4 : In early December 2005, the EP Committee on Budgetary Control, in line with the objective of promoting the potential of tourism and culture as much as possible, approved for the first time the appropriation of EUR 1 million for the development of a project promoting <i>European destinations of excellence</i>.</p>	<p>The pilot action “European Destinations of excellence” with a budget appropriation of 1 million EUR for 2006 will be launched during the second half of 2006.</p>
<p>4.5 : For its part, the Commission's DG Enterprise and Industry has set up a Tourism Sustainability Group (TSG), which includes experts representing the institutions and different categories of operators, with the task of drafting proposals to the Commission for achieving sustainable tourism as a step towards drawing up an Agenda 21 for European tourism by 2007. The EESC agrees with the Commission and the European Parliament that sustainable tourism is the only form of tourism that should be promoted, and that alone.</p>	<p>The first concrete results from the TSG are to be expected for the beginning of 2007.</p>

<p>4.6 : Moreover, at the fourth European Tourism Forum, held in Malta on 20 October 2005, Commissioner Günter Verheugen announced the launch in early 2006 of a European tourism portal, which will provide access to the websites of national tourist organisations in order to promote European tourist destinations to the rest of the world more effectively.</p>	<p>The European Tourism Destinations Portal was launched on 21/3/06 in Vienna by the Vice President Verheugen during the European Tourism Ministers' Conference "Tourism - Key to Growth and Employment in Europe" organised by the Austrian Presidency.</p>
<p>4.7 : Lastly, the Commission's DG Enterprise has just launched a study on <i>The impact of cultural and sporting events on tourism-oriented SMEs</i>, while DG Culture has launched a study on the cultural economy in Europe.</p>	<p>The contract concerning the study on the impact of cultural and sporting events on tourism-oriented SME's, has been signed. The aim of the study is to provide destinations' actors (decision makers and SMEs in particular) recommendations on how to exploit in a sustainable way and in the long period the hosting of the events.</p> <p>The study launched by DG Education and Culture aims at a better understanding on how the cultural sector contributes to achieving the Lisbon strategy targets. It will highlight the economic importance of the cultural sector in Europe and its contribution to economic growth and social cohesion, and its peculiar features and difficulties by comparison with the other sectors of economic activity. The results of these studies will be jointly evaluated.</p>
<p>7.3.2 : ...infrastructure needs to be created or adapted to provide sites suitable for exhibitions and festivals; planning is also necessary in the field of advertising and information campaigns. The European Union could facilitate the creation of a single calendar of cultural events, promote cooperation between different countries and cultural institutions and, lastly, encourage initiatives in countries which have less experience and fewer traditions in this field, particularly the ten new Member States.</p>	<p>The European Union, in the framework of the subsidiarity principle, has developed programmes in order to enhance cooperation between cultural actors in Europe. These programmes have included operators from the new Member States even before enlargement.</p>

<p>11.1 : Given that culture can help to boost the development of tourism, especially since, as well as being a driving force for other sectors of the economy, tourism has a significant contribution to make to the</p>	<p>The Commission agrees with this approach as pointed out in its Communication “A renewed EU Tourism Policy: Towards a stronger partnership for European Tourism”<sup>6</sup>:</p>
<p>achievement of the Lisbon Strategy goals of <i>growth</i> and <i>employment</i>, the main aim of this own-initiative opinion is, as stated above, to provide the European institutions with additional tools for promoting the sector, which is still dynamic but faces stiff competition from countries outside Europe.</p>	<p>“Tourism is therefore an important sector for the renewed Lisbon strategy; its implementation does not solely concern public administrations. Responding to the Lisbon challenges will need to involve all stakeholders at EU, national, regional and local level in a renewed partnership for growth and jobs.”</p>
<p>11.3.1 : The European Union could use competitions and reward schemes in its programmes in order to promote best practices in the management of cultural tourism services, particularly in the European Capitals of Culture programme<sup>7</sup> and the future European destinations of excellence programme. The EU could also provide advice for cities and regions which decide to apply for these two programmes, and grant them more substantial funding than at present and maybe fast-track Structural Funds appropriations for them.</p>	<p>The Commission is planning to launch in the course of 2006 a call for tenders concerning a study on Best Practices in tourism increasing the competitiveness for SMEs.</p> <p>The proposal of the EESC will be take also into account in the elaboration of the initiative concerning the European destinations of excellence.</p>

<sup>6</sup>) Communication COM(2006) 134 final, 17.3.2006.

<sup>7</sup> Until 2005 the programme was based on intergovernmental agreements.

<p>11.4.1 : Fostering intercultural dialogue, both within the EU (particularly with a view to the future accession of the four candidate countries) and between the EU and other areas of the world, must be a priority in cultural tourism programmes too. In this perspective, as has already been stressed, the decision to make 2008 the European Year of Intercultural Dialogue is extremely timely. Nevertheless, even before 2008 it would be useful to launch a series of projects targeting schools, for example, by extending international exchange programmes such as Erasmus to secondary school pupils and encouraging</p>	<p>The Commission agrees on the priority to be given to intercultural dialogue; this is reflected in the Commission's proposal for the Year of Intercultural Dialogue. The Year will concentrate on intercultural dialogue within the borders of the EU, but a parallel effort will be organised with the RELEX instruments on intercultural dialogue with third countries.</p> <p>Concerning exchange between secondary schools, it is aim of the COMENIUS programme, so there is no need to extend Erasmus.</p>
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<p>twinning between classes from different countries. Specific projects fostering intercultural dialogue could also be introduced for older people. Thus, 2008 would be a show-case year for current initiatives and could spawn further initiatives.</p>	<p>Unlike in this proposal, the Commission would like to put emphasis on the programmes for young people.</p>
<p>11.5.1 : Since the EU has no direct operational tourism instruments due to the regrettable lack of a legal basis, it could usefully take action to enhance coordination in the area of management, to promote current and future projects for the sector. The EESC would advocate the creation, as soon as possible and with due regard for the subsidiarity principle, of a European tourism agency which could act as a European tourism monitoring centre and provide the Community and the Member States with reliable and comparable data on tourism. This has already been proposed in the earlier own-initiative opinion on Tourism and sport: the future challenges for Europe.</p> <p>11.6.1 : The EESC welcomes the proposals made by Commissioner Günter Verheugen at the Fourth European Tourism Forum in Malta and by the recent European Parliament resolution<sup>8</sup> to entrust DG Enterprise and Industry with the task of coordinating the various Community initiatives affecting the tourism sector.</p>	<p>The Commission has no intention to make proposals to set up a new structure in tourism (agency).</p> <p>Concerning reliable and comparable data on tourism, the Commission is supporting the implementation of Tourism Satellite Accounts (TSA). TSA can contribute to a better understanding of the true size and value of the tourism industry.</p> <p>As announced in the Communication ‘A renewed EU Tourism Policy: Towards a stronger partnership for European Tourism’ the Commission will continue to work in order to improve the coordination of policies and measures impacting on European tourism.</p> <p>In its communication “A renewed EU Tourism Policy: Towards a stronger partnership for European Tourism”, in the paragraph “policy-coordination”, the Commission points out that “Each year, the initiatives that may affect tourism, included in the Commission Work Programme, will be identified in order to make sure that their impact on the sector’s competitiveness will be taken into account at an early stage. This is in line with the European Parliament’s demand in the 2005 Report on new prospects and new challenges for sustainable European tourism.”</p>

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European Parliament resolution on new prospects and new challenges for sustainable European tourism.

<p><b>24. The social dimension of culture (additional opinion)</b>  <b>Own-initiative opinion - EESC 406/2006 – March 2006</b>  <b>Rapporteur : Mr Le Scornet (Work./FR)</b>  <b>DG EAC – Mr Figel'</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>4.1. The EESC notes that, for the time being at least, its institutional partners (European Commission, Parliament) and to some extent the Committee itself view the establishment of new structures such as “observatories”, “laboratories” and “task forces” as either useless, premature or unrealistic.</p>	<p>The Commission agrees with this approach.</p>
<p>4.2. For the European Commission and, it seems, the Parliament, the networking of structures such as the various existing observatories could yield real results in terms of European cultural cooperation without requiring new instruments to be devised.</p>	<p>The Commission agrees with this approach.</p>
<p>4.3. The EESC asks the European Commission to specify reliable quantitative and qualitative indicators justifying its assertion that the current range of Community tools suffice to measure changes in cultural and artistic employment and the extent to which intercultural dialogue has developed.</p>	<p>The Commission recognises the usefulness of such indicators and is aware that there are no complete or comparable data at European level. All the same, Eurostat has been working since 1997 to produce statistics and in May 2004 published a report on employment in culture in Europe (press release). Furthermore, the Commission has launched a study on the economics of culture in Europe which should demonstrate the importance of this sector in socio-economic terms as well. The findings of this study are expected to be available at the end of 2006. Finally, the European Union's new Culture programme (2007-2013) should promote the production of numerical and analytical data on cultural cooperation in Europe, particularly with regard to intercultural dialogue.</p>

<p>4.6. The EESC asks the Commission to present a very detailed report on this issue.</p>	<p>The Commission intends to launch an extensive study on national approaches and practices concerning intercultural dialogue in the European Union in the very near future. This study will meet some of the Committee's expectations.</p>
<p>This additional opinion also proposes the following:</p> <p>4.7.1. sustained "cultural hygiene" on the part of our Committee;</p> <p>4.7.2. closer attention to the open method of coordination and the use of "best practices";</p> <p>4.7.3. determination on the part of the EESC to launch a search in specific sectors for areas of activity where there is scope for exchange of practices.</p>	<p>These recommendations, important though they are as regards working procedures, mainly concern the internal functioning of the EESC.</p>

<p><b>25. Report from the Commission to the Council, the European Parliament and the European Economic and Social Committee on the rates of excise duty applied on alcohol and alcoholic beverages (presented pursuant to Article 8 of Council Directive 92/84/EEC on the approximation of excise duty on alcohol and alcoholic beverages)</b>  <b>COM (2004) 223 final – EESC 34/2006 – January 2006</b>  <b>Rapporteur – Mr Wilkinson (Empl / UK)</b>  <b>DG TAXUD – Mr KOVÁCS</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>It is recommended that the Commission considers dividing alcoholic beverages into two basic categories, with the implementation of a standard basis for all alcoholic beverages included in these two categories as described at paragraphs 7.3 to 7.10 below, where all alcoholic drinks are taxed according to their type, taking into account their means of production, effects on health and alcohol content. A separate approach should however be adopted for wine and other fermented drinks (beer, cider and perry). It is recognised that such a change could not be implemented quickly and would have to be introduced over a considerable period of time.</p>	<p>The Commission has taken note of the EESC recommendation which it will consider further in its next review of the Directives.</p> <p>Meanwhile, however, the Commission will, in line with the Council's request of 12 April 2005 following their discussion on the report, be presenting a proposal in 2006 to adjust the minimum rates of excise duty in order to avoid a fall in their real value, providing transitional periods and derogations for those Member States who may have difficulties in increasing their rates. Also, in line with the Council's request, the Commission is looking to modernize the existing system with the aim of resolving the current problems relating to the classification of alcoholic beverages for excise duty purposes.</p>

<p>The frequency of reports on the current system by the Commission should be made more realistic by requiring them no more frequently than every 5 years</p>	<p>The Commission agrees that a two-year period is too short to perform the necessary in-depth examination of the operation of the Internal Market and of the other aspects to be taken into account in the Commission's report and to provide the proper perspective for assessing changes in Member States' legislation. However, the Commission feels that a four-year period is more realistic and will be proposing such in its forthcoming proposal to adjust the minimum rates.</p>
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<p><b>26. Proposal for a European Parliament and Council Decision establishing a programme of Community action in the field of Health and Consumer Protection 2007 - 2013</b>  <b>COM(2005) 115 final – EESC 230/2006 - February 2006</b>  <b>Rapporteur : Mr PEGADO LIZ (Var. Int./PT)</b>  <b>DG SANCO – Mr KYPRIANOU</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The Committee was in favour of splitting the Programme into its two constituent health and consumer parts. They said there was a lack of synergy between the two parts, that they were concerned that the Treaty Bases did not support a joint programme, and that there was a danger of treating healthcare as a commodity rather than as a fundamental right, and a danger that consumer policy becomes less visible.</p>	<p>This opinion was shared by the Parliament. The Commission Position remains in favour of a joint programme, although serious consideration is now being given to the possibility of splitting the Programme.</p>
<p>The Committee welcomed the emphasis on prioritising public health and on cooperation and information sharing.</p>	<p>The Commission acknowledges these remarks.</p>
<p>The Committee criticised the Programme for not including more specific goals and targets, particularly in the fields of inequalities, ageing, gender inequality, personal data, radiation and noise, and antibiotic resistance. They would have preferred to see issues explicitly referred to in the proposed Decision, including obesity, HIV/Aids and mental health. They also criticised the Programme for not including dental health, sight, palliative care and pain management, EU health insurance for travellers, developing an epidemiology centre, and a number of other issues.</p>	<p>Many of the issues identified by the Committee are covered, if not explicitly, in the Programme. Targets and indicators are included in the Impact Assessment. Health inequalities and ageing are identified as cross cutting strands of the Programme. Obesity, HIV/Aids and mental health are covered under Objectives 2 health determinants. EU health insurance for traveller is an issue in which DG EMPL has the lead.</p> <p>Where issues were identified that were not in the Proposal implicitly or explicitly, like dental health, sight and palliative care, a consideration of adding these to the Proposal must take into account budgetary constraints following the financial perspectives discussions.</p>

<p>The Committee stated that the Commission proposal aims at providing a minimum level of protection, thus confirming the line taken in its recent legislative initiatives, such as the Directive on Unfair Commercial Practices (Directive 2005/29/EC), which give priority to total across-the-board harmonisation and to mere provision of information.</p>	<p>The Commission does not agree with the Committee's remarks. The recently adopted Directive 2005/29/EC aims at creating a high common level of consumer protection by introducing a set of common rules across the EU. According to the Commission, there are no elements in the proposal for a health and consumer programme either which would suggest a trend towards a low level of consumer protection.</p>
<p>The Committee considered that the Commission should have been more innovative and included a series of specific issues in the proposal (over-indebtedness, revision of arrangements for producer liability, revision of directive on unfair contract terms, security in e-commerce, collective mechanisms to protect consumers, fair trade, particular situation of the new Member States, etc.).</p> <p>In addition, the Commission should have given more information on planned initiatives (how and when they will be implemented) and should have foreseen the use of a rolling programme of actions, like for the current Consumer Strategy 2002-2006.</p>	<p>The Commission will give consideration to the EESC remarks. However, it should be noted that the proposal submitted by the Commission is for a financial programme. As such, it focuses on operational financial objectives to be implemented through a choice of actions and instruments. It does not include details of specific initiatives with no budgetary aspects, e.g. future legislative proposals. The Consumer Strategy 2007-2013, which the Commission plans to adopt by the end of 2006, will flesh out in more details the consumer policy strategy for the 7-year period, in particular all elements with non budgetary aspects. Amongst others, it will give particular consideration to the situation of the Member States which joined the EU in 2004 and to future Member States.</p> <p>Apart from the annual work programme, other Commission strategy and planning tools, such as the Commission Legislative and Work Programme or the Annual Management Plan, will represent the monitoring instrument for the strategy/programme and will replace the rolling plan of actions.</p>
<p>The Committee would also have liked more and better indicators for monitoring and assessing consumer policy.</p>	<p>The Commission recognises the importance of developing indicators in the consumer area and will give particular attention to this issue. It should be noted that actions for a better</p>

	<p>evidence base on consumer policy include the development of comparable consumer policy indicators and benchmarks, e.g. to measure success of the market in delivering results for consumers (on prices, levels of cross-border business-to-consumers purchases, etc.).</p> <p>The Commission wishes to stress that there is a real difficulty to find indicators to effectively assess a policy such as consumer policy in a complex economic environment and that indicators will necessarily be of a more qualitative than quantitative nature. Any suggestions are welcome.</p>
<p>The Committee recommended that the planned Consumer Institute within the Executive Health Agency is granted independence and has clearly defined responsibilities and powers; it should not constitute more red tape.</p>	<p>As provided for in the Commission Communication accompanying the proposal for a health and consumer programme, the Executive Agency for Public Health could be extended to cover the consumer part of the programme. It could support the Commission in carrying out the financial and administrative work and will have clear tasks. As is the case with all executive agencies, the Commission will remain in charge of all policy decisions related to defining and managing policy priorities and action and will focus on policy-related tasks. No more red tape will be created; on the contrary, there would be a more efficient management of resources.</p>
<p>Lastly, according to the Committee the funds set aside for the consumer part are too low if compared to the total programme funding and its duration.</p>	<p>The Commission does not agree. In its original proposal, it put forward a budget which it considered adequate to implement the consumer part of the programme. The final budget will be defined on the basis of the outcome of the Financial Perspectives 2007-2013.</p>

<p><b>27. Proposal for a Council Directive on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals</b>  <b>Proposal for a Council Decision amending Decision 90/424/EEC on expenditure in the veterinary field</b>  <b>COM (2005) 362 final – EESC 233/2006 – March 2006</b>  <b>Rapporteur : Mr FAKAS (Work./EL)</b>  <b>DG SANCO - Mr KYPRIANOU</b></p>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
<p>The EESC report was broadly supportive of the Commission proposal, and the Committee endorsed the measures recommended to prevent and control certain diseases.</p>	
<p>4.1- EESC states that existing Community legislation is focused on protection of animal health in a limited range of species (salmon, trout and oysters). The EESC believes that it is advisable and necessary to amend the legislation to cover a broader range of aquatic animals now being farmed in the expanded Community.</p>	<p>Agree- One of the principle aims of the proposal was to broaden the scope of Community animal health rules to include other farming practises and species.</p>
<p>4.3- EESC states that in order to develop the aquaculture sector and increase productivity, aquatic animal health rules should be laid down at Community level.</p>	<p>Agree - Community rules are already in place, but there is a need to expand and revise them to take account of evolving science, new farming practises involving a wider variety of species, and ensure consistency with global animal health rules as laid down by the OIE.</p>
<p>4.4- Efforts should be made to increase awareness and preparedness of the Competent Authorities with respect to prevention, control and eradication of aquatic animal diseases</p>	<p>Agree- the proposal lays down requirements for Member States to authorise/ register all aquaculture businesses and processing establishments in their territory. It also lays down recording obligations and requirements for animal health surveillance. Hence MSs have all the tools necessary to ensure that their CA have an up to date record of the</p>

	<p>exact numbers and types of all farms in their territory and the health status of each. This transparency and traceability will greatly enhance disease prevention and control.</p>
<p>4.5- EESC consider that the mechanisms for granting authorisations is particularly strict and more vigorous than those of EU competitors. The EESC believes that the requirements are covered by the proposed register of businesses.</p>	<p>The Commission considers that authorisation is an important tool as, unlike registration, it gives the CA provision to restrict producers that do not adopt good practise in terms of maintaining biosecurity, health standards etc- this is particularly important in an interdependent sector such as aquaculture with shared water courses etc. That said, the proposal now includes a provision to allow MS to derogate from authorisation and register certain small local producers.</p>
<p>4.6-4.8- EESC stress the importance of harmonised animal health rules for placing on the market of aquatic animals, the need for specific lists of diseases and susceptible species, for early detection of disease through mandatory notification and for inspection procedures to ensure compliance with rules on disease control.</p>	<p>Agree- the Commission proposal takes account of all these aspects. Inspection is particularly important, and clear provisions are laid down to assess compliance e.g. Article 7. This can also be done in conjunction with more detailed surveillance requirements laid down elsewhere in the proposal</p>
<p>4.9- EESC stress the need to have clear mechanisms to notify the presence of an emerging disease.</p>	<p>Agree- Article 41 gives specific provision in this regard.</p>
<p>4.10- EESC stress the importance of ensuring aquaculture animals transiting or being imported into the Community are free from infectious disease.</p>	<p>Provision for import and transit are clearly laid down in Chapter IV. Where necessary, more detailed rules will be laid down under secondary legislation.</p>
<p>5.1- Provisions for ornamental aquatic animals.</p>	<p>Agree-The Commission proposal takes account of this specialist and important industry, and gives derogations from the animal health rules where the risk to aquaculture animals in the Community is low due to the practises in the ornamental sector (Article 2.2). However, the</p>

	<p>Directive also makes it clear that where ornamental aquatic animals may present an animal health risk, then the underlying conditions of the Directive must be fulfilled, and if necessary secondary legislation can be used to mitigate the risk from the placing on the market of such species.</p>
<p>5.2- EESC stresses the need for clear rules in the case of infringement.</p>	<p>Agree- Provisions laid down in Article 60.</p>
<p>5.3- EESC questions the feasibility of provisions in Article 5 which allow a farm to take up an alternative site in order to obtain authorisation.</p>	<p>The provision can allow a farm to remain in business even when the Competent authority assesses that the proposed site presents an unacceptable risk. Hence the Commission considers that this is a positive provision which enhances flexibility.</p>

<p><b>28. Proposal for a Regulation of the European Parliament and of the Council on the European Monitoring Centre for Drugs and Drug Addition (recast)</b>  <b>COM (2005) 399 final - EESC 44/2006 – January 2006</b>  <b>Rapporteur : Mr Olsson (Var. Int./SE)</b>  <b>DG JLS - Mr Frattini</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The EESC proposes amending the third sentence of Article 5(2)(a) to read as follows: “They [the national focal points] shall collect and analyse at national level, <i>in cooperation with experts and organisations in the field</i>, all relevant information on drugs and drug addiction, as well as on policies and solutions applied”.</p>	<p>The Commission agrees that cooperation with civil society is desirable</p> <p>The Council and the European Parliament are considering concluding a first reading agreement. This amendment is acceptable to the Commission.</p>
<p>The EESC proposes adding the following text to Article 20: “<i>The Centre shall appoint a contact group comprising representatives of organisations competent in the field of drugs in order to examine how cooperation shall be arranged</i>”.</p>	<p>The current wording of Article 20 states that cooperation with international organisations and other governmental and non-governmental agencies competent in the sector of drugs must be based on working arrangements concluded with the aforementioned authorities and organisations.</p> <p>The arrangements shall be adopted by the Centre’s Management Board after the Commission has submitted an opinion.</p> <p>The Commission does not consider it necessary to establish such a working group to discuss cooperation arrangements.</p>

<p><b>30. Proposal for a Regulation of the European Parliament and of the Council establishing a European Small Claims Procedure</b>  <b>COM(2005) 87 final – EESC 231/2006 - February 2006</b>  <b>Rapporteur : Mr PEGADO LIZ (Var. Int./PT)</b>  <b>DG JLS - Mr Frattini</b></p>	
Main points of the EESC Opinion	Commission Position
The threshold should be at least 5000 €	The Commission could accept a threshold higher than 2000 € which would increase the scope of application of the instrument, but this is politically unrealistic.
Question of the interruption of periods of prescription should be left to the legislation of the Member States	Acceptable.
EESC thinks that if a counterclaim is allowed it should not exceed the ceiling set for the procedure, as this would subvert the objectives of the procedure	Acceptable.
A maximum time limit for convening the hearing must be set.	Acceptable.
EESC urges the Commission to change the text of Article 6(1) so as to give a more precise definition of its scope, stating in which actions and situations audiovisual media or email may be used.  It proposes that this provision be redrafted so as to restrict the parties' right of refusal to cases in which the technical means do not provide the necessary guarantees of reliability and equal treatment.	Acceptable.
EESC urges the Commission to exclude the use of the telephone as a valid means of taking evidence where it is not possible to record and transcribe the statements made.	Acceptable.

<p>EESC recommends that the phrase "in exceptional circumstances" be deleted from Article 7(2) because it conveys a subjective approach and because, in any case, the decision of whether to take evidence from "expert witnesses" is the judge's alone.</p>	<p>Acceptable.</p>
<p>EESC believes that explicit provision should be made for consumer associations to represent consumers in consumer disputes, and for professional associations to represent their members.</p>	<p>Acceptable.</p>
<p>EESC thinks that the court or tribunal should always seek to reach a "settlement".</p>	<p>Acceptable.</p>
<p>Article 10(2) should specify that if the parties cannot be present, they should be duly represented, as provided for in Article 6(2).</p>	<p>Meaning of this comment is not clear.</p>
<p>EESC proposes that the use of methods of service by the parties for which there is no proof of receipt or for which proof cannot be obtained – e.g. an ordinary letter - should not be admissible.</p>	<p>Not acceptable as a general rule since there may be exceptional situations where such methods must be used.</p>
<p>EESC suggests that the Commission set a limit for the extension of a time frame, and allow time frames to be extended only once.</p>	<p>Not acceptable as a general rule since there may be situations where more flexibility is required.</p>
<p>The EESC urges the Commission to delete Article 12(2).</p>	<p>Not acceptable as a general rule since there may be situations where more flexibility is required.</p>
<p>Exclusion of appeals.</p>	<p>The Commission could accept the exclusion of appeals in order to reach the policy objective, but this is politically unrealistic.</p>

<p>EESC believes that it is essential to lay down a requirement for the parties to be informed in advance of the system of costs and reimbursement (where this exists) of lawyers' fees, and of how it compares with other judicial procedures which may be applicable, so that the parties are given a genuine choice.</p>	<p>Acceptable.</p>
<p>EESC believes that a precise time limit within which the defendant can ask for a judgment to be reviewed must be specified, without lengthening the procedure unduly, in order to avoid actions obstructing service or delaying tactics.</p>	<p>Acceptable.</p>
<p>EESC asks the Commission to consider the most effective way of ensuring that the use of these forms in cross-border disputes does not jeopardise the swiftness and cost of the procedure, or the parties' right of defence.</p>	<p>Acceptable.</p>

<p><b>31. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1348/2000 of 29 May 2000 on service in the Member States of judicial and extrajudicial documents in civil or commercial matters</b></p> <p><b>COM(2005) 305 final – EESC 231/2006 - February 2006</b></p> <p><b>Rapporteur : Mrs SANCHEZ MIGUEL (Work./ES)</b></p> <p><b>DG JLS - Mr Frattini</b></p>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
The EESC congratulates the Commission on the content of the proposed reform.	The Commission welcomes the EESC's support.
Clarifications in Article 8 and 14.	Agrees.
The different language versions should be checked.	Agrees.
The EESC wishes to express its concern at the lack of consideration the Commission gives to the Regulation's implementation in the new Member States, despite having adapted the annexes to accommodate this new situation.	<p>The Commission does not agree that there is a lack of concern for the implementation of the Regulation in the new Member States despite the fact that the Commission Report on the Application of the Regulation (COM(2004) 603 final) was based on a study which was made before the accession of the new Member States.</p> <p>The Commission has taken into account the position of the new Member States in its proposal and the new Member States did not complain during the discussions in the Council.</p>

<p><b>33. Proposal for a Council regulation establishing a European Union Agency for Fundamental Rights</b>  <b>Proposal for a Council regulation empowering the European Union Agency for Fundamental Rights to pursue its activities in areas referred to in Title VI of the Treaty on European Union</b>  <b>COM(2005) 280 final- EESC 239/2006 – February 2006</b>  <b>Rapporteur: Mr SHARMA (Var. int. /UK)</b>  <b>Co-rapporteur: Ms LE NOUAIL MARLIERE (Work./FR)</b>  <b>DG JLS - Mr Frattini</b></p>	
Main points of the EESC Opinion	Commission Position
<p>2.2 Extending the remit of the Agency to include the third pillar of the EU (Title VI TEU) would be a key element of maintaining a proper balance between freedom, security and justice in the policies developed by the Union.</p>	<p>The Commission proposal for the Council Decision aims to ensure this objective.</p>
<p>3.1 Request to the Council to anchor the Agency in the strongest legal basis of competence in accordance with Article 6(4) TEU, in particular in the area of Union law.</p>	<p>The Commission agrees with the EESC that the provisions of the Union treaty, which the Commission has proposed as legal basis of the Decision, namely Articles 31 and 34 TEU, should be interpreted as forming a sufficient legal basis for extending the mandate of the Agency to Union law</p>
<p>3.2.1 the Agency should have an objective of formulating recommendations and to provide information on possibilities for legal actions by the national human rights agencies</p>	<p>The Commission prefers to maintain the powers as currently by the EUMC, on which the Agency will be built on. Thus, the Commission proposes that the Agency will formulate conclusions and opinions to the EU institutions and to the Member States when they implement Community law.</p> <p>The tasks of the Agency include raising the awareness of general public about their fundamental rights (Art. 4(1)k), which covers also possibilities and different mechanisms for enforcing them (Recital 14).</p>

<p>3.2.2 The Agency should do assessments on the compatibility between the Charter and any proposed new EU legislation and policy.</p>	<p>The Commission assesses the compliance of any legislative proposals with the Charter in accordance with Communication on methodology for systematic and rigorous monitoring of April 2005. This is considered to be appropriate.</p>
<p>3.3.2 A special committee should be set up in the Management Board to deal with racism and xenophobia, in order to ensure maintaining the focus for the fight against racism and xenophobia.</p>	<p>The Commission has proposed that the racism and xenophobia should indeed continue to be amongst the core areas of activity of the Agency. It is however up to the Management Board to arrange its working methods, including creating necessary committees, through the Rules of Procedures.</p>
<p>3.4.1 A representative of the organised civil society, nominated by the EESC should serve as a member of the Management Board of the Agency.</p>	<p>In order to ensure the continuity, the Commission proposes maintaining the basic composition of the Management Board as in the current EUMC.</p>
<p>3.4.2 The independence of the Agency should be safeguarded by appointment of independent Management Board members, through an open and transparent process. These members should have a job profile.</p>	<p>The Commission has proposed that the members of the Management board are independent persons appointed by the Member States. The Commission has proposed a clear and quite detailed "job profile" in Article 11(1): the persons should have appropriate experience in the field of fundamental rights and the management of public sector organisations, and in addition, with high level responsibilities in the management of independent national human rights institutions or with thorough expertise in the field of fundamental rights gather in the context of other independent institutions or bodies.</p>

<p>3.5 The number of members of the Executive Board should be in 7, one of which should be the person appointed by the Council of Europe to the Management Board.</p>	<p>The Commission proposal aims for ensuring the principles of efficiency and parity in the composition of the Executive Board.</p>
<p>3.6 At least 1/3 of the members of the Forum should represent the organised civil society, and the Forum should also have a representation from the Network of Independent Experts. The Forum should be chaired by the Chairperson of the Management Board.</p>	<p>The Commission considers that the composition of the Forum as proposed by the Commission (non-governmental organisations, trade unions and employer's organisations, relevant social and professional organisations, churches, religious, philosophical and non-confessional organisations, universities and qualified experts and European and international bodies and organisations) covers participation of organised civil society and independent experts.</p>
<p>3.7.1 The independence should be guaranteed by reference to the UN Paris principles on the National Human Rights Institutions in Article 15(1).</p>	<p>Although the Agency would represent at the Union level something similar than the national human rights institutions at the Member State level, it cannot be fully identical because of the specific nature of the Community. Article 15 guarantees the independence of the functions of the Agency in the framework of Community law.</p>
<p>3.8.1. The Agency should have adequate funding; this should be laid down at the Regulation level, and a specific flexibility should be written in for exceptional issues not foreseen in the annual budget.</p>	<p>The financial provisions of the Commission proposal follow the Financial Regulation and no deviation is deemed to be necessary in view of allowing adequate funding to the Agency.</p>

**C. POINTS OF THE FOLLOW-UP ON WHICH THE COMMISSION HAS NOT FELT THE NEED TO TAKE SPECIFIC ACCOUNT OF THE EESC'S REMARKS**

**a) Agreement between the Commission and the EESC**

<b>15. Allocation of hydrochlorofluorocarbon quotas COM (2005) 550 final –EESC 405/2006 – March 2006 Rapporteur : Ms Cassina (Work./IT) DG ENV - Mr Dimas</b>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
The EESC's opinion was adopted without debate and without amendment to the Commission's proposal.	Given the EESC's favourable reception of the proposal, the Commission will not follow up this EESC opinion.

**b) Opinions on which the Commission has made certain comments**

<p><b>13.</b>  <b>from</b>  <b>Q4 05</b></p> <p><b>Communication from the Commission to the Council and the European Parliament – Reporting on the implementation of the EU Forestry Strategy</b>  <b>COM(2005) 84 final - EESC 1252/2005 - October 2005</b>  <b>Rapporteur : Mr KALLIO (Empl./FI); Mr WILLMS (Work./DE)</b>  <b>DG AGRI – Mrs Fischer Boel</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The EESC believes that the forestry strategy and its implementation should continue to be based on the subsidiarity principle, and on the concept of economically, ecologically, socially and culturally sustainable forestry.</p>	<p>The Commission would like to underline that Community forest-related actions will continue to be based on the principle of subsidiarity and the concept of shared responsibility, as stated in the EU Forestry Strategy.</p> <p>Sustainable forest management and the multifunctional role of forests are the main principles of the EU Forestry Strategy.</p>
<p>The EESC emphasises that in implementing the forestry strategy attention should be paid to aligning its objectives with the EU's Lisbon and Gothenburg strategies.</p>	<p>The EU Forest Action Plan will be prepared in line with the Gothenburg sustainability objectives and the renewed Lisbon strategy for growth and jobs.</p>
<p>The EESC believes that the European Union should work consistently towards the achievement of a global, legally binding agreement on the management, conservation and sustainable development of all forest types, which complies with the forestry principles adopted at the UN Conference on Environment and Development in 1992 and underpins implementation of the proposals for measures adopted by the Intergovernmental Panel on Forests and the Intergovernmental Forum on Forests. The EESC also stresses that the European Union must take steps to ensure that existing processes and instruments</p>	<p>The global debate on the conservation and sustainable management of forests takes place in various processes and initiatives, in which the Community participates together with the Member States. The Commission considers that progress in the implementation of respective international commitments has been limited so far and needs further support. In this respect, a high degree of internal co-ordination will be necessary both by the Commission and Member States in order to ensure forests are addressed in a coherent manner in different international processes.</p>

<p>designed to promote sustainable forestry are fully taken into account in international environmental agreements.</p>	<p>The Commission has always been in favour of a global legally binding forest agreement. However, after the rather disappointing outcome of the 5<sup>th</sup> Session of the United Nations Forum on Forests, held in May 2005 in New York, the Commission and the Member States are exploring new possibilities and alternatives for an international forestry agreement on sustainable forest management, which continues to be a main objective of the EU. The outcome of the 6<sup>th</sup> session of UNFF (New York, February 2006) provides a good basis for further work in this area.</p>
<p>The EESC notes that ministerial conferences to discuss the protection of Europe's forests have an important role to play in cooperation on forests between European countries, and the decisions taken at such conferences should, where necessary, be incorporated into EU forestry strategy.</p>	<p>The European Community is signatory of the resolutions adopted in the Ministerial Conferences on the Protection of Forests in Europe (MCPFE), and the EU Forestry Strategy fully acknowledges the benefits of the MCPFE process.</p>
<p>The EESC points to the positive impact of the forestry sector on employment and the vitality of rural areas and on the development of rural business activities. Forestry measures carried out in the context of rural development policy should be based on national forest programmes, and these should further the achievement of EU forestry strategy objectives. The EESC also calls for systems to be set up to monitor Member States' forestry measures introduced under the rural development directive and co-financed by the EU, and their impact. The EESC emphasises that support provided for forestry under rural development policy should not distort competition on the market for wood and other forest products.</p>	<p>The new Rural Development Regulation, CR (EC) n° 1698/2005 stipulates that forestry measures should be based on national forest programmes or equivalent instruments and they should contribute to the implementation of the EU Forestry Strategy. It is also stated that support under rural development should avoid distorting competition and should be market-neutral.</p> <p>The Commission has improved the monitoring system of the forestry measures under the new Rural Development Regulation.</p>

<p>The EESC stresses the beneficial effect that forests have on human health and the way they refresh the mind and help workers to relax. It therefore calls upon the Member States to respect the principle of the possibility of the public to have access to nature's resources, giving all people free access to woodlands while establishing the public's responsibility to observe the law, the access times for forests set by their owners and environmental protection rules.</p>	<p>Access to forests is under the competence of the Member States.</p>
<p>In the EESC's view, balanced implementation of the forestry strategy requires that decisions taken in the sphere of European Union environmental policy and the objectives of EU forestry development should be consistent with and complement each other.</p>	<p>The 6<sup>th</sup> Community Environment Action Programme encourages the effective co-ordination between all policies sectors involved in forestry.</p>
<p>The EESC notes that protecting forests and safeguarding the environmental and social services they produce are an important aspect of sustainable forestry, and that in protecting forests and the production of environmental services resources should be devoted to developing operational models that encourage a voluntary and market-oriented approach. The production of social and environmental benefits which society needs must not unnecessarily constrain the property and decision-making rights of owners or threaten the profitability of forestry operating in accordance with legislation and the principles of sustainable forestry.</p>	<p>The EU Forest Action Plan will address the issue of environmental services provided by forests.</p> <p>As stated in the EU Sustainable Development Strategy, COM (2001) 264 final, the Commission will give priority in its policy and legislative proposals to market-based approaches that provide price incentives, whenever these are likely to achieve social and environmental objectives in a flexible and cost effective way.</p>
<p>The EESC feels that it is important to recognise the importance of forests and the products obtained from them in controlling climate change and that the EU should promote research activity and exchange of information on adapting to climate change.</p>	<p>The 7<sup>th</sup> EU Research Framework Programme will continue to address the issue of climate change and adaptation of forests to climate change. Nevertheless, the Commission considers that efforts in this area should also be strengthened at Member State level, in line with the Lisbon strategy.</p>

<p>The EESC thinks that the European Commission should pay particular attention to issues that can strengthen the Community's efforts to create a favourable environment for sustainable forestry. The EESC believes that implementing the forestry strategy, as well as the Gothenburg and Lisbon strategies, in a balanced way requires more focus on promoting the commercial exploitation of forests and on profitability, competitiveness and employment in the forestry sector.</p>	<p>The EU Forest Action Plan will provide a balanced approach to forests and forestry, addressing the economic, social and environmental dimensions of sustainable forest management.</p>
<p>The EESC believes it is necessary to promote use of timber and other forest products as renewable and environment-friendly raw materials and energy sources, and that a long-term strategy should be drawn up to this end.</p>	<p>The Commission has implemented several actions to promote the use of timber from sustainably managed forests and the EU Forest Action Plan will address the issue.</p>
<p>The EESC considers it important to promote the capacity of actors to develop sustainable forestry. The EESC considers it important that small forest owners should be given opportunities to develop their own forestry sustainably by strengthening organisations representing private forest owners. It is necessary to increase institutional capacity for promoting sustainable forestry in the new Member States; developing private ownership structures and institutional structures present a particular challenge.</p>	<p>The new Rural Development Regulation (RDR) will provide for measures in support of training of forest owners and forest workers and the establishments of forest advisory services. The new RDR will also promote the co-operation between forest owners, industry and third parties in the development of new processes and products.</p>
<p>The EESC points out that forest certification is an optional, market-based tool for promoting sustainable forestry. The EESC considers it important for the EU to take responsibility for the smooth functioning of the internal market and ensure that forest certification does not become an artificial obstacle to trade.</p>	<p>The Commission considers that there are already in place appropriate mechanisms and instruments at EU level to guarantee the functioning of the internal market. So far, the Commission has not received any specific complaint in relation to forest certification as an artificial obstacle to trade.</p>

<p>The EESC believes it is important to enhance the sustainability, capacity and competitiveness of the forestry sector through research and development.</p>	<p>The Commission shares the view on the importance of research and technological development, and considers that additional efforts should be carried out both by the Member States and by the forest sector.</p>
<p>The EESC believes it is essential to further tighten up coordination between the various main policy issues and that implications for the forestry sector are better reflected in decision-making on the various sectoral policies. To improve coordination a single body should be designated with responsibility for implementing the forestry strategy and for communicating with the various DGs, the Member States, forestry authorities and stakeholder groups.</p>	<p>The Commission takes note of the proposal to designate a single body with responsibility for implementing the forestry strategy. However, two main points must be noted. Firstly, the Commission has very recently established a new unit in DG Agriculture and Rural Development, which has a stronger focus on forests (Unit AGRI F.6: Bioenergy, biomass, forestry and climate change). This unit is presently co-ordinating the preparatory work on the EU Forest Action Plan and chairs the meetings of the Inter-Service Group on Forestry. Secondly, the Inter-Service Group on Forestry, which was established in 2002 to facilitate cooperation and coordination of forestry-related work between relevant Commission services, has proved to be an effective tool of coordination and is working satisfactorily. Its membership has increased and comprises now 11 Commission services. To establish an additional co-ordination structure should be subject to careful consideration of the potential value added in relation to the existing structures, and it should be in line with the specific responsibilities of the different Commission services.</p>
<p>The EESC supports the Commission's proposal to introduce a special action plan for implementing the forestry strategy. The EESC believes it is important that this action plan should include a definition of priorities and remits, and that sufficient resources should be provided for its implementation.</p>	<p>The priorities and remits of the EU Forest Action Plan will be in line with the main principles of the EU Forestry Strategy and the Action Plan will indicate the relevant Community instruments that can support the implementation of the actions.</p> <p>There are no costs foreseen for the Action</p>

	<p>Plan in addition to the already agreed commitments. The EU Forest Action Plan will specify actions in the forest sector that are already provided for by the existing policy instruments.</p>
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<p><b>8. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation, results and overall assessment of the European Year of People with Disabilities 2003</b> <b>COM (2005) 486 final - EESC 1542/2005 - January 2006</b> <b>Rapporteur: Ms Anca (Var. Int./LV)</b> <b>DG EMPL – Mr Spidla</b></p>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
<p>The EESC received the Communication with great interest and supports the very positive analysis of the outcome of the EYPD 2003. However, the EESC regrets that the Commission Communication evaluating the EYPD 2003 was not adopted until almost 2 years after the conclusion of EYPD 2003.</p>	<p>The Commission would like to point out that most of the analyses which the EESC calls for are already provided in the external evaluation document for EYPD 2003 (Ramboll Management, October 2004)</p>
<p>The EESC stresses that the Communication provides an excellent summary and analysis of action taken at European level. However, there is little information on initiatives at national and regional level.</p>	<p>All the same, the Commission still needs to collect information from Member States, all the more so because, as the EESC remarks, media coverage was rather low-key in the Member States.</p>

<p><b>9. Representation of women in the decision-making bodies of economic and social interest groups in the European Union</b>  <b>Consultation by EP – EESC 238/2006 - February 2006</b>  <b>Rapporteur: Mr Etty (Work./NL)</b>  <b>DG EMPL - Mr Špidla</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The EESC recommends that the Commission, in cooperation with the European federations, expand the database on the representation of men and women in decision-making processes and, following on from the Italian presidency's 2003 initiative, establish indicators for increasing the influence of women in social and economic decision-making bodies.</p>	<p>As part of the “Roadmap for equality between women and men (2006-2010)”,<sup>9</sup> the Commission intends to continue publishing data on men and women in decision-making processes<sup>10</sup>, based where possible on the indicators approved by the Council to record, in 1999, the participation of women in political life and, in 2003, their participation in economic life. The Commission will continue to encourage Member States and social partners to collect data in accordance with the indicators agreed and to make these data public.</p>
<p>The EESC believes that the quota systems used in some countries should be analysed by the organisations concerned and the Commission to identify factors which explain why they are effective and successful.</p>	<p>The Commission will continue to support activities which raise awareness, the exchange of best practices, and research in order to promote a better balance between men and women in decision-making positions.</p>
<p>The EESC believes that the Commission should continue to develop general policies to widen the scope for greater participation of women in decision-making.</p>	<p>The Commission will continue to promote – within the framework of its employment, education and research policies as well as through its Community action programmes and Structural Funds – a wide range of activities and the exchange of best practices, which will help strengthen the participation of women in political and</p>

<sup>9</sup> COM(2006) 92 final, 01.03.2006.

<sup>10</sup> [http://europa.eu.int/comm/employment\\_social/women\\_men\\_stats/index\\_en.htm](http://europa.eu.int/comm/employment_social/women_men_stats/index_en.htm)

	<p>economic life. Particular attention will be paid to improving the work/life balance for men and women. Furthermore, monitoring the implementation of Community legislation on equal treatment and parental leave, among others, will continue to be a Commission priority.</p>
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<p><b>10. Sustainable development in agriculture, forestry and fisheries and the challenges of climate change</b>  <b>Own-initiative opinion – EESC 33/2006 - January 2006</b>  <b>Rapporteur : Mr KALLIO (Empl./FI)</b>  <b>DG AGRI - Mrs Fischer Boel</b></p>	
<p><b>Main points of the EESC opinion</b></p>	<p><b>Commission position</b></p>
<p>1.2. The EU should step up its climate protection efforts and also seek to reduce greenhouse gas emissions from the agricultural, forestry and fisheries sectors in the light of its commitments to the UN Framework on Climate Change and to the provisions of the Kyoto Protocol.</p>	<p>A number of steps have already been taken which integrate climate change in the Common Agricultural Policy (CAP).</p> <p>The agricultural sector is performing better compared with other sectors regarding the reduction of its greenhouse gases (GHG) emissions. The emissions of GHG by the agriculture sector fell by nearly 9% between 1990 and 2002 in the EU-15. The total EU-25 GHG emissions from agriculture decreased by 14 % between 1990 and 2003. The decreasing trends in livestock numbers, fertiliser use and the improvement in manure management are the main factors which explain this trend. According to the most recent projections, the emissions are further expected to decrease by 2010, as a consequence of new CAP measures (e.g., decoupled support to farmers, cross-compliance), declining cattle numbers, and more efficient application of fertilizers.</p> <p>The climate change issue is also recognised in the preparation of the EU Forest Action Plan, which is due to be presented by the mid 2006.</p> <p>The Commission acknowledges that agriculture and forestry have additional opportunities to further contribute to climate change mitigation by reducing GHG emissions, by carbon sequestration and by production of renewable energies.</p>

<p>1.6. Adapting to climate change is a major challenge for sustainable development in most economic sectors in the European Union. (...). A climate change adaptation strategy must therefore be drawn up in the EU and the Member States. In this own-initiative opinion the European Economic and Social Committee wishes to present further ideas for developing the adaptation strategy in the EU, notably in relation to the primary industries of agriculture, forestry and fishing.</p>	<p>The Commission is aware that the consequences of climate change will increasingly be felt in different areas and sectors, and that this further enforces the need to take it into account in sectoral policies, including agriculture and forestry.</p> <p>Measures facilitating adaptation are currently mainly taking place in the context of natural hazard prevention, environment protection, and sustainable resource management. The 2003 reform of the CAP, which decouples support from production, contributes to adaptation as it increases flexibility on farm level.</p> <p>The Commission will take into account, as far as possible, the proposals made by the EESC on this domain.</p>
<p>5.6. The EESC believes that, in addition to combating climate change, there is a need for the EU and all Member States to begin the preparation of sectoral adaptation strategies. Such strategies have already been drawn up in some Member States. The Union can contribute to this work by bringing the benefit of good coordination and the support of international agreements, which would also help to intensify efforts to this end at global level.</p>	<p>The Commission agrees that there is a need to combine mitigation and adaptation actions.</p> <p>Within the second European Climate Change Programme, a specific working group on adaptation of agriculture and forestry is foreseen. The general objective of the working group is to define the potential EU role in relation to the national, regional and local levels in adaptation policies so as to integrate the adaptation challenge into relevant European policy areas, to identify the most cost-effective adaptation options and to foster learning including regarding vulnerability assessment.</p>

<p><b>17. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions “i2010 – A European Information Society for growth and employment”</b>  <b>COM (2005) 229 final – EESC 415/2006 – March 2006</b>  <b>Rapporteur : Mr LAGERHOLM (Empl./SE)</b>  <b>DG INFSO – Ms REDING</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>Regulation should promote interoperability while maintaining a technological neutral approach and resolve any possible contradictions between interoperability and neutrality. R&amp;D and standardisation work in this field is potentially very productive and should remain market-led and involve all relevant stakeholders.</p>	<p>Interoperability is one of the key challenges for convergence identified in i2010. Promoting interoperability while preserving a technology neutral approach are principles already embedded in the current regulatory framework for e-communications.</p> <p>Under the 6<sup>th</sup> FP, research projects on enterprise interoperability are being supported. Pilot projects addressing notably interoperability between national administrations for pan-European eGovernment services will be launched under the eTEN programme in 2006-2007.</p> <p>In 2006 the Commission will assess developments in standardisation and interoperability with regard to mobile TV and will launch a public consultation on RFID which will notably address standardisation and interoperability. In 2007 the Commission will issue a Recommendation on eHealth interoperability.</p> <p>In the 2006 ICT standardisation work programme, ICT are acknowledged as an important item of the European Standardisation Action Plan which will review standardisation policy in 2006 and 2007 and a study on the role of European standardisation policy in ICT will start in 2006.</p>

<p>Bridging the "digital divide" is essential. Only when there is technical and legal access to information, universal and affordable access to broadband services, when there are adequate computer skills and when programmes are user-friendly, can the "digital divide" be bridged.</p>	<p>In early 2006 the Commission adopted a Communication on bridging the broadband gap. It launches policies that will be implemented in the next five years.</p> <p>Local and regional authorities play a fundamental role in bringing broadband to their communities. To supplement this, the Commission proposes two main strands of action: the strengthening of national broadband strategies that should set clear targets and reflect regional needs; and the reinforcement of the exchange of best practices.</p>
<p>Policy making should take into consideration the special needs of socially disadvantaged people, thereby ensuring an inclusive, equal Information Society.</p>	<p>The eAccessibility Communication, adopted in 2005, proposes the use of three policy levers available to Member States: to improve the consistency of accessibility requirements in public procurement contracts in the ICT domain; to explore the possible benefits of certification schemes for accessible products and services; and to make better use of the "eAccessibility potential" of existing legislation.</p> <p>Furthermore, a Communication to be adopted in 2007 will outline the main actions for a European initiative on eInclusion, to be launched in 2008.</p> <p>Special needs of the ageing population in particular are addressed in the i2010 flagship on independent living in an ageing society, which will be launched, preceded by a Communication on this issue, in 2006.</p>

<p>i2010 ought to be linked to improvements in Europe's education system in particular by increasing funding. A more favourable climate needs to be created for eLearning to become part of all education and training levels.</p>	<p>The Commission has launched several initiatives to stimulate the use of multimedia technologies and the Internet to improve the quality of learning (eEurope 2005, IST Programme, eLearning Programme, eContentplus).</p> <p>The Commission also issued a proposal for a Recommendation of the European Parliament and the Council on key competences for lifelong learning in November 2005 and has set up a high level group on media literacy.</p>
<p>The concept of universal and affordable access must be supported by a concrete technical step of upgrading and development of telecoms infrastructure.</p>	<p>In 2005 a broad public consultation on universal service was launched. Mandating any specific technology in a fast-changing technological landscape could be problematic, and any extension of the scope of universal service and its financing would risk deterring competition, hindering investment and stifling innovation. However, it is also generally agreed that the concept and provision of universal service which safeguards access to basic but vital communications services for disadvantaged users, does need to be updated for the internet age. This year's review of the EU's electronic communications rules will give the opportunity to look at provision of universal service in an IP world.</p>
<p>There is need for raising awareness on security matters and for enhancing cooperation between public authorities and business to combat cyber-crime.</p>	<p>In 2006, the Commission will propose a Strategy for a Secure Information Society and a Communication on security issues addressing spam, spyware and malware. It is also stimulating research and development on information and network security and dependability technologies.</p>

<p>Together with addressing the supply side, the Commission should consider the conditions which enable increased investment in ICT and the conditions/user requirements needed to turn such investments into successful innovation.</p>	<p>These issues have been addressed by the Commission in the renewed Lisbon strategy, both in the Lisbon Action Programme for EU level action and in the integrated guidelines for Member State actions. These set out the key priorities and stress, among others, the need to increase and improve investment in R&amp;D and to facilitate innovation and the take-up of ICT.</p> <p>The Commission has also assessed the Member States' response in the form of their National Reform Programmes (NRPs). The NRPs generally support the wider adoption of ICT but overall, they fail to give a new impetus to information society policies or to include more forward looking elements, like digital convergence or ICT research and innovation, which are central to the i2010 initiative.</p>
<p>The Commission should explore more how to achieve productivity gains by using ICT for the reorganisation of work.</p>	<p>The i2010 Communication addresses the issue in the context of eBusiness, by proposing to define eBusiness policies that will remove technological, organisational and legal barriers to ICT adoption with a focus on SMEs; and to define tools to support new patterns of work that enhance innovation in enterprises and adaptation to new skills needs.</p> <p>Moreover, the European Network of Living Labs and Collaborative Work Environments initiatives bring technology test beds into real life user environments and further develop the concept of eWork as a tool for innovation within the work process.</p>

<p>Statistics instruments used thus far cannot be used for the new communications technologies and require standardised, internationally comparable statistics on the use and development of services and technology.</p>	<p>Following a Council Resolution of 28 January 2003 on the implementation of the eEurope 2005 Action Plan a comprehensive set of benchmarking indicators were defined on Internet and broadband take-up and on the supply and use of online public services.</p> <p>A first benchmarking report was issued in 2005 based on results reported by official sources and in particular surveys by Eurostat and the National Statistical Institutes. Those surveys are complemented by additional independent studies.</p> <p>The broader scope of i2010 require an extended benchmarking framework which will be prepared by the Commission and the Member States to further take into account forthcoming technological developments and issues such as convergence, research and innovation in ICT and quality of life.</p>
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<p><b>18. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions : eAccessibility</b>  <b>COM (2005) 425 final – EESC 404/2006 – March 2006</b>  <b>Rapporteur : Mr CABRA DE LUNA (Var. Int./ES)</b>  <b>DG INFSO - Ms REDING</b></p>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
<p>Adopt harmonised standards and legislative commitments for accessibility.</p>	<p>The Commission is fostering the development and use of harmonised standards and exploring the potential of existing legislation for accessibility. Further legislative Commitments would be consider after gathering evidence of the proposed approaches in the eAccessability Communication as stated there.</p>
<p>Explore the various schemes for certification and product labelling including third part, self declaration and process certification and make findings available in 2007.</p>	<p>Mainly in line with the approach presented in the eAccessibility Communication but the findings might only be available in 2008.</p>
<p>Calls on mandatory harmonised provisions for accessibility in public procurement in the transposition of the Public Procurement Directives.</p>	<p>The Commission is working on harmonised requirements for accessibility in public procurement through the developments of an European standards and promoting their use by the Member States. However, the related provisions in these Directives are not mandatory on the use of accessibility requirements.</p>
<p>Mainstreaming Accessibility in Structural Funds.</p>	<p>This element is reflected in the Structural Funds guidelines but not mandatory.</p>
<p>Strengthen the provisions of the electronic Communication dealing with accessibility.</p>	<p>This issue is raised in the revision process and the outcome will only be known at the end of the process.</p>

<p>Implement the INCOM recommendations in Member States.</p>	<p>Most of the recommendations are at the discretion of the Member States to implement them. The INCOM group is raising awareness, gathering evidence, promoting best practices and suggesting the Member States to report on these accessibility matters in the implementation reports.</p>
<p>Call on Member States to report on accessibility matters on their strategies for the Information Society.</p>	<p>This is inline with the Council conclusions and in the i2010 annual report these issues are addressed as part of the eInclusion subject.</p>

<p><b>21. Green Paper on the Enhancement of the EU Framework for investment funds</b></p> <p><b>COM (2005) 314 final – EESC 403/2006 – March 2006</b></p> <p><b>Rapporteur : Mr Grasso (Empl./IT)</b></p> <p><b>DG MARKT – Mr McCREEVY</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>2.5. Whilst it appreciates the difficulties, the Committee believes it is very important to resolve the problem of fiscal convergence in order to increase the growth potential of UCITS.</p>	<p>The Commission agrees that tax barriers are a key issue for the development of the Single market for funds. To tackle these barriers, the Commission will continue to monitor closely potential cases of discriminatory tax treatment and react accordingly.</p>
<p>3.2. The Committee believes a full regulation of the financial system is important, i.e. regulation of both products and services.</p>	<p>The Commission agrees with the Committee on this. As regards regulation of services, it points out the development of the rules applicable to the management companies in the latest (so called "UCITS III") version of the UCITS Directive. It also refers to the MiFID Directive, which aims to put in place a coherent framework for intermediaries distributing investment funds by 2007, which the Commission believe should address the concerns of the Committee.</p>
<p>4.3. The Committee supports the idea of a management company passport and of the simplified prospectus. It also believes it is essential to work towards the elimination of the uncertainty surrounding the recognition of funds launched during the transition from UCITS I to UCITS III.</p>	<p>The Commission is currently consulting an expert group on the issues linked to the management company passport, which should issue a report by mid-June. It will be open to the public for comments. On the simplified prospectus, the Commission will be exploring possible scenarios for a revitalisation of this document which does not seem to fulfil its original objectives. The proposed orientations in respect of the management company passport and of the simplified prospectus will be made public in the White paper scheduled for Autumn</p>

	<p>2006. On the legal uncertainty for funds launched during the transition from UCITS I to UCITS III, the Commission believes this issue has been addressed in the CESR guidelines of January 2005<sup>11</sup>.</p>
<p>4.4. In relation to the management company passport and its consequences on supervision, the Committee recommends that responsibility towards the investor should lie with the fund that is based in the investor's home country, even when the management company is based abroad.</p>	<p>The Commission takes note of the comments of the Committee. As explained above, the proposed orientations on the management company passport will be made public in the White paper scheduled for Autumn 2006.</p>
<p>4.5. The Committee points out that the information provided to investors must take some account of the Home environment and culture in which the investors are based, notably in the new Member States.</p>	<p>The main instrument in respect of investor disclosure in the case of UCITS is the Simplified prospectus. As explained above, the Commission intends to work on possible scenarios for its revitalisation. The White paper will present the orientations in this respect. The Commission agrees with the Committee that changes to this document, if any, will have to be subject to testing with final consumers</p>
<p>4.6. The Committee proposes the introduction of regulations aimed at bringing greater transparency to the process of portfolio investment rotation.</p>	<p>The Commission takes note of the proposal of the Committee. The Commission believes the issue of conduct of business rules for investment funds and management companies will be influenced by the conduct of business rules provided for under the MifID as completed by the implementing measures currently being discussed within the ESC. A careful assessment of such rules will need to be performed first before establishing which asset management specific issues need to be addressed in relation to conduct of business.</p>

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<p>4.8. The Committee considers that pooling cannot be an alternative means of circumventing the legislative and institutional difficulties impeding the consolidation of the investment fund industry.</p>	<p>The Commission takes note of the remarks of the Committee in relation to pooling and agrees that pooling should not be the only tool studied for a possible development of Single market freedoms for investment funds.</p>
<p>4.11 The Committee indicates that a legislative initiative concerning depositaries should be weighed up carefully.</p>	<p>The Commission takes note of the comments of the Committee. It also notes that the results of the public consultation on the Green paper<sup>12</sup> show limited support for a depositary passport.</p>
<p>4.12 The Committee remarks that public involvement could accelerate the process towards harmonisation of fund processing.</p>	<p>The Commission takes note of the remarks of the Committee. It points out the current industry-led initiatives in this area. The Commission strongly supports these initiatives and believe it should only become involved in the event of manifest co-ordination problems or insurmountable regulatory or policy barriers.</p>
<p>4.14 The Committee suggests setting up a special guarantee fund at EU level to help compensate investors who have lost out when intermediaries have not played according to the rules.</p>	<p>The Commission takes note of the suggestion of the Committee. As to investor compensation, the Commission notes that the route so far pursued in financial services, namely harmonisation of compensation rules throughout member states, departs from this proposal<sup>13</sup>. It also notes that this issue has not been identified as a priority in the public consultation on the Green paper by the main interested parties, i.e. public authorities or consumers.</p>

12 Available on [http://europa.eu.int/comm/internal\\_market/securities/ucits/index\\_en.htm](http://europa.eu.int/comm/internal_market/securities/ucits/index_en.htm)

13 Cf. Directive 97/9/EC of 3 March 1997 on investor compensation schemes

<p>4.15 The Committee calls for an upward adjustment of standards so that financial products that are perceived as a direct alternative to investment funds are subject to regulatory requirements that are comparable to those pertaining to these funds.</p>	<p>The Commission takes note of the remarks of the Committee and would like to point out the complexity of the subject. First of all, the Commission intends to launch a survey of the current state and trends of the market for long term retail financial products to have a clearer picture of which investments can be considered as "substitute". From a regulatory point of view, the Commission believes that the impact of the MifiD, which provides for a coherent, horizontal framework for the distribution of financial instruments, should be first assessed before discussing further regulatory initiatives in this area.</p>
<p>4.16 The Committee indicates that the Commission needs to clarify its definition of transferable securities, notably as to whether this terms implies a liquid instrument.</p>	<p>The answer to this question is to be dealt with in a comitology measure which is currently being discussed and which should be adopted by the end of 2006. The current version of the draft<sup>14</sup> comitology measure, based on a technical advice of CESR, gives a positive answer to the question of the Committee.</p>
<p>The Committee indicates in relation to information on alternative investment that the way forward should not consist in a "utopian" attempt to clarify a complex process, but to inform the "average investor" that alternative investment require highly specialised knowledge, without which expert advice should be sought.</p>	<p>In relation to "complex" financial products, it should be noted that the MifiD sets out a horizontal framework for the distribution of such products. It imposes in particular a "suitability" test for its clients (subject to certain restrictions), which should address the concerns mentioned by the Committee.</p>

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Available on [http://europa.eu.int/comm/internal\\_market/securities/ucits/index\\_en.htm](http://europa.eu.int/comm/internal_market/securities/ucits/index_en.htm)

<p>The Committee supports the idea of a private placement regime for qualified investors in relation to alternative investments, notably in relation of private equity, which development is crucial to the financing of small and medium enterprises.</p>	<p>The Commission takes note of the position of the Committee. The question of private placement has been identified as a priority by a majority of respondents in the answers to the public consultation on the Green paper. The Commission is currently consulting an expert group on the issues linked to alternative investment, which should issue a report by mid-June. It will be open to the public for comments. The question of private placement will be addressed in the forthcoming White paper of the Commission.</p>
<p>In relation to the future of the UCITS Directive, the Committee argues that a move towards principle-based regulation would be welcome, but also believes that a review of the regulatory framework should be done gradually and attempt to strike a balance between providing adequate consultation time and completing the review promptly.</p>	<p>The Commission takes note of the remarks of the Committee. It points out the results of the public consultation, which show a lack of consensus on the future of the Directive, i.e. whether it could serve as a sensible basis for the future or whether the framework needs to be revised. However, there is widespread agreement that a number of elements of the existing framework need further clarification or change. In this respect, and as the Committee may be aware, the Commission, with the assistance of CESR, has launched or is currently launching a series of initiatives to ensure that these concerns are addressed.</p>

<p><b>29. Communication from the Commission to the Council and the European Parliament establishing for the period 2007-2013 a framework programme on Fundamental Rights and Justice</b>  <b>COM (2005) 122 final – EESC 32/2006 - January 2006</b>  <b>Rapporteur : Ms King (Empl./UK)</b>  <b>DG JLS – Mr Frattini</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The EESC strongly recommends that this proposal is placed on hold until the legal and financial bases are clarified. In the interim the Committee suggests a continuation of the current programme approach to the field of freedom, security and justice until the current situation has been resolved.</p>	<p>The Council Legal Service raised a problem with the legal basis presented for the programme "Fundamental rights and citizenship", but this has been solved and the legal basis accepted; furthermore, the agreement on the Framework Programme does not change the amount allocated to the framework programme. The Commission considers therefore that this point is no longer relevant.</p>
<p>In the context of the specific programme "Fundamental rights and citizenship" the EESC recommends that islamophobia be added to the expression "fight against racism, xenophobia and anti-semitism" to reinforce the need to address this particular form of racism where culture intersects with religion.</p>	<p>The Commission considers that the expression used in its proposal covers all forms of racism; it is therefore not necessary to list all particular forms.</p>
<p>The EESC recommends that it is made clear within the specific objective for the overall programme that the fight against violence in all its forms explicitly includes Trafficking of Human Beings for sexual exploitation. This is important because combating trafficking has a cross-border dimension and therefore an EU Strategy and Action Plan in this area is necessary and appropriate.</p>	<p>The programme will fight all forms of violence. It is thus not relevant to mention a specific form of violence or it would have been necessary to make a list of all forms of violence.</p>
<p>The EESC believes that it is important that border control officials are included as a target group, as they are important in the</p>	<p>The drafting of the programme does not prevent having these specific groups as</p>

<p>fight to disrupt the distribution channels used to smuggle in people and drugs.</p>	<p>target groups as it states that the programme is destined for all groups that directly or indirectly deal with violence and the drugs problem. Nevertheless, the Commission will analyse whether it is important to specifically indicate border control officials.</p>
<p>In the context of the specific programme "Fight against Violence and drugs prevention and information" the EESC feels there is a risk that violence against children, women and young persons and trafficking for sexual exploitation will be downgraded as this is combined with the fight against drug use and trafficking.</p> <p>The EESC recommends that a separate objective and budget line be developed for combating violence. This should ensure the appropriate allocation of priorities and will increase transparency.</p>	<p>The Commission has an open position in this respect and intends to propose the separation of the two strands of this specific programme.</p>
<p>The EESC notes that Combating Violence is the only area that does not have an agency to share synergies with. It therefore recommends the Commission investigates what system should be put in place to ensure that Combating Violence, in all its forms, is not overlooked as a priority</p>	<p>The Commission is of the opinion that it is not wise to multiply the number of Agencies. Furthermore, the Daphne programme already exists and has proved its efficiency in combating violence against children, women and young persons and in calling the attention to this problem.</p>
<p>The EESC believes that it is a major oversight that the programme on Fundamental Rights and Justice will not be coordinated with the new European Institute for Gender Equality. The Committee therefore recommends that a specific objective should be included to reflect that this will be the case when the Institute opens in 2007.</p>	<p>The framework programme pretends to avoid any overlap with existing programmes and agencies. As the Gender Institute still does not exist, the Commission will be attentive to prevent any overlaps during the preparation of the annual work programmes to implement the programme "Fundamental Rights and Justice".</p>

<p><b>32. Communication from the Commission to the Council and the European Parliament establishing a framework programme on Solidarity and Management of Migration Flows for the period 2007-2013</b>  <b>COM (2005) 123 final –EESC 234/2006 - February 2006</b>  <b>Rapporteur : Ms Le Nouail Marlière (Work./FR)</b>  <b>DG JLS – Mr Frattini</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The EESC calls upon the Commission to take account of its recommendations in its action plan linked with The Hague Programme and recommends that the transparency of the operation of these new structural funds be ensured by making an explicit connection with The Hague programme.</p>	<p>The Funds were indeed drafted taking into account The Hague programme and will be implemented within the agenda that it defines for the EU.</p>
<p>The EESC calls for practical provisions to be included in the decisions setting up these various funds to ensure that non-state operators are associated at as early a stage as possible in the annual and multi-annual framework of guidelines drawn up by the Member States and by the Commission itself.</p>	<p>The Member States will propose multiannual programmes in the context of the different Funds. When drafting such programmes, on the basis of the strategic guidelines adopted by the Commission, Member States can consult and or include non-state operators as well as regional and local authorities.</p>

<p><b>36. Opinion on EU-Mexico relations</b>  <b>Own-initiative opinion – EESC 246/2006 – February 2006</b>  <b>Rapporteur : Mr Rodriguez Garcia-Caro (Empl./ES)</b>  <b>DG RELEX- Ms Ferrero Waldner</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The EESC feels that Mexico plays a pivotal role as a facilitator between North and South America and that therefore Mexico is a strategic reference point in all aspects of the EU's relations with this area.</p>	<p>The Commission recognises the key role played by Mexico, which alongside Brazil is one of the two large countries in the region, and the need to expand the opportunities offered by the Association Agreement:  Communication (2005) 636  “A stronger partnership between the EU and Latin America”.</p>
<p>The EESC recognises that the Association Agreement has been beneficial but that it has not yet been implemented to its full potential. In particular, the EESC proposes reducing tariffs, removing technical barriers to trade, opening up new sectors to trade in services and investment, creating a favourable climate for business activity, and stepping up bilateral cooperation through initiatives of common interest. The EESC also specifies that improving social cohesion in Mexico is a priority target.</p>	<p>The Commission agrees with this opinion and considers that the revision clause should enable the potential of the Agreement to be developed, particularly by extending it to include other sectors such as agricultural products, services and investment. Within the framework of the 2007-2013 programme, the Commission intends to step up cooperation activities to support implementation of the Agreement, particularly by supporting trade, investments and sectoral policy dialogue on issues of common interest. Improving social cohesion is an issue addressed by all these activities.</p>
<p>The EESC wants civil society to participate in the implementation of the Association Agreement. This could be institutionalised by creating a Joint Consultative Committee (JCC) under the Agreement. The EESC proposes that such a Committee could be set up in Mexico in the same way as the EESC with representatives from the three main groups involved (employers, employees and</p>	<p>There is a general consensus that civil society must be given a consultative role in the implementation of the Association Agreement. The joint communiqué of the Joint Council meeting in October 2005 addresses this issue directly:   “With reference to the Joint Declaration of the last EU-Mexico Joint Council, the Joint</p>

<p>various interest groups). To that end, the EESC proposes that a working group be formed first with three representatives from each civil society group in Mexico and three from the EESC as a counterpart. The purpose of this working group would be to draw up a proposal for the establishment of an EU-Mexico JCC.</p>	<p>Committee discussed alternative options and respective appropriate modalities for assuring a follow-up of the Dialogue with the Civil Society. The objective of the institutionalisation of the Dialogue has been endorsed in principle by the Parties during the last EU-Mexico Joint Council of May 2005. The parties decided to identify jointly, in the coming months, the appropriate modalities to allow the civil society to play a consultative role.”</p> <p>The Commission’s goal is to cooperate with Mexico to decide on arrangements to formalise the process for consulting civil society in the EU/Mexico with regard to the Association Agreement. In particular, the Commission commits itself to finding a satisfactory solution under the Agreement for all the parties concerned, Member States, Mexico, civil society, including the organised civil society represented at the EESC. The EESC’s opinion is a major contribution on the road to establishing institutionalised dialogue with civil society.</p>
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c) **Opinions on which the Commission is not at this stage able to offer comments**

- 2. Strengthening economic governance – The reform of the Stability and Growth Pact  
Own-initiative opinion - EESC 244/2006 – February 2006  
Rapporteur : Ms Florio (Work./IT) and Mr Burani (Empl./IT)  
DG ECFIN – Mr Almunia**

The Commission does not intend to follow up this opinion because the requests in it have already been dealt with adequately by Commissioner Almunia who attended the debate.

- 3. Broad economic policy guidelines 2005-2008  
Own-initiative opinion - EESC 245/2006 – February 2006  
Rapporteur : Mr Metzler (Var. Int./DE)  
DG ECFIN – Mr Almunia**

The Commission does not intend to follow up this opinion because the requests made in it have already been dealt with adequately by Commissioner Almunia who attended the debate.

- 7. Report on competition policy 2004  
SEC(2005) 805 final - EESC 401/2006 – March 2006  
Rapporteur : Mr Malosse (Empl./FR)  
DG COMP – Ms Kroes**

Follow-up of this point is deferred to the next quarter.

- 11. The role of railway stations in the cities and conurbations of an enlarged EU  
Own-initiative opinion - EESC 232/2006 – February 2006  
Rapporteur : Mr Tóth (Var. Int./HU)  
DG TREN – Mr Barrot**

Reply deferred to next quarter.

**12. Energy efficiency**  
**Own-initiative opinion - EESC 242/2006 – February 2006**  
**Rapporteur : Mr Buffetaut (Empl./FR)**  
**DG TREN – Mr PIEBALGS**

Reply deferred to next quarter.

**13. Regrowing raw materials – development outlook for producing materials and energy**  
  
**Own-initiative opinion - EESC 410/2006 – March 2006**  
**Rapporteur : Mr Voss (Var. Int./DE)**  
**DG TREN – Mr PIEBALGS**

Reply deferred to next quarter.

**16. Retention of electronic data**  
**COM(2005) 438 final EESC 35/2006 - January 2006**  
**Rapporteur : Mr Hernández Bataller (Empl./ES)**  
**DG JLS – Mr Frattini**

Reply deferred to next quarter.

**20. Eco-labelling schemes for fisheries products**  
**COM(2005) 275 final - EESC 237/2006 – February 2006**  
**Rapporteur : Mr Sarró Iparraguirre (Var. Int./ES)**  
**DG FISH – Mr Borg**

The Commission will not follow up this point at this stage since the debate is not concluded within the other European institutions.

**23. Transnational mobility for education and training purposes**  
**COM(2005) 450 final - EESC 235/2006 – February 2006**  
**Mr Czajkowski (Var. Int./PL)**  
**DG EAC – Mr Figel'**

Follow-up of this point is deferred to the next quarter.

- 34. The prevention of juvenile delinquency and the role of the juvenile justice system in the European Union**  
**Own-initiative opinion - EESC 141/2006 - March 2006**  
**Rapporteur : Mr Zúñiga Narvaiza (Work./ES)**  
**DG JLS – Mr Frattini**

Reply deferred to next quarter.

- 35. Domestic violence against women**  
**Own-initiative opinion - EESC 416/2006 - March 2006**  
**Rapporteur : Ms Heinisch (Var. Int./DE)**  
**DG JLS – Mr Frattini**

Reply deferred to next quarter.