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Bruxelles, le 10 septembre 2010

**SUITE AUX AVIS**

adoptés par le Comité économique et social européen  
lors des sessions plénières  
du premier trimestre 2010

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Relevé trimestriel présenté  
par la Commission européenne

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**ACTION TAKEN ON OPINIONS**

adopted by the European Economic and Social Committee  
at its plenary sessions  
in the first quarter of 2010

Quarterly review presented  
by the European Commission

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**SUIVI ACCORDÉ PAR LA COMMISSION AUX AVIS DU**  
**COMITÉ ÉCONOMIQUE ET SOCIAL EUROPÉEN**  
**RENDUS AU COURS DU 1er TRIMESTRE 2010**

**(janvier, février et mars 2010)**

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**PARTIE A : Avis exploratoires**

<p><b>10. L'adéquation des compétences aux besoins de l'industrie et des services en mutation – Contribution d'une éventuelle mise en place au niveau européen de conseils sectoriels emploi-compétences</b>  <b>EESC 259/2010 – February 2010</b>  <b>DG EMPL - Mr ANDOR</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p><b>The European Economic and Social Committee notes with great interest the details of the idea of setting up sector councils on employment and skills at European level. In the Committee's view, appropriately organised and managed sectoral councils involving various stakeholders should provide crucial support in the process of managing sectoral changes and, in particular, anticipating the development of the situation in terms of employment and skills needs and adapting skills to supply and demand.</b></p>	<p>The Commission takes note of the positive assessment by the EESC to the Commission's initiative to setup sector skills and employment councils.</p>

<p>Following an analysis of the advantages and disadvantages considered in a feasibility study of the political options for the various council formats (sectoral councils as an EU policy tool based de facto on European social dialogue; sectoral councils acting as a "European platform" of sectoral councils from the Member States), the Committee is inclined towards supporting the concept of a sectoral council based on the model proposed in European social dialogue. Sectoral councils could benefit substantially from contact (according to principle of cooperation) with the structures of European social dialogue (ESD) and their political activities.</p>	<p>The Commission is in favour of involving as much as possible the European sectoral social partners in this initiative and in this sense supports the opinion from the EESC.</p>
<p><b>In the Committee's view, the activities of the European sectoral social dialogue committees (ESSDCs) could serve as an operational model for the ESCs.</b></p>	<p>The Commission is partially agreeing with this recommendation. It believes the ESCs should be more flexible in their model than the ESSDCs and focus more on the output produced by these ESCs. It is therefore in favour of a lighter version of the ESSDCs based on the cooperation between stakeholders.</p>
<p>The Committee believes that future ESCs should conduct close and regular cooperation with their national counterparts. The Committee recommends that the EU councils should support the establishment of national councils, where they do not exist, by providing advice and examples of best practice. This concerns in particular those sectors for which councils will be created at European level. To this end, it would be possible to make use of cooperation with current sectoral social dialogue structures in those countries and their experience.</p>	<p>The Commission partially agrees with the opinion of the EESC. The ESCs may indeed provide examples and good practices to stakeholders in countries where sector councils do not exist, but it does not believe it is the role of ESCs to intervene at national level.</p>



<p><b>11. Feuille de route pour l'égalité entre les femmes et les hommes (2006-2010) et stratégie de suivi</b>  <b>CESE 448/2010 – Mars 2010</b>  <b>Rapporteur : M<sup>me</sup> GONZÁLEZ DE TXABARRI ETXANIZ (Trav./ES) DG EMPL – M<sup>me</sup> REDING</b></p>	
<p><b>Points de l'avis du CESE estimés essentiels</b></p>	<p><b>Position de la Commission</b></p>
<p>Le CESE estime essentiel d'inclure le principe d'égalité dans les politiques sociales et d'emploi afin d'accroître l'indépendance économique des femmes et de réduire l'exclusion sociale et la pauvreté; de considérer l'origine structurelle des disparités salariales, de prévoir les dispositifs et mesures en faveur de la conciliation entre vie professionnelle et vie privée, de promouvoir la représentation équilibrée des femmes dans la prise de décision, de renforcer l'action communautaire pour lutter contre la violence à l'égard des femmes et le trafic d'êtres humains, de lutter contre les stéréotypes notamment à travers l'éducation et la formation et enfin de promouvoir le droit des femmes à l'échelle internationale.</p>	<p>La Commission partage l'avis du CESE quant aux priorités à mettre en œuvre pour la nouvelle stratégie.</p> <p>La Commission s'est engagée en faveur de l'égalité entre les femmes et les hommes en adoptant le 5 mars 2010 une "<u>Charte des femmes</u>" COM(2010) 78 final qui énonce des principes d'égalité dans cinq domaines:</p> <ul style="list-style-type: none"> <li>- Indépendance économique égale;</li> <li>- Egalité de rémunération pour un même travail ou un travail de même valeur;</li> <li>- Egalité dans la prise de décision;</li> <li>- Dignité, intégrité et fin des violences fondées sur le sexe;</li> <li>- Egalité entre les femmes et les hommes en dehors de l'Union.</li> </ul> <p>La nouvelle stratégie pour l'égalité entre les femmes et les hommes prévue par la Charte fournira un cadre global pour l'action de la Commission visant à faire progresser l'égalité entre femmes et hommes dans ces domaines pendant les cinq années à venir.</p>
<p>Le CESE considère que l'analyse d'impact en fonction de l'égalité hommes femmes doit être appliquée à tous les domaines d'action de la Commission et dans les budgets en disposant de ressources humaines formées et des données nécessaires.</p>	<p>La Commission partage l'avis du CESE quant à la nécessité de renforcer les analyses d'impacts et de considérer l'impact selon le genre dans le cadre de l'analyse des impacts sociaux. Elle considère que l'intégration de l'égalité H/F dans les budgets (gender budgeting) répond, tout comme l'intégration des questions d'égalité H/F dans les politiques (gender mainstreaming), aux obligations découlant de l'application de l'Art. 8</p>

	du TFEU.
<p>Pour la nouvelle stratégie d'égalité entre les hommes et les femmes, le CESE considère que la Commission doit :</p> <ul style="list-style-type: none"> <li>- inclure l'égalité de genre à titre prioritaire dans tous ses domaines d'action, et ce de manière transversale, sans se limiter aux compétences de la DG EMPL;</li> </ul>	<p>La Commission prévoit que la nouvelle stratégie 2010-2015 pour l'égalité entre les femmes et les hommes :</p> <ul style="list-style-type: none"> <li>- réaffirmera la nécessité de renforcer l'intégration de la dimension de genre dans toutes les politiques et veillera à ce que ce principe général soit traduit notamment par des mesures visant à rendre l'application du mainstreaming de l'égalité H/F plus concret dans les activités développées par la Commission.</li> </ul>
<ul style="list-style-type: none"> <li>- inclure la perspective de genre dans les budgets de l'UE;</li> </ul>	<ul style="list-style-type: none"> <li>- poursuivra les activités initiées sous l'actuelle feuille de route afin de mieux intégrer la perspective de l'égalité H/F dans le cycle de préparation du budget communautaire.</li> </ul>
<ul style="list-style-type: none"> <li>- définir les priorités de la future stratégie en ciblant de façon distinctes les problématiques d'emploi, de santé et d'immigration et en incluant un nouveau domaine sur l'environnement;</li> </ul>	<ul style="list-style-type: none"> <li>- prendra en compte les problématiques identifiées par le CESE, en particulier en ce qui concerne l'impact positif de la participation des femmes sur le marché du travail pour assurer leur indépendance économique, les problématiques spécifiques des femmes immigrées, les questions d'égalité H/F dans le domaine de la santé et d'une manière plus générale la participation équilibrée des femmes et des hommes aux processus décisionnels et ce notamment dans le domaine de l'environnement.</li> </ul>
<ul style="list-style-type: none"> <li>- intégrer la perspective d'égalité H/F dans les Fonds structurels, notamment en associant les organismes chargés de l'égalité dans les Etats membres;</li> </ul>	<ul style="list-style-type: none"> <li>- continuera, dans le cadre de la gestion partagée, à inciter les Etats membres à intégrer la prise en compte de l'égalité entre les femmes et les hommes dans la mise en œuvre des programmes des Fonds structurels 2007-2013 (Art. 16 du règlement n° 1083/2006 du Conseil) en associant les organismes chargés de l'égalité H/F et prévoira d'intégrer l'égalité H/F dans la préparation des nouveaux règlements pour la période après 2013.</li> </ul>
<ul style="list-style-type: none"> <li>- veiller à l'application effective de la législation;</li> </ul>	<ul style="list-style-type: none"> <li>- continuera à prévoir les mesures appropriées pour assurer la transposition en droit national des directives sur l'égalité entre les femmes et les hommes en particulier à travers l'analyse de l'application du droit et les procédures de non-communication et de non-transposition.</li> </ul>

<p>- évaluer l'égalité H/F dans toutes ses politiques et toutes ses directions générales et envisager la création d'une unité d'évaluation pour superviser et évaluer systématiquement l'action des différents États membres dans ce domaine.</p>	<p>- prévoira l'analyse des questions d'égalité dans toutes les politiques. La Commission continuera l'analyse de l'intégration transversale des questions d'égalité dans les politiques d'emploi et d'inclusion sociale des États membres (à travers des réseaux d'experts ainsi que dans les rapports de la Commission dans le cadre de la Stratégie européenne de l'emploi ainsi que de la méthode ouverte de coordination inclusion sociale/protection sociale). Elle veillera à collaborer avec l'Institut européen pour l'égalité entre les femmes et les hommes pour renforcer ces analyses au niveau européen.</p>
<p>Le CESE estime que l'Institut européen pour l'égalité entre les femmes et les hommes doit jouer un rôle important quant à l'amélioration de la gouvernance et la révision de la législation en vigueur dans le domaine de l'égalité H/F. Il devra veiller à ce que toutes les politiques incluent et encouragent l'égalité ainsi qu'une participation citoyenne et politique plus responsable et inclusive en termes de genre.</p>	<p>La Commission collaborera avec l'Institut européen pour l'égalité entre les femmes et les hommes afin: d'apporter un soutien aux États membres et aux institutions européennes dans la promotion de l'égalité H/F, de combattre la discrimination fondée sur le sexe et de sensibiliser les citoyens de l'Union européenne aux questions d'égalité.</p> <p>La nouvelle stratégie de la Commission prendra en compte les activités de l'Institut concernant la collecte et l'analyse de données le développement des outils méthodologiques afin de favoriser l'intégration de l'égalité entre les hommes et les femmes dans tous les domaines politiques.</p>
<p>Il souligne le rôle important des partenaires sociaux dans la promotion de l'égalité par le biais du dialogue social et les négociations collectives ainsi que l'exemple du cadre d'action sur l'égalité hommes-femmes de 2005.</p>	<p>La Commission reconnaît le rôle important joué par les partenaires sociaux tant dans le cadre des procédures de négociation des initiatives législatives, que dans la mise en œuvre de leurs actions dans le domaine de l'égalité entre les femmes et les hommes dans le cadre du dialogue social.</p>
<p>Enfin, il souligne, les difficultés économiques et financières dont souffre l'Europe, de même que les changements démographiques, qui ne doivent pas avoir une incidence sur l'objectif d'égalité et le reléguer au second plan.</p>	<p>La Commission partage l'avis du CESE sur la nécessité de veiller à ce que la crise économique n'affecte pas les budgets consacrés aux politiques d'égalité et ne soit pas un prétexte pour réduire l'appui à ces politiques. La nouvelle stratégie de la Commission prendra aussi en compte les nouveaux défis liés notamment à la globalisation et aux changements démographiques.</p>

**PARTIE B : Avis rendus à la demande du Conseil**

<p><b>2. European transport policy in the framework of the post-2010 Lisbon Strategy and the Sustainable Development Strategy</b>  <b>Opinion asked by the ES Presidency – EESC 461/2010 – March 2010</b>  <b>Rapporteur : Mr BUFFETAUT (Empl./FR)</b>  <b>SG - President BARROSO</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
	<p>The Commission thanks the EESC for submitting its comprehensive opinion on European transport policy. The Commission considers that transport policy plays a key role in both the Sustainable Development Strategy and the Europe 2020 Strategy.</p>
<p>Competitive, reliable and free-flowing transport is a condition for the economic prosperity of Europe. Transport will therefore be called upon to make a major contribution towards achieving the objectives of the strategy for 2020.</p>	<p>The Europe 2020 Strategy sets out a vision for a prosperous, green and connected European economy, on the basis of three interlocking priority areas: smart growth, inclusive growth and sustainable growth. The Commission agrees that transport policy is a major contributor to economic prosperity, and highlights the importance of mobility for well-functioning labour markets and the single market.</p>
<p>The European transport sector is marked by a lack of sustainability. The link between economic growth and the negative impact of transport should be broken. The European transport policy of the future must maintain the sector's competitiveness as part of the strategy for 2020, while pursuing four main objectives: the promotion of low-carbon modes of transport, energy efficiency, security and independence of supply and the reduction of traffic congestion.</p>	<p>The Commission fully agrees that economic growth should be decoupled from negative impacts on natural and other scarce resource and energy use, and in this respect draws the EESC's attention to the flagship initiative "Resource efficient Europe" under the Europe 2020 Strategy. This includes a commitment from the Commission to present proposals to modernise and decarbonise the transport sector, including through the launch of a major European "green" car initiative. The Commission notes that specific measures are also envisaged in the areas of the internal market, innovation, infrastructure and reducing dependence on fossil fuels.</p> <p>Before the end of 2010 the Commission will</p>

	<p>further define the measures in the area of transport which support the aims of the Europe 2020 Strategy. It will adopt a White Paper outlining a transport action programme until 2020. The paper will define the overall framework for actions in the next ten years in the fields of transport infrastructure, internal market legislation, technology for traffic management and clean vehicles, and the use of market based instruments and incentives. It will also discuss the establishment of an EU transport fund to support the TEN-T network and new technology for decarbonising transport.</p>
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<p><b>12. People with disabilities: employment and accessibility by stages for people with disabilities in the EU. Post-2010 Lisbon Strategy</b>  <b>Opinion asked by ES Presidency - EESC 449/2010 - March 2010</b>  <b>Rapporteur : Mr CABRA DE LUNA (Var. Int./ES)</b>  <b>DG EMPL - Mrs REDING</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The Committee opinion that was adopted by unanimity was positively received in the Committee and asks in general for reinforcing the mainstreaming of disability matters across European policies in particular requests an specific section on disability in the EU 2020 strategy.</p>	<p>This request is in general well received by the Commission given its current practice of disability mainstreaming and its intention to propose a new European Disability strategy that builds on the current European Disability Action plan and the UN Convention on the Rights of Persons with disabilities addressing a wide range of EU policies.</p>
<p>The Committee highlights the need for adopting a European Disability Pact keeping with the Commission future disability strategy and the UN Convention and describes its management structure.</p>	<p>The Commission welcomes the opportunity for the Member States to commit to the implementation of the new European Disability strategy through a voluntary disability Pact aiming at a coherent implementation of the UN Convention but is not in favour of making the current governance structure for the new strategy and the UN Convention more heavy.</p>
<p>The Committee requests to give visibility to people with disabilities in all relevant</p>	<p>The Commission welcomes this request that is already taken into consideration in</p>

<p>European and National statistics.</p>	<p>some key European specific work on disability statistics but highlights the challenges of the action and the role of the Member States in the decision making process for developing new or modifying current statistic modules.</p>
<p>Request more attention to employment of person with disabilities focusing on life streaming approach and paying special attention to young persons with disabilities.</p>	<p>The approach of the Commission to employment of persons with disabilities is well in line with this statement and attention will be paid to these matters in the new European disability strategy.</p>
<p>Recommends progressive implementation of accessibility with binding standards.</p>	<p>The Commission is investing in the development of accessibility standards and mainstreaming accessibility in relevant standardisation processes following a Design for All approach through a number of standardisation mandates to the European standardisation organisations.</p> <p>Furthermore the Commission proposal of July 2008 for a Council Directive on implementing the principle of equal treatment between persons irrespective of inter alia disability contains an article on accessibility and provides the possibility to Member States to request an additional period for implementing this article what reflects the idea of progressive implementation.</p>
<p>Highlights the need to mainstream gender issue in disability policies</p>	<p>The Commission welcomes this statement and is certainly taking care of mainstreaming gender issues in disability polices as well as mainstreaming disability matters in gender policies.</p>

<p>Request EU support for civil society and its involvement on EU strategies and programmes.</p>	<p>The Commission is already regularly involving and consulting civil society in the preparation of its new Disability strategy and in the implementation of the UN Convention on the Rights of Persons with Disabilities. Examples of involvement are their participation in the Disability High level group and financial support for the running costs of main European disability networks.</p>
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**PARTIE C : Avis faisant l’objet d’une réponse substantielle**

<p><b>Pt 44 4è</b>    <b>Respect for fundamental rights in european immigration policies and legislation trim 09</b></p> <p><b>Own-initiative opinion - EESC 1710/2009 - November 2009</b>  <b>Rapporteur: Mr PARIZA CASTAÑOS (Work./ES)</b>  <b>DG JLS – Ms REDING and Ms MALMSTRÖM.</b></p>	
<p><b>Main point of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p><b>2.13. The EESC proposes that, within the framework of external policy, the EU should promote an international legal framework for migration on the basis of the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. This framework should incorporate the main ILO conventions and the UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, which has not yet been ratified by the EU Member States although the EESC had adopted an own-initiative opinion calling for its ratification.</b></p>	<p>The Commission believes that the effective system of protection of migrants' rights has to be an integral part of the European legislation in this area.</p> <p>A large majority of rights conferred by the UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families are already guaranteed in the international and European instruments, in some cases going even beyond the Convention obligations.</p> <p>The ratification of the Convention poses a number of problems. Formally it is only open for signature by States and none of them have ratified it.</p>
<p><b>2.7 The entry into force of the Lisbon Treaty will give the Union the option of adhering to the European Convention for Human Rights, strengthening the EU's commitment to human rights.</b></p>	<p>Achieving without delay the EU accession to the European Convention on Human Rights is a priority. Accession will complete the EU system of protection of fundamental rights and encourage the case-law of both the Court of Justice of the European Union and of the European Court of Human Rights to continue</p>

	<p>to develop in step. The Commission is committed to proceed swiftly and an agreement on the negotiation directives concerning the access of the EU to the European Convention on Human Rights was reached during the JHA Council of 3-4 June 2010.</p>
<p><b>2.11 In a recent opinion, the EESC took the view "that immigration policy and legislation should fully respect the human rights of all people, equal treatment and non-discrimination. To strengthen this objective, the EESC proposes that two new common principles should be included" for the future European immigration policy as laid out in the Stockholm Programme: "Fundamental Rights, and the Rule of Law and Fundamental Freedoms".</b></p> <p><b>2.12 The Fundamental Rights should be granted to all, not only citizens of the Union. Asylum seekers and immigrants are protected by the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. In addition, European immigration and border law and ECJ case-law provide a series of guarantees and rights that go beyond the Member States' margin of discretion.</b></p>	<p>Full respect of fundamental rights, including human dignity and the rights of the child, is an essential component of the Commission's action relating to immigration, asylum and external border control. All individuals, irrespective of their legal status under immigration laws, have fundamental rights and these rights must be effectively respected on the ground.</p> <p>Respect for fundamental rights does not prevent the development of measures on immigration. On the contrary, it is a prerequisite for mutual trust and solidarity between Member States which are indispensable for developing our policy in this area.</p> <p>The Commission pays particular attention to the respect of fundamental rights when proposing new initiatives and with regard to implementation of EU law by Member States.</p>
<p><b>2.15. and 2.16. The non-inclusion of immigration and asylum matters in the newly created portfolio of the Commissioner responsible for Justice, Fundamental Rights and Civil Liberties Justice.</b></p>	<p>The "European Pact on Immigration and Asylum" of October 2008 acknowledged that the development of a comprehensive EU policy on migration and asylum should be composed of five basic commitments which are inseparable: organizing legal immigration and encouraging integration, controlling illegal migration, making border controls more effective, building a Europe of asylum and creating a comprehensive partnership with the countries of origin and of transit. The Commission considers that migration and asylum policies have to be managed at EU level in a coherent manner. Both Commissioners, for Justice, Fundamental Rights and Citizenship and for Home Affairs</p>



	<p>will closely work together to ensure compliance of all migration and asylum policies with Fundamental rights.</p>
<p>3.2. The EESC considers that bodies of law on immigration in Europe do not adequately guarantee immigrants' status as right-holders and as persons entitled to protection. The tight legal link between work and residence permits makes it perfectly clear that immigrants are not viewed as people but as a workforce, a tool at the service of the labour market that foregoes the chance to stay legally once no longer required. As such, they lose many of their rights due to a change in their administrative status: they become "undocumented".</p>	<p>The EU instruments do not systematically link work and residence permit: see e.g. the rules on family reunification (disconnection between the right to residence and the right to work for the family members); long-term residents (the loss of job is not a reason for withdrawal of the status or expulsion); Blue Card (unemployment in itself must not constitute a reason for withdrawing an EU Blue Card, which can only occur after a certain period of unemployment or when it occurs more than once)</p>
<p>4.1.2 Any security policies that are adopted must safeguard the values of freedom and justice. The EESC considers that these policies should take the protection of the fundamental rights guaranteed by the European Convention on Human Rights and the Charter of Fundamental Rights as their starting point.</p> <p>4.1.3 Strengthening security must not jeopardise the fundamental values (human rights and public freedoms) or democratic principles (the rule of law) that are shared throughout the Union. Personal freedom must not be curtailed under cover of the objective of collective and state security. Some policy proposals repeat a mistake that was made in previous periods: sacrificing freedom to improve security.</p>	<p>Measures aiming to protect the security of citizens (e.g. measures to fight terrorism, criminal law, law enforcement measures, etc.) must be fully compatible with fundamental rights. Fundamental rights do not prevent the adoption of security measures.</p>
<p>4.1.5 The EESC supports the Commission's initiative to "lock in a culture of fundamental rights" from the earliest stages of the legislative procedure, including immigration policy. Respect for fundamental rights must a common goal of all the Community institutions. This should be accompanied by a common European system of periodic ex-post evaluation of the application of European policies adopted at national, regional and local level in terms of their compatibility with fundamental rights and their effectiveness. The</p>	<p>It is crucial to ensure that the Union is beyond reproach when making legislation. At Commission level a specific methodology has been established for systematic and rigorous monitoring of compliance with the Charter of Fundamental Rights and the Commission has already decided to reinforce its application. However, this methodology is limited to the Commission proposals and it would be important to also promote such an approach throughout the negotiation process. This issue</p>

<p>EESC and organised civil society should also play a key role in such evaluations.</p>	<p>has been highlighted by the European Council in the Stockholm programme which invites the EU Institutions and the Member States to ensure that legal initiatives are and remain consistent with fundamental rights throughout the legislative process by way of strengthening the application of the methodology.</p> <p>In addition to the role of the Commission as the guardian of the Treaties, the ex post evaluation of EU policies should also take into account fundamental rights.</p>
<p>4.2 - 4.3.3 non discrimination and equal treatment principle in the specific directives.</p>	<p>The 2003 long-term residents Directive has been the yardstick in terms of rights to be granted under the proposals implementing the policy plan on legal migration.</p> <p>In keeping with this legislation, third country national workers employed by an EU employer must be as a rule entitled to equal treatment with nationals of the Member State to which they have been admitted at least with regard to a range of rights, including working conditions</p> <p>However, temporary migrants, who after a limited period of stay in the EU shall return and thus do not enjoy general access to the labour market, may be granted a specific and appropriate set of rights (e.g. no access to education and vocational training which is irrelevant for such workers).</p> <p>In any case, the sectoral directives respect the fundamental rights and must be applied without discrimination on the basis of sex, race, color, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disabilities, age or sexual orientation</p>
<p>4.3.4. The role of public services</p>	<p>The Commission recalls that the EIF supports national actions aiming at facilitating the integration of third country nationals. The adaptation of public services to the specific needs of third country nationals is one of the actions eligible for such a financial support.</p>

<p>4.3.5 The Committee does not agree with the proposal for a framework directive, which allows the Member States to restrict the right to equal treatment in relation to certain working conditions (including pay and dismissal, health and safety in the workplace and social protection) and freedom of assembly, association and to strike to persons actually in work. These restrictions may also undermine the principle of non-discrimination and Article 12 of the Charter.</p>	<p>The discussion on the proposal creating a single application procedure for a single permit for third country nationals to reside and work in the territory of a Member State and a common set of rights for single permit holders will resume in the Parliament and the Council according to the new legal basis. The Commission has always defended its ambitious initial approach as far as the right to equal treatment is concerned.</p>
<p>4.3.6. The EESC hails the Commission's initiative to present a European Immigration Code, which should encompass the fundamental rights and guarantees of all immigrants to the EU.</p>	<p>Firstly, the Commission is willing actively to make advancing the discussions in the Parliament and the Council according to the new legal basis on its proposal on a single application procedure for a single permit for third country nationals to reside and work in the territory of a Member State and a common set of rights for single permit holders. The Commission will then evaluate the existing "<i>acquis</i>" in legal migration as the Stockholm programme invites it to submit proposals for consolidation of all legislation in the area of immigration, starting with legal migration.</p>
<p>4.4.4. Family reunification</p> <p>The Committee proposes that in the course of the 2010, the Commission should draw up a proposal to amend Directive 2003/86.</p>	<p>On October 2008 the Commission issued a first report on the application of the Directive 2003/86 on family reunification, identifying possible problems, related for some of them to the low-level binding character of the Directive</p> <p>In order to regulate family migration more effectively, the Commission intends to analyse further the issues at stake and take them forward by launching in 2010 a wider consultation on the future of the family reunification regime. This consultation will possibly result in some amendments to the current Directive.</p>
<p>4.5.2. Independent evaluation of the human rights compliance of joint border control operations before strengthening the FRONTEX Agency; European and national parliamentary oversight should be stepped up; assessment of compatibility with SBC, especially Articles 6 and 13.</p>	<p>Border guard authorities participating in joint operations coordinated by FRONTEX are bound by the relevant European and international law as regards human rights and international protection and those operations are carried out in full compliance with the Schengen Borders Code.</p>

	<p>Moreover, as guardian of the Treaties, the Commission constantly monitors compliance with fundamental rights in the application of European Union acts. Accordingly, the Commission proposal for the amendment of the FRONTEX Regulation will fully observe the rights and principles recognised by the EU Charter of Fundamental Rights.</p>
<p>4.5.4 The European border control strategy makes heavy use of security technology; however, databases handling vast quantities of personal data (Schengen Information System (SIS II) and Visa Information System (VIS) have been set up and are used for ethnic and cultural/religious profiling, which presents challenges when it comes to safeguarding the right to non-discrimination under Article 21 of the Charter of Fundamental Rights.</p>	<p>The EU has adopted important instruments such as the Schengen Borders Code, Eurodac, SIS and VIS, under which the use of unjustified ethnic profiling techniques is not authorised. For example, as regards border controls, the provisions of Article 6 of the Schengen Borders Code require that border guards execute checks without discrimination against travellers on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation.</p>
<p>4.5.5. Proposals on the 'border package' should respect the principle of proportionality and reasonableness of any new EU legislation. System should ensure the protection of personal data and the principle of non-discrimination.</p>	<p>The Commission will carry out an impact assessment which will carefully take into account the feasibility and cost-effectiveness of the different options.</p> <p>The Commission is committed to take all the necessary safeguards for the protection of fundamental rights and personal data.</p>
<p>4.5.6. The EESC proposes that the European Asylum Support Office begin functioning.</p>	<p>Political agreement on the Commission proposal establishing the European Asylum Support Office (EASO) has been reached. The proposed Regulation will formally be adopted during the first quarter of 2010 and will enter into force on the day following its publication in the Official Journal of the EU. Allowing a reasonable period of time for the setting-up phase of the agency, EASO, to be seated in Malta, will become fully operational with a view to provide its support to the establishment of the Common European Asylum System.</p>
<p>4.6.2. Need for detailed monitoring of the transposition of the Return Directive.</p>	<p>The Commission is committed to monitor diligently the transposition of the Return Directive by Member States.</p>

<p>4.6.3. Foster voluntary return</p>	<p>The Commission fully shares the assessment that preference should be given to voluntary return. This principle is expressly endorsed and operationalised by Article 7 of the Return Directive.</p>
<p>4.6.4. - 4.6.8. Respect of fundamental rights (such as the non-refoulement principle and interdiction of collective expulsions) in return procedures.</p>	<p>The Commission shares the assessment that fundamental rights must be respected at all stages of return procedures. The legal and procedural guarantees provided for by the Return Directive will contribute to achieve this objective.</p>
<p>4.7.2. The circumstances under which prolonged detention currently takes place in a number of Member States are unacceptable, and should be analysed in detail from the perspective of fundamental rights, including the right to good administration as laid down in Article 41 of the Charter.</p> <p>4.7.4 The EESC believes that pregnant women and minors should receive special protection, and should not be detained in these centres.</p>	<p>The Commission fully shares the assessment that length and the conditions of detention should be subject of strict control in order to make sure that human rights are respected. As far as detention for the purposes of removal is concerned, the legal and procedural guarantees provided for by Articles 15-17 of the Return Directive will contribute to achieve this objective.</p> <p>The Commission agrees that particular attention should be paid to the situation of vulnerable persons, including pregnant women and children. In particular, ensuring the respect for rights of the child in the context of detention is of crucial importance.</p>
	<p>The return directive provides for very clear rules governing the possible detention of minors, inspired by Article 37 of the Convention on the Rights of the Child and by the principle of the best interest of the child. The basic rule is that minors and families with minors "shall only be detained as a measure of last resort and for the shortest appropriate period of time". Children should be provided with appropriate accommodation and care, which are age-specific and meet their needs as most vulnerable persons.</p> <p>The Commission proposal amending the Reception Conditions Directive aims <i>inter alia</i> at restricting the use of detention.</p> <p>In particular, the proposal maintains that</p>

	<p>detention should only be used in exceptional circumstances, expressly stipulated in the text, and only if it is in line with the principles of necessity and proportionality. It is also indicated that detention shall never be unduly prolonged.</p> <p>The proposal also aims at rendering the detention of vulnerable persons, such as minors, pregnant women and victims of torture, unnecessary and introduces additional legal and procedural restrictions to this respect. In particular, as a general rule, vulnerable persons should not be detained unless a qualified professional certifies that their health and well being will not deteriorate due to detention. Moreover, the proposal indicates that minors could only be detained if it is in their best interests whereas the detention of unaccompanied minors is prohibited in all cases.</p> <p>The proposal also foresees relevant procedural and legal guarantees such as access to an effective judicial review and free legal assistance. Finally, the proposal introduces conditions of detention that include ensuring these centres are accessible to family members, UNHCR and relevant NGOs representatives, taking into consideration gender specific concerns and the particular needs of vulnerable persons.</p>
<p>4.8.3. The Committee considers that certain Member States need to provide better protection of the fundamental rights of undocumented immigrants, and that the EU should consider them as one of the most vulnerable groups, preventing their labour exploitation and by ensuring their access to health services, other social services and education for minors.</p>	<p>The Commission fully recognizes the need of protection of rights of undocumented migrants and believes they should be an essential part of the overall policy concerning irregular immigration. This framework of protection is regularly consolidated in recent instruments. The Commission agrees that the Member States should enhance the practical application of their obligations in this field.</p>
<p>4.8.4. The fight against trafficking in human beings (children, women and men) for sexual and labour exploitation needs to be stepped up, in accordance with Article 5(3) of the Charter. The Member States must provide effective protection</p>	<p>In 2010 the Commission is going to present the report concerning the implementation of Directive 2004/81 of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in</p>

<p>for victims, making it easier for them to cooperate with the judicial authorities and regularise their situation.</p>	<p>human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. In the light of this report, it intends to examine the necessity of amendments.</p>
<p>4.9.2. The EESC agrees that the flow of information between Member States concerning regularisation should be improved, and that European implementing guidelines should be drawn up, on the basis of the Council's commitment under the European Pact on Immigration and Asylum<sup>1</sup>, in which it was agreed to carry out case-by-case regularisations under national law, for humanitarian or economic reasons.</p>	<p>The Commission takes fully into account the principles concerning regularisation adopted in the European Pact on Migration and Asylum. The Stockholm Programme confirms these principles and states that exchange of information in this field should be improved.</p> <p>From 2010, with the launch of the tracking method for monitoring the implementation of the European Pact on Immigration and Asylum, the information concerning regularisation will become a part of these strategic reports.</p>
<p>4.9.4. The EESC considers that in a democratic society, the need for expulsion must be assessed (principle of proportionality) in keeping with the interpretation under ECHR case-law. The Committee proposes that the Member States make use of the option to regularise the situation of these persons, as provided by Article 6(4) of the Directive on Return.</p>	<p>In accordance with the well established case-law of the Court of Justice, EU law must be interpreted and applied in compliance with fundamental rights.</p> <p>It is crucial to ensure that Member States respect fundamental rights when they implement Union law. In that respect, the Commission will be particularly vigilant on the implementation of the Return Directive, in particular as regards the rights of the child.</p>
<p>4.10.4. European Year of Intercultural Dialogue: The EESC has proposed that handbooks be prepared.</p>	<p>Several 2008 Year projects produced "toolkits" – They could be found at the following link: <a href="http://www.interculturaldialogue2008.eu/136_4.0.html">http://www.interculturaldialogue2008.eu/136_4.0.html</a> (click on "publications" and "school kit") and will soon be on Europa pages. Several EU programmes would support the production of handbooks/ toolkits for a specific target audience if applied for in the context of a multilateral cooperation project, e.g. Comenius for schools or Grundtvig for adult education: <a href="http://ec.europa.eu/education/lifelong-learning-programme/doc84_en.htm">http://ec.europa.eu/education/lifelong-learning-programme/doc84_en.htm</a></p>

<sup>1</sup> EU Council, 1344/08, 24 September 2008.

	<p><a href="http://ec.europa.eu/education/lifelong-learning-programme/doc86_en.htm">http://ec.europa.eu/education/lifelong-learning-programme/doc86_en.htm</a></p> <p>Since 2004, the Commission is publishing 'Handbook on Integration for Policy-Makers and Practitioners' gathering good practice in various areas relevant for integration. The third edition will be launched in April 2010.</p>
<p>4.10.6. The EESC recalls that the European Integration Forum, recently set up with the cooperation of the Commission, is a major tool for strengthening integration from a European perspective.</p>	<p>The good cooperation between the Commission and EESC in establishing the European Integration Forum should be developed further.</p>
<p>5.5. The EESC re-iterates its call for European citizenship to be granted to third-country nationals having long-term resident status and urges COM and EP to include this proposal as a priority for the new term of office.</p>	<p>The Commission has repeatedly stressed the role of citizenship in fostering a sense of belonging and therefore third country nationals' integration into the host societies. However, according to the TFEU, the condition for holding European citizenship is to be a national of a Member State. Moreover, Member States have the sole competence to define the conditions for granting nationality. Therefore, the Commission cannot support the idea of a European citizenship which would be based on residence.</p>

<p><b>Pt 45 4è trim 09</b>      <b>Communication de la Commission au Parlement européen, et au Conseil</b>  <b>Un espace de liberté de sécurité et de justice au service des citoyens</b>  <b>COM (2009) 262 final – CESE 1714/2009 - Novembre 2009</b>  <b>Rapporteur: M. PARIZA CASTAÑOS (Trav./ES)</b>  <b>Corapporteur: M. PÎRVULESCU (Act. Div./RO)</b>  <b>DG JLS - Mme REDING et Mme MALMSTRÖM</b></p>	
<p><b>Points de l'avis du CESE estimés essentiels</b></p>	<p><b>Position de la Commission</b></p>
<p>Renforcer la protection des droits fondamentaux dans l'Union et créer un commissaire européen chargé de la justice, des droits fondamentaux et des libertés civiles. Le Comité déplore cependant que l'immigration et le droit d'asile soient inclus dans les questions de sécurité intérieure sous la responsabilité d'un autre commissaire (points 1.1 à 1.5);</p>	<p>La promotion des droits fondamentaux est un élément essentiel du programme de Stockholm (voir point 2.1 du programme adopté par le Conseil européen).</p> <p>Une vice présidente chargée de la justice et des droits fondamentaux a été nommée. Mme Reding travaillera en étroite relation avec Mme Malmström chargée de l'asile et</p>



	de l'immigration.
Utiliser pleinement les opportunités ouvertes par le traité de Lisbonne (2.5)	<p>Lors de l'adoption du programme de Stockholm, le Conseil européen s'est félicité des opportunités ouvertes par le traité de Lisbonne notamment en ce qui concerne le rôle accru que le Parlement européen et les parlements nationaux seront appelés à jouer, et en ce qui concerne la possibilité pour les citoyens et les associations représentatives de faire connaître et d'échanger publiquement leurs opinions dans tous les domaines d'action de l'Union.</p> <p>La Commission veillera à utiliser à toutes les possibilités qu'offre le traité de Lisbonne de renforcer l'espace européen de liberté, de sécurité et de justice pour le bien des citoyens de l'UE.</p>
<b>Développer une Europe des citoyens</b>	
Fonder les politiques sur le respect de la convention européenne des droits de l'homme et de la charte des droits fondamentaux de l'UE. Appliquer les droits fondamentaux à toutes les personnes résidant sur le territoire de l'UE indépendamment de sa nationalité. Renforcer l'agence des droits fondamentaux.	<p>La Commission travaille déjà à l'adhésion rapide de l'UE à la Convention européenne des droits de l'homme afin de promouvoir activement les droits fondamentaux dans l'ensemble de ses domaines d'action. Par ailleurs, elle s'engage à:</p> <ul style="list-style-type: none"> <li>- vérifier de manière systématique et rigoureuse que la convention et les droits énoncés dans la Charte des droits fondamentaux sont bien respectés à tous les stades du processus législatif</li> <li>- poursuivre de manière déterminée la lutte contre les discriminations (voir infra), - tirer pleinement parti des compétences de l'Agence des droits fondamentaux de l'Union européenne en ce qui concerne l'élaboration des politiques et des actes législatifs et à travailler pour renforcer son rôle pour informer les citoyens sur les questions relatives aux droits de l'homme.</li> </ul>
<b>Renforcer la méthode pour le développement de l'ELSJ en favorisant: 1. L'intégration appropriée des politiques de justice et d'affaires</b>	L'importance accordée à la méthode est une des innovations importantes du programme de Stockholm.

<p><b>intérieures dans les autres politiques de l'UE, 2. La réduction des écarts entre les normes adoptées au niveau européen et leur application au niveau national, ainsi que l'élaboration d'outils concrets, 3. L'amélioration de la qualité de la législation européenne et de son impact, 4. Une meilleure utilisation de l'évaluation des instruments adoptés et des agences créées et 5. Un accompagnement de cette politique par des instruments financiers appropriés.</b></p> <p>Mieux associer le Comité à l'évaluation de la qualité et de la valeur ajoutée des politiques européennes, de leur incidence sur les droits fondamentaux et sur le principe de proportionnalité, ainsi que de leurs effets dans les domaines éthique, social et économique. Mettre en place une démarche d'évaluation fondé sur des objectifs et des indicateurs.</p> <p>Compléter la stratégie en matière de sécurité interne par une stratégie européenne d'évaluation du fonctionnement des systèmes judiciaires européens.</p>	<p>Le texte met l'accent sur la mise en œuvre de l'acquis, sur la formation des professionnels (policiers, douaniers, juges, procureurs...), sur l'amélioration de la qualité de la législation, sur la nécessité de moyens financiers à la hauteur de nos ambitions politiques et sur le renforcement de la cohérence entre les différentes composantes de l'action de l'Union.</p> <p>La nécessité de renforcer la cohérence entre la dimension intérieure et la dimension extérieure des politiques JAI est soulignée tout comme le renforcement de la complémentarité et de la cohérence entre l'action des agences, des institutions et des Etats membres.</p> <p>L'évaluation est un thème majeur, souligné tout au long du programme. Une réflexion approfondie est en cours sur les moyens de mettre en œuvre cette demande de la manière la plus efficace possible. Les mécanismes mis en place pour développer l'évaluation devront impliquer de nombreux acteurs et reposeront sur leur coopération active. La Commission fera des propositions à cet égard.</p>
	<p>Le traité de Lisbonne prévoit la possibilité de prendre des mesures pour que les États membres, en collaboration avec la Commission, procèdent à une évaluation objective et impartiale de la mise en œuvre des politiques dans ce domaine, en particulier afin de favoriser la pleine application du principe de reconnaissance mutuelle. Le Programme de Stockholm souligne à ce titre que l'évaluation est également nécessaire pour établir quels sont les obstacles éventuels au bon fonctionnement de l'espace judiciaire européen en particulier en matière pénale. Des propositions seront formulées par la Commission à cet égard.</p> <p>Mieux dialoguer avec la société civile et mieux communiquer avec le public sur les apports concrets de l'Union sont deux autres messages importants du programme</p>
<p><i>Renforcer l'application effective du droit à la libre circulation des personnes.</i></p>	<p>L'importance d'assurer le plein exercice de la liberté de circulation des personnes est réaffirmée dans le programme de Stockholm.</p>

	<p>La Commission se félicite que le programme de Stockholm préconise une approche équilibrée et réaffirme le caractère fondamental du droit à la libre circulation. Elle travaillera par ailleurs sur une série de mesures qui de facto faciliteront le droit à la libre circulation (voir infra sur l'état civil notamment).</p> <p>Le programme de Stockholm insiste aussi sur la perspective d'un nouvel élargissement de l'espace Schengen.</p>
<p><i>Renforcer la protection des plus vulnérables (droits de l'enfant, protection des minorités, notamment ROM, lutte contre la discrimination). Protection des droits du travail et des droits sociaux.</i></p>	<p>Comme l'y invite le programme de Stockholm, la Commission travaillera dans les années à venir sur la protection des droits de l'enfant, en particulier les enfants victimes d'abus à caractère sexuel et les mineurs non accompagnés dans le contexte de la politique d'immigration.</p> <p>La lutte contre les discriminations, particulièrement la lutte contre le racisme, l'antisémitisme et la xénophobie, ainsi que la situation des Roms feront l'objet d'une attention particulière.</p> <p>La Commission s'engage également à mettre en œuvre les objectifs du programme de Stockholm concernant la protection des personnes les plus vulnérables (femmes victimes de violence ou de mutilations génitales) et réfléchira à des travaux futurs concernant les majeurs sous tutelle.</p> <p>Le soutien aux victimes de la criminalité est important et la Commission fera des propositions pour le soutien aux réseaux d'aides aux victimes, et envisagera la fusion entre l'actuelle directive et la décision-cadre sur la protection des victimes.</p> <p>La question des droits sociaux n'entre pas réellement dans le champ du programme de Stockholm, ne relevant pas de l'ELSJ.</p>
<p>Renforcer la protection des données personnelles notamment dans les politiques de sécurité et de contrôles aux frontières.</p> <p><i>Lancer des campagnes d'information et de sensibilisation sur les droits et les risques inhérents à l'utilisation des technologies de l'information.</i></p>	<p>Le programme de Stockholm propose une stratégie globale de protection des données au sein de l'UE et dans le cadre de ses relations avec des pays tiers. La Commission envisage une révision de la législation actuelle. Elle travaillera aussi sur la création d'une certification européenne des technologies et services protecteurs de la vie privée, et fera la promotion de campagnes de sensibilisation du public sur ces sujets. Une action</p>

	internationale sera également essentielle et la Commission engagera l'Union dans la promotion de standards internationaux exigeants en matière de protection des données.
<i>Renforcer la citoyenneté, améliorer la vie démocratique et la participation active des citoyens européens. Répondre au désintérêt croissant des citoyens des États membres pour la politique communautaire, tenir les élections au Parlement européen pendant la semaine du 9 mai</i>	En matière de citoyenneté, la Commission mettra en œuvre les avancées ouvertes par le traité de Lisbonne: initiative citoyenne, existence d'une nouvelle base légale pour la protection consulaire. Elle travaillera aussi sur l'amélioration de la participation aux élections et réfléchira à une date d'élection unique (la Commission proposait de voter la semaine du 9 mai).
<b><i>Une Europe du droit et de la justice</i></b>	
Poursuivre la mise en œuvre du principe de reconnaissance mutuelle naissance mutuelle, tout en protégeant les droits des citoyens.	Le programme de Stockholm insiste sur la poursuite de la mise en œuvre de la reconnaissance mutuelle.  Concernant les droits des citoyens, la Commission s'engage à mettre en œuvre la <i>roadmap</i> concernant les droits des personnes dans les procédures pénales adoptée sous présidence SE. A moyen terme des travaux complémentaires sur la présomption d'innocence pourront être engagés.
Etendre la reconnaissance mutuelle aux domaines qui ne sont pas encore réglementés, par exemple les régimes successoraux et testamentaires, les régimes patrimoniaux et les conséquences patrimoniales de la séparation des couples, ainsi qu'à tous les domaines liés au quotidien des citoyens de l'Union. La reconnaissance mutuelle doit également s'appliquer à toutes les formes de partenariat civil légalement reconnues dans les États membres. Supprimer la procédure d'exequatur.  En matière pénale, appliquer la reconnaissance mutuelle à toutes les étapes de la procédure et l'étendre aux mesures de protection des victimes et des témoins, ainsi que dans les cas de déchéance des droits.	Le programme de Stockholm préconise la disparition progressive de l'exequatur, et la poursuite de la reconnaissance mutuelle sur les matières encore non couverte (successions, conséquences patrimoniales de la séparation des couples)  La Commission considère que lorsque nécessaire, la reconnaissance mutuelle doit être complétée par des mesures de rapprochement du droit procédural et d'harmonisation des règles de conflits de loi. La séparation et le divorce sont des domaines dans lesquels l'harmonisation doit progresser de même que le droit des sociétés, les contrats d'assurance et les sûretés.  En matière d'état civil, la Commission proposera à court terme, un système permettant aux citoyens d'obtenir facilement les actes d'état civil les concernant et

	<p>réfléchira aux moyens d'atteindre l'objectif de la reconnaissance mutuelle à long terme des effets attachés aux actes d'état civil.</p> <p>La Commission entend se concentrer sur les problèmes pratiques rencontrés par la coopération judiciaire pénale. Elle travaillera sur un programme de mesures en matière de déchéances de droits et une reconnaissance mutuelle des mesures de protection des témoins et des victimes;</p>
<p>Afin d'accroître la confiance réciproque entre les systèmes judiciaires, renforcer de soutenir la formation du personnel de justice, soutenir les échanges entre fonctionnaires de justice, tant par l'intermédiaire du forum de justice et des activités des différents réseaux de professionnels, que par la mise en œuvre d'un système de type Erasmus.</p>	<p>Le programme de Stockholm appelle à l'émergence progressive d'une culture judiciaire européenne respectant la diversité des systèmes juridiques et au renforcement de la confiance mutuelle. Il salue à ce titre l'action des réseaux professionnels qui se sont multipliés en cette matière. La Commission entend travailler à l'élaboration d'outils qui pourront faciliter la mise en œuvre, aujourd'hui très insuffisante, des instruments adoptés (formation, élaboration de manuels ou fiches techniques, échanges de bonnes pratiques, utilisation de moyens de communication sécurisés entre autorités judiciaires).</p>
<p><i>Faciliter l'accès à la justice en renforçant les dispositifs d'aide juridictionnelle existants, mobiliser les moyens électroniques (e-justice)<sup>2</sup> dans les cas où leur utilisation est nécessaire, et s'attacher en particulier à faciliter l'accès des citoyens à la traduction et à l'interprétation dans le domaine judiciaire. De même, elle devra s'efforcer de simplifier les formalités de légalisation des actes et des documents. Il sera nécessaire d'améliorer le soutien apporté aux victimes d'infractions, en ce qui concerne notamment les affaires transnationales.</i></p>	<p>Consciente de l'importance s'assurer l'accès à la justice partout dans l'Union, la Commission encourage la poursuite du développement d'e-justice en trouvant les financements appropriés dans le cadre des perspectives financières, et travaillera à la réalisation de projets informatiques horizontaux de grande envergure pour la connexion de bases de données nationales ou la mise en place de procédures en ligne.</p> <p>Elle travaillera également à l'amélioration des modes alternatifs de règlement des litiges, en particulier en droit de la consommation, et réfléchira aux méthodes permettant d'aider les citoyens à surmonter les barrières linguistiques.</p>
<p><i>Rôle des milieux juridiques dans le soutien à</i></p>	<p>Le programme de Stockholm met l'accent sur</p>

<sup>2</sup>

Avis sur la communication de la Commission au Parlement européen, au Conseil et au Comité économique et social européen "Vers une stratégie européenne en matière d'e-justice", rapporteur: M. Pegado Liz.

<p><i>l'activité économique.</i></p> <p>Instaurer une procédure de saisie bancaire européenne, utiliser les travaux visant à créer un cadre commun de référence en matière de droit des contrats, introduire des régimes facultatifs européens dans des domaines bien définis du marché intérieur (28<sup>e</sup> régime). Il convient de poursuivre l'harmonisation de la législation applicable en matière de contrats d'assurances et de droit des sociétés.</p>	<p>les questions d'exécution des jugements et notamment la création d'une saisie bancaire européenne. La Commission envisage de faire progresser l'harmonisation en matière de droit des sociétés, de contrats d'assurance et de sûretés.</p> <p>L'idée d'un 28<sup>ème</sup> régime en matière de droit des contrats, qui figurait dans la contribution de la Commission a été abandonnée, face à l'opposition quasi-unanime des Etats membres.</p> <p>Les travaux sur le cadre commun de référence se poursuivront.</p>
<p><b><i>Une Europe qui protège</i></b></p>	
<p>Elaborer une stratégie de sécurité interne de l'Union, assurant la protection des libertés et des droits fondamentaux</p>	<p>Le Programme de Stockholm propose de définir une stratégie globale de sécurité intérieure de l'UE fondée, en particulier, sur une répartition claire des tâches entre l'UE et les États membres, sur le respect des droits fondamentaux, de la protection internationale et de l'État de droit et sur la solidarité entre les États membres.</p>
<p>Renforcer la formation des policiers, notamment en matière de non discrimination.</p> <p>Mobilisation des moyens technologiques nécessaires pour garantir la sécurité intérieure dans la transparence</p>	<p>La Commission travaillera au renforcement la confiance mutuelle entre les professionnels et facilitera l'organisation de programmes de formation et d'exercices communs</p>
	<p>Pour assurer un développement cohérent et structurée de la gestion et des échanges d'informations, la Commission proposera une stratégie en matière de gestion de l'information<sup>3</sup>, comportant notamment un dispositif renforcé de protection des données. Celui-ci reposera en particulier sur une collecte bien ciblée des données, tant pour protéger les droits fondamentaux des citoyens que pour éviter que les autorités compétentes ne soient submergées d'informations</p> <p>A partir d'une évaluation des instruments</p>

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Cf. document du Conseil 16637/09 JAI 873.

	<p>existants, la Commission proposera un modèle européen d'échange d'informations et proposera des principes directeurs pour une politique d'échange d'informations avec les États tiers à des fins de sécurité publique.</p>
<p>En ce qui concerne le contrôle et la surveillance des frontières, à l'égard plus particulièrement de la protection des personnes et des groupes vulnérables, les obligations fondamentales de sauvetage en mer qui incombent aux États membres doivent prévaloir sur les impératifs de contrôle et de surveillance maritimes.</p> <p>Le visa Schengen commun au niveau européen, éventuellement délivré par une autorité consulaire commune, peut garantir l'égalité de traitement des demandeurs. Néanmoins, il y a lieu d'abandonner progressivement la présomption du risque lié à la nationalité pour opter pour une évaluation du risque individuel - une évolution positive - de manière à prévenir les abus et les discriminations vis-à-vis des demandeurs.</p>	<p>Le programme de Stockholm insiste sur les différentes fonctions du contrôle des frontières: faciliter l'accès légal au territoire des États membres, prendre des mesures pour contrer l'immigration clandestine et la criminalité transfrontière en préservant un niveau élevé de sécurité. La Commission veillera à ce que les contrôles aux frontières n'empêchent pas les personnes ayant le droit de bénéficier de systèmes de protection d'y accéder, notamment lorsqu'elles se trouvent en situation vulnérable. A cet égard la coopération entre Frontex et le futur Bureau européen d'appui en matière d'asile devra être développée.</p> <p>Concernant le sauvetage en mer, la Commission a fait l'automne dernier des propositions visant à clarifier le cadre juridique.</p> <p>En matière de visa, les propositions de la Commission concernant un visa Schengen commun n'ont pas réellement été suivies par le Conseil Européen, notamment en ce qui concerne une évolution progressive de l'évaluation du risque lié à la nationalité vers une évaluation du risque individuel.</p>
<p>Renforcer la lutte contre la corruption</p>	<p>La lutte contre la corruption fait partie des priorités du programme de Stockholm et la Commission travaillera à la mise au point, sur la base de l'existant, d'indicateurs, pour mesurer l'effet des dispositifs de lutte contre la corruption et à l'élaboration d'une politique globale de lutte contre la corruption.</p>
<p>Lutte contre les menaces terroristes:</p> <p>Promouvoir des modèles européens de dialogue interculturel et entamer un dialogue paneuropéen permettant d'identifier ces modèles.</p>	<p>Le programme de Stockholm insiste sur la prévention de la menace et en particulier souhaite le développement de mécanismes permettant la détection précoce des signes de radicalisation ou des menaces. La</p>

	<p>Commission favorisera les initiatives visant à empêcher la radicalisation de toutes les populations vulnérables, sur la base d'une évaluation de l'efficacité des politiques nationales et renforcera le partage des bonnes pratiques en ce domaine, notamment en travaillant sur les politiques d'intégration et de lutte contre la discrimination. L'implication de la société civile est à cet égard importante, en particulier au niveau local, et la Commission favorisera la mise en place d'un réseau de spécialistes locaux.</p>
<p><b>Une politique d'immigration dynamique</b></p>	
<p><i>Consolidation de l'approche globale d'immigration:</i></p> <ul style="list-style-type: none"> <li>- améliorer le dialogue et la coopération avec les pays d'origine afin que l'immigration puisse contribuer au développement des pays d'origine, d'éviter et de compenser la fuite des cerveaux et de favoriser le retour volontaire.</li> <li>- promouvoir un cadre législatif international pour les migrations, basé sur la Déclaration universelle des droits de l'homme, le Pacte sur les droits civils et politiques et le Pacte sur les droits économiques, sociaux et culturels. Inciter les Etats membres à ratifier les principales conventions de l'Organisation internationale du travail et la Convention internationale des Nations unies sur la protection des droits de tous les travailleurs migrants et de leur famille.</li> <li>- passer des discours politiques généraux à l'adoption d'initiatives législatives concrètes</li> </ul>	<p>L'approche globale de l'UE sur la question des migrations est fondée sur 3 axes: promouvoir la mobilité et la migration légale, optimiser le lien entre migration et développement, et prévenir et combattre l'immigration clandestine.</p> <p>Afin d'intensifier le dialogue avec les pays d'origine, la Commission préconise en particulier de renforcer l'utilisation des partenariats pour la mobilité et d'améliorer leur fonctionnement. Les capacités administratives des Etats d'origine devront être soutenues et renforcées pour traiter tous les aspects de la migration.</p> <p>La Commission proposera de nouvelles mesures pour maximiser les retombées positives des migrations sur le développement et en minimiser les effets négatifs. Ainsi, il faudra notamment travailler sur la question des envois de fonds des travailleurs immigrés afin que ceux-ci puissent se faire dans des conditions efficaces, sûres et peu coûteuses. Un portail commun de l'UE sur les envois de fonds pour informer les migrants des coûts y afférents et encourager la concurrence entre les organismes qui assurent ces envois pourrait être instauré. De même il faut promouvoir l'association des diasporas aux initiatives de l'UE en matière de développement</p>



	<p>Concernant les droits des migrants, le programme de Stockholm n'a pas formellement repris les propositions de la Commission concernant un code de l'immigration. Celle-ci procédera néanmoins à une synthèse de toute la législation dans le domaine de l'immigration, en commençant par la migration légale. Sur la base d'une évaluation de l'acquis existant les modifications nécessaires pour simplifier et/ou, au besoin, compléter les dispositions existantes et en améliorer la mise en œuvre et la cohérence seront apportées.</p>
<p><i>Le Comité ne partage pas le point de vue selon lequel la politique européenne d'immigration doit se baser sur la migration circulaire. Même si une partie des projets migratoires sont temporaires et revêtent dans certains cas un caractère circulaire, l'expérience montre qu'une grande partie d'entre eux sont permanents ou de longue durée. Aussi faut-il que les politiques et législations européennes promeuvent le respect des droits de l'homme, la sécurité du statut juridique des immigrants, l'intégration et le regroupement familial.</i></p>	<p>Le programme de Stockholm suggère d'étudier plus avant le fonctionnement de la migration circulaire, afin d'examiner comment favoriser l'augmentation de la mobilité temporaire et jouer sur les conditions nécessaires à cet effet.</p> <p>Parallèlement, il insiste sur le traitement équitable des ressortissants de pays tiers en séjour régulier sur le territoire de ses États membres. La Commission travaillera à la mise en œuvre d'une politique d'intégration plus énergique visant à accorder à ces personnes des droits et obligations comparables à ceux des citoyens de l'UE d'ici 2014. Une évaluation et, au besoin, une révision de la directive sur le regroupement familial sont également prévus.</p> <p>En matière d'intégration, le programme de Stockholm préconise une approche élargie intégrant une série d'autres domaines politiques. La Commission s'attachera à élaborer un mécanisme de coordination associant les États membres et utilisant un cadre de référence commun . Elle s'assurera de la consultation et de l'association de la société civile, notamment en développant le Forum européen sur l'intégration ainsi que le site web .</p>
<p><i>Le Comité insiste pour éviter une fausse relation entre immigration et crime. En effet, même s'il n'est pas légal d'entrer dans un état sans les</i></p>	<p>Lutter efficacement contre l'immigration clandestine est fondamental. La lutte contre la traite des êtres humains et les filières</p>

<p><i>documents et les autorisations nécessaires, celui qui le fait n'est pas un délinquant. Le lien établi entre immigration illégale et délinquance dans de nombreux médias et discours politiques ne correspond pas à la réalité et favorise des attitudes craintives et xénophobes au sein de la population de l'État d'accueil.</i></p>	<p>d'immigration clandestine, la gestion intégrée des frontières et la coopération avec les pays d'origine et de transit, combinées à la coopération policière et judiciaire sont des priorités pour prévenir les tragédies humaines auxquelles sont exposées les victimes de la traite des êtres humains. Le programme de Stockholm préconise de conjuguer prévention, répression et protection des victimes pour combattre la traite vers, dans et depuis l'UE.</p>
<p><i>Veiller à l'application au niveau national des garanties et droits prévus dans la directive sur le retour 2008/115</i></p> <p><i>Doter l'Union de standards communs concernant la prise en charge des immigrés irréguliers qui ne peuvent pas être éloignés.</i></p> <p><i>Le Comité estime que le respect des droits de l'homme est une condition indispensable pour la conclusion d'accords de réadmission avec des pays tiers et s'oppose à ce que l'UE ou les États membres concluent des accords de rapatriement ou de contrôle frontalier avec des pays qui n'ont pas signé les principaux instruments juridiques internationaux de protection des droits humains.</i></p>	<p>Une politique en matière de retour qui soit efficace et qui s'inscrive dans la durée est un élément essentiel d'un régime de migration bien géré au sein de l'Union. La Commission entend assurer un suivi étroit de la mise en œuvre des instruments adoptés récemment afin d'en garantir la bonne application.</p> <p>Les propositions de la Commission visant à doter l'Union de standards communs concernant la prise en charge des immigrés irréguliers qui ne peuvent pas être éloignés n'ont pas été reprises dans le programme de Stockholm.</p> <p>Le programme de Stockholm souligne l'importance de conclure des accords de réadmission effectifs et efficaces, au cas par cas, au niveau bilatéral ou de l'UE; et prévoit en 2010 une évaluation des accords de réadmission de l'Union, y compris des négociations qui sont en cours. Sur cette base, le Conseil devrait définir une stratégie renouvelée et cohérente en matière de réadmission, tenant compte de l'ensemble des relations avec le pays concerné.</p>
<p><i>Le Comité soutient la proposition de la Commission de créer une plate-forme européenne de dialogue pour améliorer la gestion de l'immigration de travail, à laquelle participeraient les employeurs, les syndicats, les services publics de l'emploi des États membres, les agences de recrutement et les autres parties prenantes. Le Comité peut être l'institution européenne qui accueille les activités de cette plate-forme, à</i></p>	<p>La proposition de plateforme européenne de dialogue proposée par la Commission n'a pas été reprise. La Commission étudiera néanmoins comment les sources et les réseaux d'information existants peuvent être utilisés plus efficacement pour que l'on dispose de données comparables sur les questions de migration. L'amélioration de la reconnaissance des compétences et la</p>

<p><i>l'instar du Forum européen de l'intégration.</i></p>	<p>recherche d'une meilleure adéquation entre l'offre et la demande de main-d'œuvre entre l'Union européenne et les pays tiers seront des chantiers importants.</p>
<p><i>La législation commune en matière d'admission au niveau européen aurait dû consister en un cadre législatif global et horizontal au lieu de législations sectorielles<sup>4</sup>.</i></p> <p><i>L'approche sectorielle de la législation européenne en matière d'immigration doit aller de pair avec un cadre commun (statut européen) de droits horizontal qui garantit le respect et la protection des droits et libertés des immigrants en Europe.</i></p>	<p>Concernant le cadre commun de droit, la proposition de code de l'immigration n'a pas été reprise en tant que telle par le programme. Sur la base d'une évaluation de l'acquis existant, la Commission toutefois procèdera à une synthèse de la législation dans le domaine de l'immigration, en y apportant les modifications nécessaires pour simplifier et/ou, au besoin, compléter les dispositions existantes (voir supra)</p>
<p>Asile: un espace commun et solidaire</p>	
<p><i>La mise en place du Système européen commun d'asile (SECA) doit être réalisée dans le souci de garantir un niveau élevé de qualité, sans abaisser les normes internationales de protection. L'harmonisation ne devra en aucun cas être utilisée pour réduire les niveaux actuels de protection assurée dans certains États membres et devra servir à améliorer la législation des États membres dont les niveaux de protection sont insuffisants.</i></p> <p><i>Pour créer le SECA, il faut que l'harmonisation de la législation s'accompagne d'une coopération importante entre les États membres. Cette coopération et solidarité sera améliorée grâce au Bureau européen d'appui à l'asile (BEAA) qui est proposé par la Commission et que le Comité soutient.</i></p> <p><i>Les procédures du règlement de Dublin doivent être modifiées pour permettre au demandeur d'asile de choisir le pays dans lequel il souhaite présenter sa demande, compte tenu de raisons humanitaires et de liens familiaux, culturels et sociaux qui pourraient être invoquées.</i></p> <p><i>Le Comité estime que la solidarité financière intra-européenne en matière d'asile doit être renforcée,</i></p>	<p>Le régime d'asile européen commun (RAEC) devrait être fondé sur des normes élevées en matière de protection, mais le programme de Stockholm insiste également sur l'importance de prévenir les abus. L'objectif devrait être que les cas analogues soient traités de la même manière et que ce traitement aboutisse au même résultat. La Commission s'attachera à promouvoir une politique commune en matière d'asile fondée sur l'application intégrale et globale de la convention de Genève relative au statut des réfugiés ainsi que des autres traités internationaux pertinents. L'adhésion de l'Union à la convention de Genève et à son protocole de 1967 sera envisagée.</p> <p>La création du Bureau européen d'appui en matière d'asile est un instrument important qui devrait contribuer au renforcement de la coopération concrète entre les États membres.</p> <p>Le Programme de Stockholm n'envisage pas de modification du système de Dublin sur la détermination des personnes responsables de l'examen des demandes d'asile.</p> <p>Le programme de Stockholm encourage une</p>

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JO C 286 du 17 novembre 2005, p. 20.

<p><i>raison pour laquelle il faudra accroître et modifier le Fonds européen pour les réfugiés.</i></p>	<p>véritable solidarité avec les États membres soumis à des pressions particulières. La Commission encourage les États membres à se soutenir mutuellement pour doter leurs régimes d'asile nationaux des capacités suffisantes. Le Bureau européen d'appui en matière d'asile devrait jouer un rôle central dans la coordination des mesures prises à cet effet.</p>
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<p><b>1. The Lisbon Agenda and the Internal Market</b>  <b>Opinion asked by the ES Presidency – EESC 251/2010 – February 2010</b>  <b>Rapporteur : Mr CALLEJA (Empl./MT)</b>  <b>SG - President BARROSO</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
	<p>The Commission thanks the EESC for submitting its comprehensive opinion on the Single Market in the context of the Europe 2020 Strategy. The Commission considers that a well-functioning Single Market supports smart, sustainable and inclusive growth, which are the principal objectives of Commission's recent Communication on Europe 2020 - COM (2010) 2020.</p>
<p>A dynamic Single Market is both a pre-requisite and a support for a successful EU 2020 Strategy. This implies a need to better prioritize Single Market issues.</p>	<p>The Commission agrees with the EESC, and highlights that a stronger, deeper and wide-ranging Single Market is vital for growth and jobs creation. In the context of the Europe 2020 Strategy, the Commission has committed to enhancing the functioning of the Single Market, which represents one of the major EU-level policy responses in support of smart, sustainable and inclusive growth. The Commission also recalls that the report by Mr Mario Monti published in May this year had been instrumental in identifying bottlenecks in the Single Market. As a follow up to the Monti report, the Commission will issue a communication on the relaunch of the Single Market, which will lay the groundwork for developing a major package for tomorrow's single market in 2012 (on the 20<sup>th</sup> anniversary of the Single Market). This communication, together with the Monti</p>

	<p>report, will seek to identify those Single Market issues which will need to be tackled as a priority and will propose a series of legislative and non-legislative initiatives in relation to them..</p>
<p>There should be more cross border cooperation, information and rapid complaint handling systems.</p>	<p>The Commission takes note of the recommendation of the EESC and points out the growing and successful role played by networks such as SOLVIT and the Internal Market Information System in developing cross border cooperation for the benefit of citizens and enterprises. The Commission will continue to monitor closely the functioning of, and the benefits brought by such networks.</p>
<p>A change of attitudes is needed on Single Market rules, notably to ensure better rules, better implementation and better supervision.</p>	<p>The Commission agrees with the EESC that a new approach towards the Single Market implies more emphasis on smart regulation, and improved implementation and enforcement of Single Market legislation. As mentioned in the Commission Work Programme 2010<sup>5</sup>, this means in particular ensuring that the impact assessment system delivers its full potential, that ex-post evaluation and regulatory "fitness checks" are being developed and that work on simplification, administrative burden reduction and withdrawal will continue.</p>
<p>In particular, it is also important that the Services Directive is implemented in full compliance with the spirit and the rules of the Single Market. This means in particular clear implementing rules for the proper application and achievement of the goals of the Posting of Workers Directive.</p>	<p>The Commission shares the views of the EESC on the full implementation of the Services Directive, which is a major objective for 2010. The Commission will also put forward proposals to clarify the implementation of the Posted Workers' Directive.</p>
<p>The Single Market Monitoring Exercise will need to be continued and strengthened.</p>	<p>The Commission shares the views of the EESC and is, inter alia, currently considering as a possible strategic/ priority initiative a communication on retail markets monitoring which will identify possible market malfunctioning in the retail sector and ensure effective policy responses.</p>

<sup>5</sup> COM (2010) 135 final

<p>There is a need for a new approach to transport in the Single Market.</p>	<p>The Commission takes note of the concerns of the EESC. On this topic, the Commission will develop a strategy and an action plan for transport policy and infrastructures, which will aim to ensure transport sustainability. This will imply actions to ensure progress towards a transport system less dependent on fossil fuels.</p>
<p>The Europe 2020 Strategy must tackle urgent issues such as ensuring the EU makes a speedy recovery from the crisis, overcoming the financial crisis and enhancing Europe's standing in global markets.</p>	<p>The Commission agrees that a long-term structural reform agenda will be essential for the EU to return to a sustainable growth path. The Commission notes the good progress made by Member States in implementing the European Economic Recovery Plan, and considers that targeted structural reforms will help to underpin the recovery. The Commission also notes that the Europe 2020 Strategy proposes closer economic cooperation and a robust governance architecture, which will help to ensure stability. The Commission also considers that the EU should foster growth and competitiveness by developing and deploying the full range of external policy instruments.</p>

<p><b>4. La mise en œuvre du traité de Lisbonne: démocratie participative et initiative citoyenne</b>  <b>Avis d'initiative – CESE 465/2010 – Mars 2010</b>  <b>Rapporteur : Mme SIGMUND (Act. Div./AT)</b>  <b>SG - Président BARROSO et Vice-Président ŠEFČOVIČ</b></p>	
<p><b>Points de l'avis du CESE estimés essentiels</b></p>	<p><b>Position de la Commission</b></p>
<p>Les citoyens ne doivent pas rencontrer d'obstacles administratifs inutiles et excessifs mais être encouragés à participer dans des processus d'initiatives citoyennes.</p>	<p>La Commission partage cette opinion. Sa proposition de règlement sur l'initiative citoyenne adoptée le 31 mars dernier reflète l'idée que le droit d'initiative citoyenne doit être facilité par des procédures simples et facilement applicables, tout en évitant un usage frauduleux ou abusif du système.</p>
<p>Le CESE présente son avis sur les questions soulevées dans le Livre Vert sur une initiative citoyenne. Son opinion est reprise point par point dans les lignes suivantes.</p>	<p>La Commission a pris en considération la position du CESE dans le cadre de la consultation publique préalable à l'élaboration de la proposition de règlement sur l'initiative</p>

	citoyenne.
Concernant le nombre minimum d'Etats membres dont les citoyens doivent provenir, le CESE estime qu'un quart des Etats membres constitue un seuil approprié pour représenter un intérêt commun à l'échelle de l'Union.	La Commission dans sa proposition considère qu'un tiers des Etats membres constitue un seuil approprié, en se basant sur les résultats de la consultation publique et en référence à d'autres dispositions du Traité.
Le nombre minimum de signatures par Etat membre doit être fixé selon un système flexible, accompagné d'une valeur plancher absolue de 0,08 %.	Dans sa proposition, la Commission a opté pour un système basé sur la proportionnalité dégressive telle qu'elle est utilisée pour définir le nombre de Membres du Parlement Européen par Etat membre. Il s'agissait de répondre aux diverses inquiétudes formulées par les parties prenantes au cours de la consultation.
Pour soutenir une initiative citoyenne, les citoyens européens doivent être autorisés à participer aux élections européennes dans leur Etat membre de résidence.	La proposition de la Commission considère que pour soutenir une initiative, les citoyens européens doivent être en âge de voter aux élections européennes.
La forme et le libellé d'une initiative citoyenne doivent correspondre aux exigences formelles requises pour les requêtes introduites auprès des administrations. Le contenu de l'initiative doit être concis et clair.	La proposition de la Commission prévoit que les organisateurs doivent préciser le titre, l'objet et les objectifs de leur proposition d'initiative ainsi que la base juridique des Traités qui permettrait à la Commission d'agir.
Toutes les formes de collecte permettant une vérification de l'identité devraient être autorisées, y compris en ligne.  Un instrument pour la collecte en ligne devrait être disponible sur le site internet de la Commission.	La proposition de la Commission prévoit effectivement que toutes les formes de collecte sont possibles, y compris en ligne (par le biais du site internet de l'organisateur, qui devra répondre à une série d'exigences en matière de sécurité et d'authentification).
Le délai prévu pour la collecte des déclarations de soutien devrait être de 18 mois.	La Commission a opté dans sa proposition pour 12 mois, afin, d'une part, de prendre en compte la complexité liée à la dimension européenne, et, d'autre part, d'assurer que les initiatives proposées restent pertinentes.
Il revient aux organisateurs d'examiner au préalable la légalité et la recevabilité de leur initiative.	Concernant la vérification de la recevabilité des initiatives, la proposition de la Commission répond aux nombreuses demandes de parties intéressées de voir les initiatives vérifiées à un stade plus précoce, avant que toutes les déclarations de soutien

	n'aient été collectées.
L'enregistrement des initiatives doit pouvoir s'effectuer sur un site Internet mis à disposition par la Commission.	Cela correspond à ce qu'a prévu la Commission dans sa proposition.
Les organisateurs doivent fournir des informations sur le comité à la base de l'initiative et son représentant, les personnes qui soutiennent éventuellement l'initiative, le plan de financement ainsi que les ressources humaines et les structures.	La proposition de la Commission prévoit que les organisateurs doivent fournir leurs coordonnées complètes ainsi que des informations sur toutes les sources de financement et de soutien apportés à l'initiative proposée, au moment de l'enregistrement.
L'examen par la Commission des initiatives ayant abouti doit se faire dans un maximum de 6 mois, une approche en deux temps étant à privilégier (2 mois pour l'examen des critères formels et 3 mois pour la décision sur le fond).  La décision de rejet d'une initiative doit pouvoir faire l'objet d'un recours devant la Cour de Justice de l'UE.	Selon la proposition de la Commission, l'examen sur le fond devrait avoir lieu dans un délai de 4 mois, sachant que la recevabilité serait vérifiée après la collecte de 300.000 signatures dans un délai de 2 mois.  Par ailleurs, la possibilité d'un recours devant la Cour de Justice de l'UE ne peut porter que sur la décision de la Commission concernant la recevabilité et le fondement juridique et non sur sa décision finale portant sur l'opportunité politique de l'initiative proposée.
Les initiatives sur un même thème ne doivent pas faire l'objet d'interdictions ou de mesures de dissuasion.	La proposition de la Commission n'inclut aucune disposition visant à restreindre ou interdire les initiatives sur le même thème.
Une aide financière de la Commission devrait être octroyée aux organisateurs d'initiatives dès qu'une première étape aura été franchie.	La Commission n'envisage pas d'octroyer une aide financière aux organisateurs.
La Commission devrait se charger de traduire le texte des initiatives proposées dans toutes les langues officielles de l'Union dès qu'une première étape aura été franchie.	La Commission considère qu'il revient aux organisateurs de se charger de la traduction de leur initiative dans les langues officielles qu'ils souhaitent.
Le CESE propose d'élaborer des avis sur des initiatives citoyennes, d'organiser des auditions, de mettre en place un service d'information, etc.	La Commission accueille favorablement les propositions du CESE concernant le rôle qu'il pourrait jouer dans la mise en œuvre de l'initiative citoyenne, en particulier l'idée d'un guichet mis à disposition des citoyens.



<p><b>6. Programme européen d'observation de la Terre (GMES) COM (2009) 223 final – CESE 96/ 2010 - Janvier 2010 Rapporteur : M. van IERSEL (Empl./NL) DG ENTR - Mr TAJANI</b></p>	
<p><b>Points de l'avis du CESE estimés essentiels</b></p>	<p><b>Position de la Commission</b></p>
<p><b>1.1 À cet égard, la gouvernance revêt une importance capitale. Les éléments essentiels en sont:</b></p> <ul style="list-style-type: none"> <li>• la coordination et la cohérence fondées sur la reconnaissance de l'"espace" comme une matière communautaire intégrée et sur l'engagement sans réserve de l'ensemble des directions générales de la Commission et des agences européennes concernées par les politiques et les activités liées à l'espace;</li> <li>• la coordination entre la Commission et un grand nombre d'instances publiques dans les États membres;</li> <li>• les connaissances opérationnelles dont dispose la Commission pour traiter avec le secteur en aval;</li> <li>• un environnement favorable pour encourager les investissements privés.</li> </ul>	<p>La Commission partage l'avis du CESE sur l'importance de la coordination du secteur en aval.</p> <p>Pour organiser la coordination entre les nombreuses entités actives dans l'observation de la Terre en Europe, la Commission a créé un groupe d'experts par Décision de la Commission du 5 février 2010 portant création du conseil des partenaires GMES (2010/67/UE). Le conseil des partenaires a entre autres comme tâches (Article 2(1) de la Décision susmentionnée): <i>"d'établir la coopération entre les organismes des États membres et la Commission sur les questions relatives à GMES, afin d'aider à assurer la coordination des contributions issues des activités nationales et de l'Union européenne en rapport avec GMES, d'exploiter au mieux les capacités existantes et d'identifier les lacunes à combler au niveau européen"</i>.</p> <p>Sur base des conclusions des négociations sur le Règlement GMES, la Commission décidera si le conseil des partenaires reste utile ou pas une fois que la gouvernance établie par le Règlement même est en place.</p> <p>Concernant le secteur aval, la Commission a déjà organisé des appels à propositions dans le cadre du programme cadre recherche, thème espace. D'activités ultérieures sont en préparation dans le cadre de la politique d'innovation et de la stratégie "Europe 2020".</p>
<p><b>1.2 Une interconnexion efficace entre les services spatiaux et terrestres permettra de disposer en permanence de données complètes et fiables. Un accès total et ouvert aux données est indispensable pour éviter les distorsions et stimuler le secteur en aval. Les données clairement identifiées comme sensibles pour les États membres et l'Union doivent être protégées.</b></p>	<p>Cet avis est en conformité avec la proposition de la Commission, qui énumère parmi les objectifs de la politique de données de GMES: <i>"assurer un accès total et ouvert aux informations produites par les services GMES et aux données collectées via l'infrastructure GMES, dans le respect des contraintes de sécurité pertinentes"</i>. Sous réserve de la négociation interinstitutionnelle en cours, la Commission se chargera de</p>

	mettre en œuvre ces principes.
<b>1.3 Le CESE prend note de l'existence d'une enveloppe de 150 millions d'euros, en guise de première étape de la promotion de ces applications. Certaines questions doivent encore être réglées avant qu'il puisse émettre un jugement globalement positif. Pour que le système atteigne effectivement ses objectifs, il convient en effet de poursuivre les négociations et d'apporter des clarifications concernant une possible insuffisance des ressources financières, le lancement des Sentinelles B, en complément aux Sentinelles A, ainsi que la répartition des budgets communautaires entre les diverses parties prenantes.</b>	<p>L'enveloppe proposée par la Commission représente l'effort maximal possible dans le cadre des contraintes budgétaires actuelles.</p> <p>La Commission se réserve d'examiner la possibilité de financement ultérieurs dans le cadre de la révision à moyen terme du budget de l'UE, dans le plein respect de son droit d'initiative.</p>
<b>1.4 Les services satellitaires à venir touchent à un large éventail de domaines qui répondent directement à des besoins de la société et des citoyens. Le CESE recommande donc avec insistance que l'UE adopte une stratégie de communication afin de sensibiliser le grand public aux avantages à venir du GMES, en accordant également une attention particulière à l'éducation et à la formation des experts techniques dans ce domaine.</b>	<p>La Commission partage l'avis du CESE sur l'importance de la communication, de l'éducation et de la formation pour GMES et pour l'espace plus en général.</p> <p>La Commission met déjà en œuvre, à la fois de façon indépendante et en coopération avec l'Agence Spatiale Européenne (ESA), une stratégie de communication.</p> <p>L'éducation et à la formation des experts techniques sont des priorités reconnues dans la stratégie Europe 2020.</p>
<b>1.5 Il convient que la stratégie de Lisbonne pour l'après-2010 accorde une place à l'observation de la terre.</b>	<p>Dans sa Communication "EUROPE 2020 Une stratégie pour une croissance intelligente, durable et inclusive" du 3 mars 2010 (COM(2010)2020), la Commission a explicitement mentionné GMES dans le cadre de l'Initiative phare «Une politique industrielle à l'ère de la mondialisation»: <i>"À l'échelon de l'Union, la Commission s'efforcera: [...] d'élaborer une politique spatiale efficace fournissant les outils nécessaires pour relever certains des grands défis mondiaux et visant, notamment, à la concrétisation de Galileo et de GMES"</i>.</p>

<p><b>7. Industrial changes and prospects for the powered tow-wheeler industry. Own-initiative Opinion – EESC 451/2010 – Mars 2010</b>  <b>Rapporteur : Mr RANOCCHIARI (Empl/IT)</b>  <b>DG ENTR – Mr TAJANI</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission position</b></p>
<p>1.5 b) calls on the Commission, when drafting the upcoming proposal for a regulation on powered two-wheelers, to set goals which the sector will be able to achieve – phasing in targets which are in sync with design, production and the market, ensuring flexible solutions for industry and thus a smaller increase in costs for the consumer, and taking into account the economic climate and the wide range of diverse products;</p>	<p>Social, environmental, safety and economic aspects were analysed in the impact assessment prior to drafting of the new legal framework proposal. The subsequent identified preferred options will guarantee that an appropriately optimised mix of effective and efficient measures will be proposed.</p>
<p>2.3 Eurostat places the powered two-wheeler industry under NACE code 35.41. The most recent data, from 2006, present the EU 27 powered two-wheeler manufacturing sector as being made up of 870 businesses, 80% of which are located in six Member States (Italy, United Kingdom, Germany, France, Spain and Austria). The average turnover of EUR 8 million reflects the substantial number of SMEs, estimated at 650, which make up 75% of the total.</p> <p>2.4 90% of European production is carried out by a hundred or so medium-large and medium-small manufacturers operating in various EU countries (in addition to those mentioned above, the Czech Republic, the Netherlands, Portugal, Slovenia and Sweden) as well as Norway and Switzerland. The remaining 10% of European production is shared between small and very small manufacturers.</p>	<p>The manufacturing of motorcycles is classified under the NACE activity classifications of 35.4 and 35.5. However, this particular <u>classification does not disaggregate the manufacture of Powered Two Wheel vehicles from the manufacture of BICYCLES</u>. The ‘hundred or so’ companies as listed in paragraph 2.4 include non-EU based companies from the Far East and the United States, which are active in the EU market.</p> <p>Based on the analysis of type approval data it appeared that there were 42 companies applying for type approval for an L-category vehicle (Powered Two Wheelers, tricycles and quadricycles) in 2008 – 2009 time frame. Finally, of the 42 companies, it was estimated that 17 are SME's. The remaining 25 of the 42 companies are owned by large companies or large corporations.</p>
<p>6.4 ...Inquiries have revealed that these imported products often fail to comply with European type approval requirements, jeopardising consumer safety and placing the environment at risk...</p>	<p>The Commission considers it to be paramount that every manufacturer complies with the same EU type approval requirements and will therefore strengthen market surveillance in the new legal framework.</p>

<p><b>9. Communication de la Commission. Le futur cadre réglementaire concernant la concurrence dans le secteur automobile</b>  <b>COM (2009) 388 final - CESE 1901/2009 - Mars 2010</b>  <b>Rapporteur : M. HERNANDEZ BATALLER (Act. Div./ES)</b>  <b>DG COMP - M. ALMUNIA</b></p>	
<p><b>Points de l'avis du CESE estimés essentiels</b></p>	<p><b>Position de la Commission</b></p>
<p>Le CESE approuve la proposition de la Commission relative au nouveau cadre réglementaire concernant la concurrence dans le secteur automobile.</p>	
<p>Le CESE souhaite que la réforme envisagée par la Commission soit accélérée, en introduisant tout le nouveau cadre réglementaire, c'est-à-dire pour le marché primaire et le marché secondaire, en 2010 combiné à une période de transition de 2 ans.</p>	<p>La Commission souhaite laisser aux opérateurs le temps de s'adapter au nouveau régime général et a l'intention de maintenir le règlement applicable aux accords de vente de véhicules neufs actuel en vigueur jusqu'au 31 mai 2013. Le nouveau régime étant susceptible d'amener des améliorations immédiates sur le marché de l'après-vente, la Commission a l'intention d'introduire le nouveau cadre réglementaire relatif à ce marché à compter du 31 mai 2010.</p>
<p>Le CESE a critiqué le fait que le nouveau REC général ne soit pas encore en vigueur ce qui rend la réforme concernant le REC automobile difficile à évaluer.</p>	<p>La Commission a pris cette remarque en compte et a l'intention d'adapter la période de validité du nouveau REC afin d'éviter ce problème à l'avenir. Par conséquent, la Commission a l'intention de fixer le délai d'expiration du futur Règlement d'exemption général au 31 mai 2022 et celui relatif au secteur automobile au 31 mai 2023.</p>
<p>Le CESE a demandé à la Commission d'autoriser les obligations de 'monomarchisme' imposées aux distributeurs faisant déjà parti du réseau de distribution (cf. paragraphe 25 et note de bas de page no 9)</p>	<p>La Commission a pris en compte cette remarque. Etant donné que la note en bas de la page 9 a conduit à des malentendus, elle va proposer une nouvelle version prenant intégralement en compte les remarques formulées par le CESE.</p>

<p><b>9 bis. Integration and the Social Agenda</b>  <b>Own-initiative Opinion - EESC 258/2010 – February 2010</b>  <b>Rapporteur : Mr PARIZA CASTAÑOS (Work./ES)</b>  <b>Corapporteur : Mr ALMEIDA FREIRE (Empl./PT)</b>  <b>DG EMPL - Mr ANDOR</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p><b>As an institution that is strongly committed to promoting and developing the Social Policy Agenda and fostering the integration of migrants and ethnic minorities, the European Economic and Social Committee has decided to draw up this own-initiative opinion in order that the EU may strengthen the links between its integration policies and the Social Policy Agenda.</b></p>	<p>The integration of migrants constitutes a key element of the Social Policy agenda, in particular with regard to the "New skills for new jobs" related activities and the issues pertaining to the social inclusion aspects of migration.</p>
<p><b>The EESC considers it a priority to strengthen integration at European level, taking account of the economic crisis, the situation of immigrants and minorities in terms of employment, social inclusion, gender equality, poverty, education and training, healthcare, social protection and the fight against discrimination.</b></p>	<p>Under the Social policy agenda, all the different dimensions referred to by the EESC are tackled in order to promote the integration of migrants and ethnic minorities.</p>

<p><b>14. Politique de qualité des produits agricoles.</b>  <b>COM (2009) 234 - CESE 105/2010 - Janvier 2010</b>  <b>Rapporteur : M. KAPUVÁRI (Trav./HU)</b>  <b>DG AGRI – M. CIOLOS</b></p>	
<p><b>Points de l'avis du CESE estimés essentiels</b></p>	<p><b>Position de la Commission</b></p>
<p>Le CESE recommande d'exploiter les possibilités offertes par la politique de qualité conformément aux conceptions politiques et stratégiques à long terme définies pour le secteur agroalimentaire de l'UE.</p>	<p>Prise en compte de la suggestion dans le cadre des négociations ultérieures avec les autres institutions.</p>
<p>Le CESE souhaite l'indication obligatoire de l'origine des denrées alimentaires et des produits de 1° transformation, ainsi que, au cas par cas, de 2° transformation, et des principaux ingrédients</p>	<p>Prise en compte de la suggestion dans le cadre des négociations ultérieures avec les autres institutions.</p>

utilisés.	
Si les consommateurs choisissent plus largement les produits intérieurs, l'avenir de l'agriculture et de l'agroalimentaire européens deviendra plus prévisible, compte tenu de l'ouverture des marchés et des négociations de l'OMC.	Prise en compte de cette position.
Il est essentiel de clarifier pour le consommateur ce que signifie la qualité européenne.	Acceptation totale de l'observation; la proposition initiale tient compte de cette préoccupation.
A cette fin, une étude serait utile, à partir d'un questionnaire professionnel, pour poser des principes fondamentaux et généraux.	Réserve dans l'attente des résultats des négociations avec les autres institutions.

<p><b>15. Future stratégie pour le secteur laitier européen pour la période 2010-2015 et au-delà</b></p> <p><b>Rapporteur : M. ALLEN (Act. Div./IE)</b>  <b>Own-initiative Opinion – EESC 560/2010 – February 2010</b>  <b>DG AGRI – Mr CIOLOS</b></p>	
<b>Main Points of the EESC Opinion</b>	<b>Position of the Commission</b>
In its own initiative report the CESE requests much more transparency in the food chain with particular reference to the dairy sector.	The Commission agrees with EESC that there is a need to improve the price transmission between the various actors in the supply chain. An effective European price monitoring tool may therefore be established without ,however, increasing the red tape and bureaucracy.
EESC requests also that measures shall be taken to avoid extreme price and income volatility in future .	The Commission agrees with EESC that extreme volatility is benefitting nobody in the chain. Price volatility in the downward direction can be and actually was successfully addressed by appropriate market support measures in 2009 which created an efficient safety net for the sector. Various hedge instruments may also be used in managing the risk of substantial price variations.  Where intervention stocks are available they may be used in an anti-speculative fashion to limit strong upwards movements of dairy commodities.
EESC insists that major resources should be	The Commission agrees that research and

<p>devoted to innovation, research and development in order for the dairy sector to become more efficient and competitive.</p>	<p>innovation is essential for continuing to produce high quality dairy products in a sustainable way in due compliance with environmental standards and other public standards relevant for the sector. A particular effort should be made to improve the distribution of new know-how to stakeholders.</p> <p>The second pillar of the CAP seems particularly apt for those issues.</p>
<p>EESC considers that the quota system provides the EU with an tool to react to the market situation.</p>	<p>Given the sometime extremely rapid changes in the supply-demand relation in the dairy sector the quota system is absolutely not an appropriate instrument to regain balance. A further restriction of the production rights would easily lead to even more speculation and extreme price volatility.</p>

<p><b>17. Reform of the Common Agricultural Policy in 2013</b>  <b>Own-initiative Opinion - EESC 452/2010 - Mars 2010</b>  <b>Rapporteur : Mr. RIBBE (Var. Int./DE)</b>  <b>DG AGRI - Mr. CIOLOŞ</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
	<p>The European Commission, taking into consideration the new role of the European Parliament under the Lisbon Treaty and the financial review, wishes to have a large public debate on the future of its Common Agricultural Policy (CAP).</p> <p>In that respect, the Commission underlines that the own-initiative opinion of the EESC, which sets out considerations from the point of view of the organised civil society on the future shape and direction of the CAP, will offer valuable input in its efforts to produce a comprehensive communication on the post-2013 agricultural policy.</p>
<p>Against a flat-rate per hectare payment. Solutions must be found that reflect regional conditions and farm types. Instead of a uniform flat-rate per hectare payment, consideration could be given to a capped per-capita or per-worker payment.</p> <p>Direct payments should compensate for natural</p>	<p>The Commission takes note and adds that in the context of the discussions for the future of the CAP, it will examine and analyse different options for the reform of the direct payment system.</p> <p>The importance of the natural handicap areas has been always well recognised by the CAP.</p>

handicaps.	
<p>First (or second-pillar) payments should:</p> <ul style="list-style-type: none"> <li>▪ only be given to farmers actively farming, associations or other bodies for the protection and maintenance of the landscape.</li> <li>▪ take account of the jobs in place and created on each farm.</li> <li>▪ compensate for the services provided to society by the farming sector; however farmers' incomes should come mainly from prices in the market.</li> <li>▪ include provisions to balance out, across the EU, the costs incurred by farmers due to agro-climatic conditions.</li> </ul>	<p>The Commission takes note and adds that in the context of the discussions for the future of the CAP, the distribution of payments in both the first and the second pillar will be reviewed in order to ensure that funds are used in the most effective and efficient way.</p>
<p>The existing market measures should be retained; a "safety net" should be in place. In addition new approaches towards market stabilization should be developed.</p> <p>Further consideration should be given to the use of POs.</p>	<p>The Commission takes note and adds that in the context of the discussions for the future of the CAP it will examine whether current tools could be better adapted and if any new tools could provide a value-added in a cost-efficient manner.</p>
<p>Improve and monitor market transparency and consumer information.</p> <p>Pricing to become more transparent and solutions to be put forward to avoid "asymmetrical pricing".</p>	<p>The Commission takes note and adds that the Communication for the improvement of the functioning of the food supply chain aimed exactly in improving commercial relationships between actors of the chain, ultimately benefiting all actors of the chain and consumers alike.</p>
<p>Measures offered under Pillar II of the CAP will compliment direct payments in a more targeted way. Current measures to be made more effective.</p> <p>Tasks of Axis 3 to be expanded. Strongly opposes a transfer of Axis 3 to regional policy.</p>	<p>The Commission takes note and adds that the Rural Development policy is an integral part of the CAP.</p>



<p><b>18. Proposal for a Directive of the European Parliament and of the Council on transportable pressure equipment</b>  <b>COM(2009) 482 final - EESC 254/2010 - February 2010</b>  <b>Rapporteur : Mr PEZZINI (Empl./IT)</b>  <b>DG MOVE – Mr KALLAS</b></p>	
Main Points of the EESC Opinion	Commission Position
<p>Paragraph 1.1 The EESC appreciates the Commission's work on bringing European legislation on transportable pressure equipment into line with international developments and recent measures, to strengthen the internal market and cut red tape.</p>	<p>One of the main reasons for the Commission to propose the directive is to maintain and ensure harmony between different pieces of EU legislation and also international law. Therefore the Commission is pleased to take note of this key conclusion of the EESC.</p>
<p>Paragraph 1.11. The EESC recommends drawing up new guidelines, on the basis of the two new texts, to update those originally set out in Directive 1999/36/EC, which must be repealed.</p>	<p>The Commission can accept this recommendation, and in fact the European Parliament has proposed this as well. The Council has also accepted the proposal.</p>
<p>Paragraph 4.7. The EESC also wonders why no penalties are established for breach of the obligations laid down in the Directive, particularly in the area of safety, especially given the need to ensure operators' and the public's safety.</p>	<p>The Commission does not consider it to be appropriate to establish legal implications for economic operators' non-compliance in a Directive. Penalties should be judged by relevant national authorities taking into account all pertinent details of the case.</p>

<p><b>19. Proposal for a Regulation of the European Parliament and of the Council concerning measures to safeguard security of gas supply and repealing Directive 2004/67/EC</b>  <b>COM (2009) 363 final – EESC 106/2010 – January 2010</b>  <b>Rapporteur : Mr SANTILLÁN CABEZA (Work./ES)</b>  <b>DG ENER – Mr OETTINGER</b></p>	
Main Points of the EESC Opinion	Commission Position
<p>Paragraph 1.3: The choice of legal instrument to replace Directive 2004/67/EC concerning measures to safeguard security of natural gas supply is appropriate, as it enables faster and more uniform application.</p> <p>Paragraph 1.4: The EESC particularly welcomes the specification of actions which the responsible</p>	<p>The Commission agrees with the EESC conclusions on the choice of legal instrument with a view to ensure a common EU approach in the security of gas supply framework.</p>

<p>parties must undertake (infrastructure, preventive measures and emergency plans for crisis situations), reducing the margin of discretion that exists under the 2004 Directive.</p>	
<p>Paragraph 5.1: Since responsibilities are not allocated explicitly enough in the Commission's proposal, the Committee suggests that a clear distinction should be made between those falling to the public authorities (Commission and national Competent Authorities) and to private organisations and companies.</p> <p>The Committee considers that the responsibilities and tasks of the public authorities set out in Article 3(1) must be distinguished from those of companies or private bodies, and therefore suggests a new wording making it clear that:</p> <ul style="list-style-type: none"> <li>• security of gas supply is a task of the Member State Competent Authorities and the Commission, within their respective fields of responsibility;</li> <li>• natural gas companies and industrial gas consumers must cooperate and implement the measures decided by the relevant authorities.</li> </ul>	<p>The Commission's proposal considers that security of gas supply requires a high level of cooperation and is therefore a shared responsibility of gas undertakings, Member States' Competent Authorities, industrial gas customers and the Commission within their areas of competences and activities. The Regulation places some obligations directly on natural gas undertakings (e.g. the supply standard) other obligations (n-1, Plans) are for the Competent Authorities to implement due to their competences and areas of activities.</p>
<p>Paragraph 5.2: The EESC considers that the draft Regulation (and, if relevant, its application in each Member State) should place greater emphasis on consumer rights in at least some of the following areas:</p> <p>a) Tariffs. Since the cost of these measures could fall in whole or in part to consumers via tariffs, it should be borne in mind that in democratic societies, the authorities must take account of users' economic and social conditions when taking the relevant decisions.</p> <p>b) Clarification of the "domestic customer" and "protected customer" concepts, which are only described in general terms in the draft (Recital 18, which mentions "schools" and "hospitals"). A more detailed, even if not exhaustive, list must be included.</p> <p>c) Right of information. Consumers must receive</p>	<p>The primary aim of the Regulation is to safeguard security of gas supply to the consumers and particularly the households. The Commission considers that a common definition of protected customers at Union level, the published national and regional preventive action and emergency plans and the information exchange as set out in the Regulation will significantly increase the transparency for both consumers and business on the measures put in place for security of gas supply. The Commission agrees with the importance of transparency and a clear definition of protected customers. Regarding the impact of the Regulation on the tariffs, the national regulatory authorities have the role to approve the tariffs or methodologies and take into account in particular the efficient costs of the investments. This Regulation does not predetermine how the costs of new</p>

<p>precise information on the measures adopted by the authorities, forecasts of how the situation will develop, the bodies to which they should address themselves, etc. These aspects are not mentioned in the draft.</p>	<p>infrastructures will be covered (commercial investments, regulated tariffs, state budget). The general legislative framework, the third internal market package, contains a comprehensive set of consumer protection rules.</p>
<p>Paragraph 5.3: [...] The Member States are to report in 2011 and 2014 on the measures they have taken to meet this indicator. If a Member State should fail to meet it, the other Member States should be exempted from the obligation to provide gas supplies in the event of a shortage of supply.</p>	<p>The Commission proposes the obligatory infrastructure standard together with the supply standard and the definition of protected customers as the basis for a common level of crisis prevention in the EU. Non-compliance with n-1 could potentially lead to an infringement procedure against the Member State concerned. Solidarity in a crisis is based on commercial and intergovernmental stand-by agreements.</p>
<p>Paragraph 5.4: In the EESC's opinion, household customers and small-scale consumers must receive special protection in the event of supply disruptions. All the Member States must therefore undertake to guarantee the supply of gas and heating in accordance with the current standards.</p>	<p>The Commission's proposal article 2(1) aims to ensure that all households and, if Member States so decide, SMEs are protected customers. With regard to heating, the Commission takes note of the EESC suggestion, a final position being subject to the negotiations between the co-legislators.</p>
<p>Paragraph 5.5: The EESC considers that, in cases of shortage of supply, all suppliers of gas services must be equally obliged to take the necessary emergency measures. This is the only way of ensuring fair, non-discriminatory competition over the long term in the EU gas market. The exceptions that the European Commission's proposal makes for market entrants and small undertakings (Article 7(3)) should be removed.</p>	<p>The Commission agrees with the EESC that security of supply obligations should be defined along the same principles in all Member States in a non-discriminatory way. Security of gas supply obligations would not be used by incumbent gas companies as market barrier to discriminate against new entrants and smaller operators.</p>
<p>Paragraph 5.9: The EESC considers that the relevant EU political bodies must reconsider the gas market liberalisation policy, insofar as it works against security of supply. The process of liberalising and privatising the energy sector has also produced large-scale job losses. It has been estimated that liberalisation of the electricity market has resulted in the loss of 34% of jobs in EU-15, while for gas, a loss of 12% occurred over just four years in 12 Member States.</p>	<p>The Commission underlines the benefits of a competitive energy market for job creation. Therefore, the Commission places a strong emphasis on implementation of the legislative framework in order to reap the full benefits of the internal energy market for consumers and business. The benefits from market integration outweigh the costs. The EU 2020 strategy confirms that further progress with the integration of the European energy market can add an extra 0.6% to 0.8% GDP. While it is true that privatization may negatively affect</p>

	<p>employment rates in the short-term, open and integrated energy markets drive companies' innovation which is essential to make our energy system sustainable and to renew Europe's manufacturing base and create jobs. On the other hand, any delays in market integration preserve uncompetitive and too high energy prices which are detrimental for EU competitiveness and may potentially lead to relocation and job losses. In 2007, Copenhagen Economics has estimated that the effects of market opening in electricity will reduce prices for electricity by 13 % and increase cross-border trade by 31%. This would have significant positive effects on consumers and producers further down the value chain, overall increasing EU GDP by 0.3-0.5% and creating some 50,000-120,000 jobs. The new EU 2020 strategy towards smart, sustainable and inclusive growth proposed by the Commission will stimulate recovery and create a stronger and more sustainable economy, which delivers high levels of employment, productivity and social cohesion. "Green" investment in 20% of renewable sources of energy by 2020 has the potential to create more than 600 000 jobs in the EU. By further adapting energy efficiency towards 20% of energy savings by 2020, the Commission estimates the overall job creation to be above 1 million.</p>
<p>1.14 It is also important that the Commission's powers to coordinate measures in emergencies be strengthened, avoiding unilateral decisions that would weaken the EU's position vis-à-vis third countries.</p>	<p>The Commission agrees with the EESC that coordination of Member States actions at EU level is important vis-à-vis third countries. The proposed Regulation asks Member States to notify their inter-governmental agreements with third countries to the Commission before conclusion.</p>

**20. Communication from the Commission to the Council and the European Parliament – 2008 Environment Policy Review  
COM(2009) 304 final - EESC 261/2010 - February 2010  
Rapporteur : Mr RETUREAU (Work./FR)  
DG ENV – Mr POTOČNIK**

Main points of the EESC Opinion	Commission Position
<p>Relevant for the whole Opinion.</p>	<p>The Commission welcomes the Committee's support for a strong EU environment policy. In general, it agrees with most of the analysis covered by the Committee's Opinion.</p> <p>However, the Commission would like to emphasize that the Annual Environment Policy Review (EPR) is a report which</p>
	<p><i>monitors environmental progress in the European Union linked to the actions and objectives of the 6<sup>th</sup> Environment Action Programme.</i> The EPR is not an economic or social policy review, nor a progress report on (global) sustainability trends or development assistance. Some of the statements in the Opinion thus go beyond the scope of the EPR.</p>
<p><b>(1.6) The report is very comprehensive and extremely valuable, but it is unclear to what extent the public is aware of it.</b></p>	<p>The EPR focuses on stakeholders involved in environmental policy processes at both EU and Member State level (i.e. policy makers, NGOs, business organisations etc). Feedback: stakeholders are generally aware of this report.</p> <p>The EPR is made available in a practical format via DG Environment's website(<a href="http://ec.europa.eu/environment/policy_review.htm">http://ec.europa.eu/environment/policy_review.htm</a>) and also through a glossy print version.</p>
<p><b>(3.1) The Commission's projections in the report for 2008 are based on relatively old complete data, and on incomplete data from 2006 onwards. However, these were the only data available in 2008, and the Commission has taken account of all the relevant results gathered prior to publication. In spite of the disappointing outcome of the Copenhagen Climate Conference, the Committee believes that the EU must deliver the target for emission reduction it has set itself for 2012, and should press on towards the further reductions it has adopted for 2020.</b></p>	<p>As the opinion correctly mentions, the Commission has taken into account all latest available data at the time of preparing the report.</p> <p>Furthermore, the Commission agrees that timeliness of the reporting of environmental data in the EU should be further improved. In fact, this is one of the key actions foreseen by the 2009 Commission Communication "GDP and beyond" (COM/2009/433).</p>
<p><b>(3.3) The Committee is not entirely convinced by the argument that the crisis is, in itself, an</b></p>	<p>The Commission fully acknowledges the short-term social problems created by the economic</p>

<p><b>opportunity to redirect production and consumption patterns towards more sustainable solutions: a growing number of families have seen their purchasing power fall dramatically due to unemployment and the closure of businesses, some of which have relocated their production activities to non-EU countries. Employment and housing are still key concerns in the short term, particularly for young people, and we need to provide positive responses.</b></p> <p><b>(3.6) Simply going back to business as usual, with the same economic organisation, will not bring us any closer to a safer, better environment, but the signals emanating from the financial markets and industry are far from encouraging; a strong political will is absolutely vital, as are greater mobilisation of the European public and the provision of objective information, rather than pointless scaremongering, by the media.</b></p>	<p>crisis. However, in the EPR, it is taking a medium and longer term view: governments are taking measures to combat the economic crisis via launching and implementing national economic recovery packages. Therefore, this is a crucial opportunity to “green” our economy and lay the foundations for low-carbon, resource-efficient growth as those government investment could/should target environmental infrastructure, energy and resource efficiency and eco-innovation. This will be a key issue for the years to come if the EU wants to remain competitive in a global context.</p>
<p><b>(3.11) The rapid loss of biodiversity worldwide (the disappearance of a large number of animal and plant species, with some of the worst hit, such as birds and bees, being vital to agriculture) means that policies need to be put in place to halt the extinction of species; this involves, in particular:</b></p> <ul style="list-style-type: none"><li>• forest management, and putting a stop to clearcutting in primary forests and rainforests;</li><li>• methods used in agriculture (it has been determined that modern plant protection products affect the health of bees and the food supply of birds).</li></ul>	<p>The Commission welcomes the explicit reference to the need for further actions halting biodiversity loss. On this matter, the Commission will use the momentum of the "2010 International Year of Biodiversity" to step up efforts to protect biodiversity both inside and outside the EU. The Commission will carefully monitor progress to complete EU's Natura 2000 network of protected areas. Early this year, the Commission also proposed different options for the new EU post 2010 long-term vision and mid-term target for biodiversity. In March, the Environment Council agreed <i>"to halt the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, restore them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss."</i> This target will underpin the new EU biodiversity strategy to be developed in 2010.</p>

<p><b>21. Proposal for a Council Regulation amending Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture</b>  <b>COM(2009) 541 final – EESC 453/2010 – March 2010</b>  <b>Rapporteur : Mr SALVATORE (Work/IT)</b>  <b>DG MARE – Mrs DAMANAKI</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The Committee endorses the changes made to Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture in the light of new scientific knowledge, including the results of concerted action under the IMPASSE project funded by the Sixth Framework Programme.</p>	<p>The Commission thanks this overall favourable opinion.</p>
<p><i>The Committee considers that the most important thing in order to achieve the objectives of the proposal is to make sure that closed aquaculture facilities are biosecure. For this, the right measures need to be adopted: a) measures during transport, b) the application of well-defined protocols at the receiving facility, and c) the observance of appropriate procedures up to the release of fish products for consumption.</i></p>	<p>The Commission proposal provides the conditions to exempt closed aquaculture facilities from the permit requirement established by Council Regulation (EC) No 708/2007, including the modification of the definition of "closed aquaculture facility". The specific measures necessary to ensure the compliance with the new definition as well as with the bio-security of the facilities as mentioned by the Committee are under the responsibility of the Member States authorities.</p>
<p><i>The Committee considers that the Regulation should include a clear statement that closed aquaculture facilities are to be deemed such if they are land-based.</i></p>	<p>The Commission proposal does not include this statement as it was considered obvious that closed aquaculture facilities are land-based facilities.</p>
<p>The Committee considers that in order to prevent the dispersal of non-native reared species or biological material in open waters as a result of flooding a safety distance should be established between the closed facilities and open waters, depending on the type, location and lay-out of the facility site.</p>	<p>As already mentioned the specific measures aimed to ensure compliance with the new definition, including prevention of flooding are under the responsibility of Member States authorities. These measures need to be adequate to the specific conditions or location of each closed facility.</p>
<p>The Committee agrees that movements from a closed to an open aquaculture facility should not be considered routine. It would therefore also suggest that closed aquaculture facilities should be managed and administered separately from open systems, when the production cycle so allows, in</p>	<p>The Committee refers to the last sentence of Article 14 of the Council Regulation 708/2007. This sentence has not been modified in the Commission proposal, however, the Commission considers that it would require some modification in order to</p>

<p>order to minimise any risk of contamination of aquatic ecosystems.</p>	<p>ensure that the classification, into routine or non-routine, of the movements from a closed aquaculture facility into an open aquaculture facility is based on the assessment carried out by the Advisory Committee in agreement with Article 7 of the Council Regulation 708/2007.</p> <p>In relation to the suggestion that closed aquaculture facilities should be managed and administered separately from open systems it should be indicated that in the case of a movement of an alien species from a closed aquaculture facility into an open facility a permit would be required following Regulation 708/2007.</p>
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<p><b>23. Proposal for a Directive of the European Parliament and of the Council amending Directives 2003/71/EC on the prospectus to be published when securities are offered to the public or admitted to trading and 2004/109/EC on the harmonization of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market</b>  <b>COM(2009) 491 final – EESC 257/2010 – February 2010</b>  <b>Rapporteur: Mr GRASSO (Var. Int./IT)</b>  <b>DG MARKT – Mr BARNIER</b></p>	
<p style="text-align: center;"><b>General Introductory Remark</b></p> <p>The Commission thanks the EESC for its very positive opinion and agrees with its conclusions and recommendations. A number of the issues raised by the EESC are already addressed in the Commission's proposal but will be further clarified with the adoption of measures implementing it. In addition the Commission takes notes of some suggestions by EESC which go beyond the scope of this proposal and will take them into consideration with a coordinated approach in the future development of legislation, namely in the review of the Transparency Directive, the Market Abuse Directive and the MiFID.</p>	
<p style="text-align: center;"><b>Main Points of the EESC Opinion</b></p>	<p style="text-align: center;"><b>Commission Position</b></p>
<p>The EESC is highly supportive of the objective of increasing the quality of information available to the financial markets joint with a more cost-effective management and dissemination of this information.</p>	<p>The Commission shares the view that more cost-effective information will reduce the cost of raising capital but that it shall not be achieved to the detriment of the quality of the information.</p>
<p>Paragraph 3.2.2.2 – in relation to the definition of Home Member State in the case of non-equity securities with a denomination</p>	<p>In its proposal the Commission proposes to delete overall the EUR1000 threshold.</p>



<p>per unit below EUR1000, the EESC suggests replacing any reference to "denomination" with the "underlying value."</p>	
<p>Paragraph 3.2.3 – in relation to the Commission's proposal on retail cascade, the EESC suggests that there should be more clarity concerning the implementation of the new rules in cases where an intermediary is based in a third country and carries out a placement in a country other than that of the issuer.</p>	<p>The Commission agrees with EESC on the need of more clarity when an issuer consents to the use of its prospectus by financial intermediaries. This is fully in line with the Commission's position not only in cases where an intermediary is based in a third country and carries out a placement in a country other than that of the issuer but in all cases of retail cascade.</p>
<p>Paragraph 3.2.3 – in relation to the Commission's proposal on the exemption regime applicable to Employee Share Scheme, the EESC calls for the extension of the exemption to be complemented by a revision of the rules concerning the transparency of markets. The EESC could propose changes to the Transparency Directive in a separate own-initiative opinion.</p>	<p>The Commission believes that all the necessary measures in that respect are covered by the Transparency Directive and the Market Abuse Directive.</p>
<p>Paragraph 3.2.5.2 – in relation to the Commission's proposal on the summary of the prospectus, the EESC proposes that the key information be identified on the basis of the potential impact that it could have, to be measured through standard indicators already considered in other EU legislation such as "value-at-risk"; an alternative, simpler technical solution that the EESC supports would be to make it compulsory to publish the VaR in the summary prospectus.</p>	<p>The Commission takes note of the EESC suggestions and will take them into consideration in the future development of measures implementing this proposal.</p>
<p>Paragraph 3.2.7 – in relation the Commission's proposal on regime applicable to Government Guarantee Scheme, the EESC suggests that the prospectus should at least state the most recent rating of the guarantor.</p>	<p>The Commission believes that the public has constant access to sufficient information on the solvency and economic status of the States, thus there is no added value for investors in requiring the issuer to include in the prospectus information about the State as guarantor.</p>
<p>Paragraph 3.2.8 – in relation the Commission's proposal on the extension of the validity of the prospectus</p>	<p>The Commission takes note of the EESC suggestions and will take them into consideration in negotiations with the co-legislators.</p>
<p>Paragraph 3.2.10 – in relation the Commission's proposal on the obligation to</p>	<p>The Commission takes note of the EESC suggestions and will take them into consideration</p>

<p>publish a supplement to the prospectus, the EESC would consider useful to a requirement upon intermediaries responsible for placements to make public the volume of the securities in question traded in the period between the closing of the offer to the public and the start of trading. The data on the volume of securities traded during this period (a practice once described as the "grey market") will have to be certified by a supervisory and regulatory authority and will need to report all the data on transactions between intermediaries taking part in the placement.</p>	<p>in other legislative proposals.</p>
<p>Moreover, in the light of experience gained in other countries, the EESC advocates the creation of an "information intermediaries" market and suggests laying down specific rules to introduce legal delegation structures and to recognise professional financial information figures.</p>	<p>The Commission takes note of the EESC suggestions and will take them into consideration in other legislative proposals.</p>

<p><b>25. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions concerning the European Union Strategy for the Baltic Sea Region</b>  <b>Rapporteur : Mr SMYTH (Var.Int./UK)</b>  <b>COM (2009) 248 final - EESC 99/2010 - January 2010</b>  <b>DG REGIO - Mr HAHN</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
	<p>The Commission welcomes the opinion of EESC and takes note of the overall support from EESC with regard to the preparation, implementation and evolution of the EU Strategy for the Baltic Sea Region.</p> <p>The Commission would also like to refer to its position given on the two previously adopted EESC opinions "Baltic Sea Region: the role of organised civil society in improving regional cooperation and identifying a regional strategy" and "Macro-regional cooperation - Rolling out the Baltic Sea Strategy to other macro-regions in Europe"</p>

<p>(1.2) The EESC recognises the comprehensive consultation process that preceded the finalisation of the Strategy and the role played in the process by the social partners and stakeholders. The EESC re-states its call for the establishment of a Baltic Sea Civil Society Forum that would help to embed civil society in the evolution of the Strategy.</p> <p>(5.3) [...] The EESC has already proposed in both REX/262 and ECO/251 the establishment of a Baltic Civil Society Forum and this should now be developed into a practical proposal. [...]</p>	<p>The Commission confirms that a consultative forum for stakeholders will be organised annually in the Baltic Sea region, and it will be open for participation for representatives for the civil society. The first annual forum will be organised in October 2010.</p>
<p><b>(1.4) The governance arrangements for the Baltic Sea Strategy are also the subject of some critical comment. The Strategy encompasses the remit of 21 Directorates General as well as 8 Member States plus Russia. When these are combined with the 4 pillars, 15 priority actions and numerous horizontal actions, there are complex governance structures at the heart of the Strategy which might make it unworkable. The EESC believes that greater effort should be made to simplify the governance and administration arrangements for the Strategy.</b></p> <p>(4.3) The governance arrangements for the Baltic Sea Strategy are also the subject of some critical comment. Table 1 illustrates a paradox, namely that those Member States in most need of the Strategy are the least involved in its implementation. In addition the Commission has struggled to balance a complex of actions with a complex of Directorates General and a range of Member States. Experience to date with the implementation of the Leipzig Charter on Sustainable European Cities has been relatively slow and the Baltic Sea Strategy is arguably even more complex.</p>	<p>The Commission recognizes the crucial role of governance and has the ambition to support implementation arrangements which are as simple and efficient as possible. However, the Commission wishes to underline that successful implementation will depend on the mobilisation, commitment and action taken by governments and stakeholders in the region.</p> <p>The Commission will facilitate coordination between all involved actors, in particular national contact points, priority area coordinators and the EU programmes operating in the region. A High Level Group involving all Member States will assist the Commission in facilitating the implementation.</p> <p>The attached Table 1 indicates those Member States that will coordinate actions under each priority area. However, as all Member States are supposed to be involved in all priority areas, the information provided in the table does not indicate the level of involvement of each Member State in the implementation</p>
<p>(1.5) + (4.4) This opinion re-iterates the proposal to establish within the EESC an <i>ad hoc</i> Baltic Sea Region observatory or study group so that the entire EESC can participate effectively in the inevitable development and evolution of the Strategy.</p>	<p>The Commission welcomes the proposal and EESC's input and contribution to the development and evolution of the Strategy.</p>

<p>(2.1) [...] This Strategy for the designated Baltic Sea macro-region was adopted by the Commission on 10 June 2009 and was submitted to the European Council on 19 June 2009. It is a high priority for the current Swedish Presidency and was adopted by the General Affairs Council on 26 October 2009 in Luxembourg.</p>	<p>The Strategy was also adopted by the European Council on 30 October 2009.</p>
<p>(3.3) The Baltic Sea Strategy and its proposed actions are to be funded from existing resources primarily the Structural funds (€55 billion between 2007-13), funding from each Baltic Sea state, private financing as well as funding from financial institutions such as the EIB, NIB and the EBRD.</p>	<p>Funding can also be provided by other EU instruments than the Structural Funds.</p>
<p>(3.5) There are important differences of view regarding the appropriate governance structure. The Commission's strategy centres upon the coordination of existing initiatives, continuously reviewing progress and maintaining momentum of the Action Plan. The Commission's approach is to keep institutional mechanisms to a minimum with no additional funding for the Baltic Sea Strategy. The Parliament proposes to hold an annual Baltic Sea summit before the summer European Council and to expand regional organisational bodies inside and outside the EU system, in part by proposing an own budget line for the Strategy. The EESC has already voiced its support for a separate budget for the Strategy. It would appear that the Parliament wishes to see a more ambitious policy development than the Commission. As if to underline the evolving nature of the Strategy, on 22 October 2009, the Parliament adopted an amendment of €20 million to the 2010 Budget for the coordination and for some pilot projects of the Strategy.</p>	<p>The Commission confirms that no additional EU funds to support the Strategy have been foreseen during this budget period 2007-2013. Resources will be found through better coordination of existing policies, instruments and resources with a view to aligning these with the jointly agreed Strategy and Action Plan.</p> <p>The Commission is currently exploring different ways of facilitating the matching of funding with the flagship projects, and also how to make use of the €20M budget line proposed by the European Parliament.</p>
<p>(5.3) There is no mention of the strategic importance of the large rivers in the Baltic macro-region; this deficiency should be addressed. [...]</p>	<p>Even if the rivers are not explicitly mentioned in the Strategy they are included as they are part of the entire catchment area for the Baltic Sea.</p>
<p>(5.6) Concerns were expressed about the level of emphasis in the Strategy on science, technology, research and innovation. The EESC is not fully convinced that dispersal of the so called</p>	<p>The Commission takes note of the concern and will pay attention to addressing this issue.</p>

<p>knowledge triangle (education, research and innovation) between two different pillars of the Strategy and between three Member States responsible for coordinating them is the ideal solution. The EESC underlines that the Strategy should strengthen the interaction and the links between different elements of knowledge triangle.</p>	
<p>(5.8) Of particular concern is the ongoing and structural decline in the region of the shipbuilding and related sectors, with its negative impact on economic and social cohesion. The Committee firmly believes that the Baltic Sea Strategy should be extended to address this specific issue.</p>	<p>The shipbuilding and related sectors are not addressed in the current version of the Strategy. If there is a strong wish from all participating Member States this issue could potentially be added in the context of future revisions of the Strategy and its Action Plan.</p>

<p><b>26. The sustainable development of coastal areas</b>  <b>Own-initiative Opinion - EESC 104/2010 - January 2010</b>  <b>Rapporteur : Mr BUFFETAUT (Work./FR)</b>  <b>DG ENV – Mr POTOČNIK</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p><i>Recommendations formulated by the EESC.</i></p>	<p>The Commission welcomes the report. As to specific recommendations for actions, synergies need to be sought with many on-going activities.</p>
<p><i>1.2.1 In terms of environmental protection:</i></p> <p>- setting up a European network for those managing marine protected areas and a European label for such areas;</p>	<p>The Marine Strategy Framework Directive (2008/56/EC) requires Member States to set up Programmes of measures by 2015 in order to achieve good environmental status. The Programme of measures shall include coherent and representative networks of marine protected areas, comprising Natura2000 areas and sites designated under international and regional seas agreements (Article 13.4). Article 6 of the Marine Strategy Framework Directive requires Member States to cooperate in regional seas context and with regional seas conventions.</p>
	<p>The regional sea scale is the most appropriate for action on protected areas networks and their management. A specific label is not foreseen. Further to Article 21 of the Directive the Commission is to report by 2014 on the progress in the establishment of marine protected areas.</p>

	<p>Some networks of managers exist and EU co-funded projects can provide support to such network and their activities (e.g. MEDpan, <i>Life</i>-project MPAs in the Eastern Baltic Sea, EUROsite).</p>
<p>- <i>In cooperation between the Member States, creating a European database of best legislative and regulatory practices in relation to protection of the coastal heritage;</i></p>	<p>The Commission is implementing the OURCOAST initiative, including a publicly accessible database of case studies and tools. OURCOAST seeks to promote integrated coastal zone management.</p> <p><a href="http://ec.europa.eu/environment/iczm/ourcoast.htm">http://ec.europa.eu/environment/iczm/ourcoast.htm</a></p> <p>Moreover, the promotion of cultural maritime heritage is part of the Integrated Maritime Policy.</p>
<p>- Paying close attention to the often overlooked issue of the artificial state of the coastline (apart from structures protecting the natural, historical and cultural heritage and the very existence of people living there) and setting up a European network to monitor the impact of structures on land reclaimed from the sea, based on marine research laboratories;</p>	<p>At the EU level the monitoring of artificialisation of the shoreline is ensured by the European Environment Agency, based on, <i>inter alia</i>, information provided by a network of Member States agencies (EIONET).</p> <p>Enhanced understanding of infrastructural impacts is supported through research projects (e.g. EUrosion, ConScience) and networks such as ENCORA and SedNet.</p> <p>Monitoring of the near-shore and wider marine environments is furthermore covered by the Water Framework Directive (2000/60/EC) and the Marine Strategy Framework Directive (2008/56/EC).</p>
<p>- Setting up a scientific and technical committee for maritime regions in order to forecast, anticipate and suggest solutions to the consequences of rising sea levels and, in the polar regions, the melting of the polar icecaps;</p>	<p>See 1.2.5 below.</p>
<p>- Disseminating information and raising awareness of the marine environment.</p>	<p>The "Programmes of measures" required by the Marine Strategy Framework Directive (2008/56/EC) cover communication and awareness raising measures (Annex VI, point (8)).</p> <p>Moreover, general communication activities on</p>

	the marine environment by the Commission and the European Environment Agency will complement the Member States' activities.
<i>1.2.2 Transport &amp; 1.2.3 Coastal economic activities in difficulty</i>	The Commission takes note of the observations made by the EESC.
<p><i>1.2.4 Tourism</i></p> <p>- The EESC advocates holding a regular European conference on responsible seaside tourism, possibly with the joint support of the Committee of the Regions and the EESC; this would serve as an opportunity to discuss best practices throughout the EU.</p> <p>- It would also help to define environmental quality criteria for seaside resorts, ports and marinas throughout the EU.</p>	<p>The annual Maritime Days conferences allow dissemination and sharing of best-practices on coastal and marine tourism.</p> <p>For specific coastal destinations support is given to indicator development at local scale (e.g. Quality Coast of the Interreg project COPRANET).</p>
<p><i>1.2.5 Climate change</i></p> <p><i>The EESC recommends launching a programme to promote European cooperation on research into means of adapting coastal areas to rising sea levels, the creation of a network for pooling information between research institutes, and the establishment of a European scientific and technical committee with responsibility for forecasting and anticipating possible specific responses to the challenge of rising sea levels.</i></p>	<p>Further to the White Paper on Adapting to Climate Change (COM(2009)147), an EU-wide clearing house mechanism is set up to support the built-up of knowledge and experience regarding adaptation in the EU. The clearing house mechanism will liaise to and build on the many existing networks and fora. The creation of new committees or networks is not envisaged.</p> <p>A specific focus of the OURCOAST initiative (1.2.1 2<sup>nd</sup> indent) will be adaptation to risks and climate change in coastal areas.</p>
<p><i>1.2.6 Raising awareness of the marine environment</i></p> <p>The Committee recommends developing measures to raise awareness of the marine environment and its implications for the well-being of present and future generations. Above all, such measures should be targeted at schools and the general public. They could be organised during the holiday period in coastal areas.</p>	<p>See 1.2.1, 5<sup>th</sup> indent; dissemination on marine environment.</p> <p>The Information and Communication component of the LIFE+ financial instrument can co-finance projects relating to communication and awareness raising campaigns on environmental, nature protection or biodiversity conservation issues.</p>

<p><b>29. Classifying consumer complaints</b>  <b>COM (2009) 346 final - EESC 97/2010 - January 2010</b>  <b>Rapporteur : Mr MULEWICZ (Empl./PL)</b>  <b>DG SANCO - Mr DALLI</b></p>	
<b>Main Points of the EESC Opinion</b>	<b>Commission Position</b>
1.1 The proposal from the Commission is welcomed and supported.	The Commission welcomes and appreciates the opinion and recommendations of the ESC.
1.2 Initially and at least for the next few years, the system proposed has to be voluntary	The Commission agrees with this recommendation. Adoption of the methodology is voluntary.
1.3 Costs for reporting organisations should be minimised as much as possible. The system should be cost efficient.	The Commission agrees with this recommendation and is doing its utmost to minimise any costs involved with the adoption of the methodology.
1.4 The proposal for the Commission to make available to third party organisations a data handling tool is supported. It will enable those third party organisations with unsophisticated systems easily to adopt the proposed harmonised approach.	The Commission agrees with this Recommendation and is currently developing an IT tool that will be given free of charge to interested complaint bodies that commit to use the harmonised methodology for classifying complaints.
1.5 At sectoral level, the Commission could encourage the adoption of its harmonised methodology for classifying and reporting consumer complaints by all complaint-handling bodies within their respective sector.	The Commission agrees with this Recommendation and is working very closely with sectoral bodies such as regulators (e.g. energy, telecommunications) and other complaints bodies (e.g. dispute resolution bodies in financial services) to promote the adoption of the methodology.

<p><b>30. Proposal for a Regulation of the European Parliament and of the Council concerning the placing on the market and use of biocidal products</b>  <b>COM(2009) 267 final – EESC 253/2010 – February 2010</b>  <b>Rapporteur : Mr BIOT (Empl./BE)</b>  <b>DG ENV – Mr POTOČNIK</b></p>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
<b>1.4 The EESC notes that the European Chemicals Agency (ECHA) has only been</b>	The Commission appreciates that ECHA could be given a greater role in the



<p><b>given a coordinating role. This body could play a more decisive role in order to help ensure the efficiency of the authorisation process for biocidal products at Community level and within the Member States. However, the EESC is concerned as to whether the Agency will have sufficient resources in time to carry out its mission effectively, given the extension of its remit to include biocidal products.</b></p>	<p>authorisation process of biocidal products. The Commission has already signalled that it might be prepared to consider an extension of the scope of the centralised procedure for Community authorisations. However, as pointed out by the Committee, a balance is to be found between expectations that the centralised procedure be opened to all products and what ECHA can reasonably be expected to be able to process.</p>
<p><i>1.7.1 The EESC emphasises the need for the labelling of materials and processed products, to ensure that users have adequate and effective information. The Committee calls on the Commission, however, to study this matter further in order to limit the use of exhaustive labelling to cases where this would be of benefit to the consumer. The EESC suggests two levels of information. The first should provide information that is essential to consumer usage and protection. The second should include all known information and should be available in the event that consumers have to consult professionals (poison centres, doctors, etc.). This information could be made available via databases and Internet sites.</i></p>	<p>The Commission is committed not to duplicate existing labelling rules.</p> <p>As to the details of the proposed labelling provisions, the Commission is open to alternatives, provided the initial objectives of ensuring consumer information and of facilitating enforcement are maintained.</p>
<p><i>1.8 The EESC supports harmonising the fee system both for Member States and for the Agency, but is opposed to the levying of an annual fee without justification.</i></p>	<p>The Commission welcomes the Committee's support.</p> <p>Concerning the annual fee, the Commission thinks that it would serve two purposes: first, it would provide revenues for implementation and control activities; second, it would offer a mechanism, whereby SMEs, instead of paying an upfront fee when applying for product authorisation, could spread the costs of this fee over several years and pay it through instalments, as part of the annual fee. The Commission therefore regards the annual fee as an important tool to respond to the concerns expressed regarding SMEs.</p>
<p><b>1.9 In line with the new regulation on the placing of plant protection products on the market, the EESC believes that to ensure the</b></p>	<p>The Commission takes note of the Committee's proposal to align the provisions on parallel trade with that of the Regulation on plant protection</p>

<p><b>free movement of goods, parallel trade procedures should be restricted to identical products, based on the same sources of active substances and ingredients.</b></p>	<p>product.</p>
<p><i>1.9.1 The EESC is pleased that the Commission recognises the phenomenon of "free riders" and hopes that Article 83 can be developed in greater detail.</i></p>	<p>The Commission recognises the need to develop Article 83 in further details and is currently reflecting on a step-wise approach, the details of which need to be further elaborated.</p> <p>The Commission considers that any solution shall aim at maintaining a balance between the interests of the companies having made important investments for generating data for active substances with those companies, which did not make the same investments, but legitimately rely on the existing legal framework.</p>
<p><b>1.10 The EESC calls on the Commission to state how it would support Member States in effectively carrying out tests on biocidal products on the market.</b></p>	<p>The responsibility of controlling biocidal products placed on the market rests with the Member States. The Commission is however developing an information exchange tool, the Register for Biocidal Products, which shall facilitate implementation and enforcement activities across the EU market, in particular when products have to be removed from the market.</p>
<p>1.11 Along the lines of the framework directive on the sustainable use of phytopharmaceutical products<sup>6</sup> and with a view to ensuring that biocidal products are used sustainably, the EESC proposes that in future, the Commission provide for these products to be used in a more rational way.</p>	<p>The Commission is currently collecting information on Member States best practices to address risks from the use phase of biocidal products. This could eventually lead to further Union action to ensure that these products are used in a more rational way, as suggested by the Committee.</p>

<sup>6</sup> Directive 2009/128/EC – OJ L 309, 24.11.2009, p. 71.

<p><b>31. Proposal for a Council Directive amending Directive 2006/112/EC as regards an optional and temporary application of the reverse charge mechanism in relation to supplies of certain goods and services susceptible to fraud</b>  <b>COM (2009) 511 final – EESC 101/2010 – January 2010</b>  <b>Rapporteur : Mr IOZIA (Work./IT)</b>  <b>DG TAXUD – Mr ŠEMETA</b></p>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
The EESC is in favour the proposal.	The Commission has taken note of the overall favourable opinion.
At the same time, the EESC is pleading for more "far-reaching" structural reforms (and in particular for an origin based VAT system with a single rate of 15%).	<p>Although the Commission is fully aware that further anti-fraud measures are required, this issue is going beyond the scope of the actual proposal. Therefore, there is no reason to amend the current proposal, which has been adopted by the Council in the meantime.</p> <p>Nevertheless, it should be stressed that, in the framework of a new VAT strategy aiming at improving the functioning of the overall VAT system in the Internal Market, all possible future options for preventing or combating VAT fraud will be analysed in detail and acted upon accordingly by the Commission.</p>

<p><b>32. Proposal for a Council Regulation on administrative cooperation and combating fraud in the field of value added tax (Recast)</b>  <b>COM (2009) 427 final – EESC 256/2010 - February 2010</b>  <b>Rapporteur : Mr BURANI (Empl./IT)</b>  <b>DG TAXUD – Mr ŠEMETA</b></p>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
The EESC appreciates and supports the Commission, as the new regulation marks a decisive step forward in regulating this field. Its implementation will, if Member States so wish, improve the organisation of public finance by simplifying procedures and helping to combat fraud.	The Commission welcomes the adoption of a favourable opinion on the proposal.
The new rules are particularly important for distance selling and rightly seek to promote administrative cooperation. However, even in	The Commission will take this into consideration during the discussions in the

<p>their present form they are not fully implemented, mainly because the requisite IT structure is lacking. The EESC therefore thinks that for these rules it would be advisable to apply the transitional period scheduled for other provisions, so that they would only become mandatory in 2015 when Council Regulation (EC) 143/2008 enters into force</p>	<p>Council.</p>
<p>The EESC considers that the provision on automated access should be put off to a future date, when common administrative and electronic procedures have been adopted by all Member States.</p>	<p>The date of implementation will be discussed in Council at the latest stage of the discussions.</p>
<p>Article 29, which concerns the participation of officials of the Member States concerned in administrative enquiries, specifies in Article 29(1) that these officials may be present not only in the offices but also in "any other place"</p> <p>This set of powers and prerogatives seems neither prudent nor justified. The EESC asks for it to be given more serious thought. The presence of an official of another Member State in the offices of a taxable person could lead to "the disclosure of a commercial, industrial or professional secret (...) or of information whose disclosure would be contrary to public policy". These are the precise words of Article 56(4), which lays down the cases in which information may be refused. It is even less acceptable that such information should come into the possession of an official of another Member State because he is in the offices of a taxable person.</p>	<p>The Commission cannot accept this recommendation as the officials from another Member State are equally bound by their national professional secrecy rules. Therefore, they should not disclose commercial or industrial secrets.</p>

<p><b>33. Communication from the European Commission - Contributing to Sustainable Development: The role of Fair Trade and nongovernmental trade-related sustainability assurance schemes</b>  <b>Rapporteur : Mr ADAMS (Var. Int./UK)</b>  <b>Corapporteur: M<sup>rs</sup> SHARMA (Empl./UK)</b>  <b>COM (2009) 215 final - EESC 108/2010 - January 2010</b>  <b>DG TRADE – Mr de GUCHT</b></p>	
<p><b>Main points of the EESC opinion</b></p>	<p><b>Commission Position</b></p>
<p>1.2 : "it is recommended that resource and regulatory support is given to the development of the improved transparency, impact and credibility of such schemes and the capacity of producers to influence them and participate through certification..."</p> <p>Points 2.3 – 4.1 – 4.3 – 5.1 – 5.2</p> <p>"... This has raised questions about whether consumers are clear about the differences between labels and the tangible benefits resulting to producers."</p>	<p>The Commission agrees with these points, which it considers, however, are addressed to the organisations which run non-governmental sustainability assurance schemes.</p> <p>The Commission is supportive of efforts by appropriate organisations, such as the ISEAL Alliance, the International Trade Centre and UNCTAD to provide more clarity on the sustainability criteria used for different ethical trade labels.</p>
<p>1.4 "...time for the Commission to seriously consider how the underlying standards and processes can influence its engagement with the WTO, especially concerning international trade policy towards developing countries..."</p> <p>5.7 "...The Committee calls on the Commission to reflect the growing importance EU citizens are placing on sustainable and socially-beneficial trade to inform its engagement with the WTO on trade regulations."</p> <p>4.6 "...sustainability assurance schemes would welcome a thorough analysis by WTO how the trade liberalisation process can foster sustainability, and prevent a situation where social, environmental and economic requirements associated with sustainability are erroneously considered to be obstacles to trade."</p>	<p>The Commission engages with trade partners in the WTO against the background of trade policy developments in the EU, including the growing importance attached to sustainability considerations in economic policies. The Commission action is intended to uphold the policy space to implement sustainability initiatives and, where relevant, regulatory requirements, while ensuring respect of the relevant WTO rules, in order to promote mutual supportiveness between the three pillars of sustainable development (economic, social and environmental).</p> <p>The Commission supports the view that there is scope for the WTO to examine in more depth sustainability considerations in the context of trade relations. The WTO Committee on Trade and Environment is an appropriate forum for WTO members to exchange views and discuss policy issues regarding the interface between trade and environmental protection. The WTO secretariat maintains a working relationship</p>

	<p>with relevant international organisations, notably UNEP and the ILO: joint analysis and programmes on trade, environmental and social issues can be of benefit to all WTO members. Given that the WTO is a member-driven organisation, broad support by Members is a condition for the success of any possible initiatives. Finally, it should be recalled that WTO rules imposes disciplines on State action and not on action implemented by private operators on a voluntary basis.</p>
<p><b>4.2 "... it should be noted that in the Commission's Communication the term "niche", used to describe non-Fair Trade consumer labels should equally be applied to Fair Trade, which itself is a niche "sustainability" label."</b></p>	<p>The Commission agrees with the ESC private sustainability assurance schemes such as Fair Trade, UTZ and Rainforest Alliance share a number of common characteristics.</p>
<p><b>4.4 It must be recognised that the use of the term "Fair Trade" (or "Good Origin" or similar terms in labelling) implies an absolute ethical value in the product when often the reality is an identifiable but marginal improvement. The pressure to simplify for consumer marketing purposes, rather than any intention to deliberately mislead, is usually the reason for such categorical statements but runs the risk of consumer disillusion if expectations are not met.</b></p>	<p>The Commission takes note of this point, which is one of the reasons why the Commission is supportive of efforts by appropriate organisations, such as the ISEAL Alliance, the International Trade Centre and UNCTAD to provide more clarity on the sustainability criteria used for different ethical trade labels.</p>
<p><b>4.5 ...THE COMMUNICATION DOES LITTLE TO EXPLORE THE FAR-REACHING EFFECTS OF THE FAIR TRADE MOVEMENT, ITS GRASSROOTS CAMPAIGNS AND POLITICAL ACTIVITIES IN THE NORTH AND THE PRODUCER-SUPPORT ACTIVITIES IN THE SOUTH...</b></p> <p><b>The Commission may wish to take up these topics in future policy papers...</b></p>	<p>The Commission thanks the ESC for this observation and takes note.</p>
<p><b>5.5 The Committee believes that sustainability schemes and any assessment of their impact should have equal input from producer organisations that have experience with most of the leading initiatives.</b></p>	<p>The Commission takes note of this point, which it considers, however, are addressed to the organisations which run non-governmental sustainability assurance schemes.</p>

<p><b>35 Les relations entre l'Union européenne et le Maroc</b>  <b>Avis d'initiative - CESE 264/2010 - Février 2010</b>  <b>Rapporteur : Mme LÓPEZ ALMENDÁRIZ (Empl./ES)</b>  <b>DG RELEX – DG AGRI– Mr FÜLE – Mr CIOLOS</b></p>	
<b>Point de l'avis du CESE estimé essentiels</b>	<b>Position de la Commission</b>
Le Comité attache la plus haute importance à l'engagement pris par le Maroc d'instituer un Conseil économique et social.	La Commission souscrit à cette position du CESE.
Le CESE est d'avis qu'une impulsion doit être donnée aux réformes visant à ouvrir de nouveaux secteurs au commerce des services et à l'investissement.	Des négociations sont en cours avec le Maroc sur la libéralisation du commerce des services et de l'établissement.
<b>Le CESE recommande à la Commission de soutenir les acteurs du dialogue social, soit les partenaires sociaux, de telle sorte à renforcer le dialogue social et à le rendre productif.</b>	La Commission prend note de cette recommandation qui pourrait être mise en œuvre dès que le Conseil économique et social du Maroc sera effectivement institué.
§ 6.10: Le CESE constate avec inquiétude que l'Union européenne et le Maroc ont récemment conclu la révision de leurs relations commerciales agricoles dans le cadre de l'accord d'association alors que <u>l'accord en vigueur est systématiquement violé, du fait du non-paiement des montants douaniers établis et du non-respect des contingents</u> , et sans avoir mis en place de nouveaux mécanismes ou amélioré de manière significative les mécanismes existants pour garantir le respect des clauses convenues par les deux parties.	Concernant les importations de produits agricoles du Maroc et notamment les tomates, il est à noter qu'en vertu de l'Article XI du GATT, aucune restriction quantitative ne peut être imposée: le Maroc est libre d'exporter en dehors des quantités préférentielles convenues dans l'accord d'association UE/Maroc. Les importations de tomates du Maroc sont suivies au jour le jour par les services de la Commission, en vertu des dispositions agréées dans l'accord et sur base d'une surveillance douanière. La Commission n'a pas en sa possession d'éléments prouvant une possible violation par le Maroc des conditions de l'accord mais examinera avec attention tout élément factuel qui pourrait être porté à sa connaissance à ce sujet.

<p><b>36. A new governance for international organisations</b>  <b>Own-initiative Opinion – EESC 462/2010 – March 2010</b>  <b>Rapporteur : Mme van WEZEL (Work./NL)</b>  <b>Corapporteur: M. CAPPELLINI (Var. Int./IT)</b>  <b>DG RELEX – Mrs ASHTON</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p><b>The world economy became more integrated than ever before. With major global crises in a multipolar world there is a need for a new governance and greater legitimacy for international organisations. This legitimacy needs to be based on common values, standards and objectives, on coherence and effectiveness and on inclusiveness towards all countries and their citizens. The EESC supports the EU in taking actively part in developing such</b></p>	<p>Contributing to a stronger multilateral system, and international governance reform, in particular the reform of the UN-system, to enhance the representativeness, transparency, accountability, efficiency and effectiveness of the United Nations is a central policy priority of the EU. This is notably confirmed in the annual EU priorities agreed by the Council for the UN General Assembly.</p>

<p><b>a new governance of international organisations.</b></p>	
<p><b>Even before the current crisis it was acknowledged that reform of international organisations, UN organisations and the Bretton Woods Institutions was necessary, but since the outbreak of the financial and economic crisis the process of reform gained further momentum. As soon as it became clear that the impact of the financial crisis was irreversible the G20 took the lead in responding. Despite the well received results of the G20 process, the legitimacy of its decisions is being questioned. The EESC request the EU to develop effective linkages between the G20 process and the representative UN institutions and to strengthen ECOSOC.</b></p>	<p>The EU in the aftermath of the financial crisis encouraged also the UN to play a role (the scope for which was defined by the UN membership). The strengthening of ECOSOC – and other main bodies and organs of the UN is an integrated part of the EU's action to support the strengthening and reform of the UN.</p>
<p><b>The governance of international organisations should be based on the UN Charter and the UN Universal Declaration of Human Rights. The EU has been a strong</b></p>	<p>It could indeed be useful to review the state of play of the EU-UN relationship and revisit the previous Communications in order to possibly update the policy framework, so as to further</p>



<p><b>promoter of multilateral cooperation and the EESC fully endorses this policy. However the EESC notes that the environment for promoting the multilateral values has changed and therefore the EESC considers the need to revisit the EC Communications on the EU's policies towards multilateralism<sup>7</sup>.</b></p>	<p>attune it to the significant development and deepening of the relationship. The EU-UN relationship has over the past years developed from close “cooperation” into what can now increasingly be characterized as a real “partnership” (closer ties not only in operational cooperation, but also in policy dialogue). It might however be wise to await the full implementation of the new institutional set-up of the EU after the Lisbon Treaty, in particular the establishment of the European External Action Service, and also to be able to draw conclusions on the basis of at least a period of a year of action post-Lisbon at the UN and other multilateral fora, in order to assess the EU strategy and its effectiveness and necessary and possible improvements. In the meantime, discussions on the EU's effectiveness at the UN (and other organizations) are at least once per semester taking place in the framework of the Council Working Group on relations with the UN, and it is also subject to discussions between EU Heads of Mission at multilateral capitals (notably to prepare and afterwards assess the effectiveness of the EU's strategy for the UN General Assembly).</p>
<p><b>Even though international organisations may have clear objectives, they are lacking effectiveness due to inadequate monitoring of the follow-up of their decisions and assessing their impact. The EU developed monitoring systems that are good practice and could be adopted on an international scale to monitor complex multi-level interventions. The EESC encourages the EU to introduce these monitoring systems to international organisations.</b></p>	<p>Some UN bodies and agencies, funds and programmes do have quite elaborated monitoring systems. The EU's emphasis on strengthening the UN system and its effectiveness also means that the EU takes every opportunity to address shortcomings, but it must also be borne in mind that such mechanisms or amendments to them are adopted by the membership of the organization or body concerned, and does not depend solely on the EU.</p>
<p><b>The EESC hopes that the new Lisbon Treaty, the new High Representative for Foreign Affairs and the reinforced diplomatic cooperation will result in a more unified voice and a better position of the EU</b></p>	<p>The EU (Commission, General Secretariat and the Member States) are since before the entry into force of the Lisbon Treaty making every effort to ensure the full implementation of the Treaty in its international action. At the level</p>

<sup>7</sup>

COM(2001) 231: *Building an effective partnership with the United Nations in the field of development and humanitarian affairs*; and COM(2003) 526: *The European Union and the United Nations: The choice for multilateralism*.

<b>in international organisations. The EESC encourages the EU to be coherent in its external policies and consistent with its objectives.</b>	of the EU's action at multilateral organisations some transitional arrangements are required for the time being in relation to notably some of the formal settings, such as the General Assembly (not least until EU Delegations are fully upgraded to assume all their new tasks and responsibilities under the Lisbon Treaty).
<b>The process of shaping the new governance structure is not very transparent. Social partners and representative civil society organisations should be included and the EESC expects the EU to make information on this process easily available.</b>	The EU Delegations at multilateral organizations make every effort to publicize rapidly the EU's statements and other documents relating to the ongoing work on UN reform (notably via the EU@UN website ( <a href="http://www.europa-eu-un.org/">http://www.europa-eu-un.org/</a> )).

### **PARTIE D: Avis faisant l'objet d'un autre type de réponse**

- 3. Les organisations de la société civile et les présidences de l'UE**  
**Avis d'initiative - CESE 464/2010 – Mars 2010**  
**Rapporteur: M. BARABÁS (Act. Div./HU)**  
**SG – M. le Président BARROSO**

La Commission n'envisage pas de donner suite à cet avis dans la mesure où le CESE ne formule aucune demande spécifique à son égard. Néanmoins elle considère favorablement les suggestions émises par le Comité, s'agissant du renforcement de ses relations avec la présidence tournante du Conseil ainsi que des relations entre la société civile et celle-ci.

- 8. Innovation policy**  
**COM (2009) 442 final – CESE 445/2010 – March 2010**  
**Rapporteur: Mr MALOSSE (Empl. /FR)**  
**DG ENTR – Mr TAJANI**

The Commission will take into account the valuable opinion of the EESC for the preparation of the forthcoming Research and Innovation plan.

- 22. Exigences de fonds propres pour le portefeuille de négociation et pour les retitrisations, et la surveillance prudentielle**  
**COM(2009) 362 final - CESE 98/2010 – Janvier 2010**  
**Rapporteur: M. MORGAN (Empl./UK)**  
**DG MARKT – M. BARNIER**

La Commission n'envisage pas de donner suite à cet avis, dans la mesure où le CESE ne formule pas de demandes concrètes de modification.

**28. Services d'accueil et éducation des jeunes enfants**  
**Avis d'initiative - CESE 102/2010 – Janvier 2010**  
**Rapporteur : M<sup>me</sup> HERCZOG (Act. Div./HU)**  
**DG EMPL – M. ANDOR**

La Commission se félicite de cet avis, par lequel le Comité soutient la position de la Commission en la matière et notamment tous les efforts entrepris par l'Union européenne dans le cadre des services d'accueil à la lumière des objectifs adoptés par le Conseil européen de Barcelone.

La Commission partage :

- l'analyse du Comité qui met en exergue les conclusions du rapport de la Commission sur la mise en œuvre des objectifs de Barcelone concernant les structures d'accueil pour les enfants d'âge préscolaire;
- le rappel du Comité quant aux responsabilités premières des Etats membres dans ce domaine, ainsi que le soutien croissant des partenaires sociaux.

**34. La promotion des aspects socioéconomiques dans les relations UE–Amérique latine**  
**Avis d'initiative - CESE 263/2010 – Février 2010**  
**Rapporteur : M. ZUFIAUR NARVAIZA (Trav./ES)**  
**DG RELEX – M. FÜLE**

La Commission n'estime pas nécessaire de donner un suivi à cet avis.