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ACTION TAKEN ON OPINIONS

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Quarterly review presented

By the European Commission

COMMISSION FOLLOW UP TO THE OPINIONS OF THE

ECONOMIC AND SOCIAL COMMITTEE

DELIVERED IN THE SECOND QUARTER OF 2006

(April and May)

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A. EXPLORATORY OPINIONS

<p>14. Wood as an energy source in the enlarging Europe of the 1st quartal Exploratory Opinion - EESC 411/2006 – March 2006 Rapporteur: Mr Kallio (Empl./FIN) DG TREN - Mr Piebalgs</p>	
<p>Main points of the EESC opinion</p>	<p>Commission position</p>
<p>1.1 - 1.5: Proposes that the use of larger quantities of wood as an energy resource should take place only when all heat insulation possibilities have been used.</p>	<p>The Commission shares the view of the Committee regarding the high importance of ambitious energy efficiency measures. That is why the Commission will work out an action plan on energy efficiency in a near future.</p>
<p>1.2 - 1.3: Takes the view that tax and aid arrangements that favour fossil fuels are to be removed and that a carbon dioxide tax on fossil fuels and a low VAT rate on wood fuel would boost the demand for wood fuel.</p>	<p>The Commission reminds the strong subsidiarity character of taxation issues. Furthermore the Commission reminds that numerous national support schemes (feed-in tariffs, green-electricity obligations, investment support schemes, tender schemes etc.) are already in place to increase the economic viability of bioenergy projects. Already today, the 6th VAT directive (Article 28 (2) (i)) authorises Member States to apply – if they see fit - a reduced rate of minimum 5% to "wood for use as firewood".</p>
<p>1.4 - 1.6: Proposes that the EU rural development funds and EU structural funds should actively be used to initiate bioenergy business activity and create local and regional biofuels markets.</p>	<p>The Commission shares the Committee's view on the importance of the EU funds for supporting – amongst others - bioenergy activities within the EU. The Commission's strategic guidelines on these funds allow for high bioenergy investments. Additionally the Commission invites national authorities to include more renewable energy (incl. bioenergy) and energy efficiency activities into their national strategic frameworks and operational programmes for the period 2007-2013.</p>

<p>1.9: Highlights the need to improve awareness of the potential and use of wood fuel resources in the European Union and to improve stocktaking and monitoring of wood energy resources in all present and future Member States.</p>	<p>The Commission shares the Committee's view on the need to increase knowledge about wood availability, use, and mobilisation in Europe. These aspects will be subject of the Commission's forest action plan which will be published during this year.</p>
<p>1.3 - 1.11 - 1.12: Highlights the necessity to carry out research, development, demonstration, and dedicated information dissemination at European level on all aspects of bioenergy: from crop production and harvesting up to its conversion into useful energy.</p>	<p>The Commission shares the Committee's view on the importance of research, development, demonstration, and information dissemination on a European level. The specific programme "Cooperation" of the Seventh Framework Programme for Research FP7 (2007-2013) announces corresponding activities for the whole bioenergy process chain. The information dissemination component will be further supported through the "Intelligent Energy – Europe" sub-programme under the Competitiveness and Innovation Framework Programme CIP (2007-2013).</p>

<p>27. EU campaign to conserve biodiversity: position and contribution of civil society Exploratory opinion – EESC 752/2006 - May 2006 Rapporteur: Mr Ribbe (Var. Int./AT) DG ENV – Mr DIMAS</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The Committee requests details of the proposed review of the habitats and birds directives.</p>	<p>The reporting exercise by Member States on implementation of the Habitats Directive is foreseen in 2007. The Commission will make an assessment in 2008 on the basis of these reports. On the basis of this assessment, the current College may recommend next steps to the next College. Any review of the directives to adapt them to available scientific knowledge would commence in 2010, following the evaluation (announced in COM(2006)216 of 22 May 2006) of the extent to which the EU has met the target of halting the loss of biodiversity by 2010.</p>
<p>The Committee highlights the need for funding for biodiversity both within and outside Natura 2000 areas.</p>	<p>The need for such funding is clearly addressed as a key supporting measure to halt the loss of biodiversity in COM(2006)216. At the Community level, provision for such co-financing is made, <i>inter alia</i>, through the Cohesion Fund, European Regional Development Fund and European Social Fund and under the Common Agricultural Policy (notably Rural Development) as well as within the Life+ instrument and under the Seventh Framework Programme for Research. These opportunities are all highlighted in the EU Action Plan to 2010 and Beyond SEC(2006)621 annexed to COM(2006)216. However, responsibility rests with Member States to take up these opportunities. The need for Member States to allocate own resources, in particular in view of the decision on the financial perspectives of December 2005, is also made clear in the COM. The Commission will take into account the Committee's opinion during the implementation of the various co-financing programmes mentioned.</p>

<p>The Committee highlights the importance of education, awareness and public participation in support of biodiversity.</p>	<p>These issues are highlighted as a key supporting measure in COM(2006)216. The annexed EU Action Plan to 2010 and Beyond SEC(2006)621 specifies the development of a communications strategy to support implementation of the COM, and support for Countdown 2010 is also specified. The COM also identifies 'building partnerships' as a key supporting measure to halt the loss of biodiversity, and the annexes EU Action Plan specifies some key partnerships to be developed, <i>inter alia</i> farming, business and the finance sector. COM(2006)216 also announces a broad public debate on a longer-term vision on nature and development as a frame for implementation and further policy development. The Commission will take into account the Committee's opinion in the elaboration of these actions.</p>
<p>The Committee proposes that biodiversity should become an integral part of the trade system.</p>	<p>COM(2006)216 identifies as a key priority: 'To substantially reduce the impact of international trade on biodiversity and ecosystem services.' A number of actions are specified in this regard in the annexed EU Action Plan to 2010 and Beyond SEC(2006)621.</p>
<p>The Committee proposes that biodiversity actions be fostered under the Lisbon strategy.</p>	<p>COM(2006)216 makes clear the relevance of action for biodiversity to the Lisbon strategy. Biodiversity objectives are integrated in the Lisbon partnership for growth and jobs. The COM identifies strengthening EU decision-making for biodiversity as a key supporting measure, and in this regard proposes that policies and budgets developed under the Lisbon strategy national reform programmes take due account of biodiversity needs.</p>
<p>The Committee calls for full assessment of the economic importance of biodiversity in Europe, and for the internalising of external environmental costs.</p>	<p>Elements of such an assessment are provided in COM(2006)216 and the related impact assessment SEC(2006)607. The EU Action Plan SEC(2006)621 provides for further work towards taking account of costs to natural capital and ecosystem services in decision-making., as well as expanding incentives for people to take care of</p>

	<p>biodiversity. The renewed Sustainable Development Strategy (adopted by the European Council on 16 June 2006) also provides for further work on internalising external costs and on the identification and removal of 'perverse' subsidies which encourage damages to biodiversity.</p>
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<p>33. The management of industrial change in cross-border regions following EU enlargement Exploratory opinion for the AT Presidency – EESC 586/2006 - April 06 Rapporteur: Mr Krzaklewski (Var. Int./PL) DG REGIO – Ms HÜBNER</p>	
<p>Main Points of the EESC Opinion</p>	<p>Position of the Commission</p>
<p>Following the request of the Austrian Presidency in 2005, the EESC has prepared this opinion, in which it addresses a number of recommendations to the next Council Presidency.</p>	<p>The Commission welcomes the opinion of the EESC on this issue and it is very much in favour of its main conclusions. It also notes that the recommendations are addressed to the next Council Presidency.</p>
<p>The EESC urges the Council to establish a precise and distinct definition of the term "region" in a cross-border and industrial context.</p>	<p>The Commission reminds that, for the purpose of cross-border cooperation, a definition of such regions can be found in Article 7 of the proposal for a Council Regulation laying down general provisions on the ERDF, the ESF and the Cohesion Fund.</p>
<p>The EESC considers that businesses which have previously received support and then relocated jobs, or which have dismissed workers at their original location following relocation without complying with national and international legislations, should not be eligible for support from the Structural Funds.</p>	<p>The Commission notes that Article 56 of the proposal for a Council Regulation laying down general provisions on the ERDF, the ESF and the Cohesion Fund stipulates that undertakings which are or have been subject to a procedure of recovery following the transfer of a productive activity within a Member State or toward another Member State shall not benefit from a contribution from the Structural Funds.</p>
<p>The EESC suggests increasing the availability of Structural Funds in cross-border regions.</p>	<p>The Commission underlines that, following the final inter-institutional agreement on the 2007-2013 Financial Perspectives, the ERDF resources devoted to cross-border cooperation in the coming period will be approximately 50% higher than those of the current period. In its initial proposal, the Commission advocated for an even more substantial increase.</p>

<p>The EESC considers that the new European Grouping of Territorial Cooperation (EGTC) should play a decisive role in fostering cross-border cooperation and demands the inclusion of the economic and social partners, as well as other interested civil society organisations, as potential members.</p>	<p>The Commission shares the view of the EESC on the importance of this brand new instrument to promote and to ease cross-border cooperation. According to Article 2 of the proposal for a Regulation of the EP and of the Council establishing a EGTC, the EGTC shall be made of bodies of public law or associations of such bodies.</p>
<p>The EESC stresses the key role to be played by the economic and social partners and the civil society in these regions.</p>	<p>The Commission completely agrees on this point and reminds that, as it was initially proposed by the Commission, the practical implementation of the partnership principle, which is one of the corner-stones of the Cohesion Policy, will in the next programming period be extended not only to regional, local, urban authorities and the economic and social partners, but also to bodies representing civil society, environmental partners, non-governmental organisations, and bodies responsible for promoting equality between men and women (Article 10 of the proposal for a Council Regulation laying down general provisions on the ERDF, the ESF and the Cohesion Fund).</p>

<p>44. Situation of civil society in the Western Balkans COM (2005) 209 final –CESE 751/2006 - May 2006 Rapporteur Mr DIMITRIADIS DG - REHN</p>	
<p>Main Points of the EESC Opinion</p>	<p>Commission Position</p>
<p>Encouragement of dialogue between EU civil societies and the candidate countries.</p>	<p>The Commission is actively contributing to the implementation of the civil society dialogue as requested by the Committee of Regions</p>
	<p><u>Turkey</u></p> <p>Since June 2005 three EC-funded CSD programmes providing assistance worth approximately 3.7 million € have supported the establishment of partnerships and co-operation networks between Turkey and EU-based civil society organisations in areas ranging from NGOs to Universities and culture. The level of interaction between European and Turkish organisations will continue to increase especially towards the end of the year when all selected projects will have started implementation on the ground.</p> <p>A more substantial amount of funding is earmarked under the ongoing 2006 programming exercise for the EU-Turkey pre-accession assistance. A total of approximately 70 million € will be allocated to the CSD in 2006, thus exceeding the 40 million € originally foreseen in the communication.</p> <p>A first financing proposal of approximately 25 million € was already adopted on 9 June. It includes four grant schemes aimed at funding bilateral EU-Turkey co-operation projects between <i>Towns and local communities, Professional Organisations, Universities, and Youth Organisations.</i></p>

	<p>An interpretation and translation facility and the Jean Monnet post-graduate scholarships will also be funded. Additional funds will be committed towards the end of the year, and will include a substantial increase of the pre-accession allocation financing Turkey's participation in Community programmes in the field of education (such allocation may reach 40 million € up from the current 25 million €), as well as two grant schemes addressing Chambers of Commerce and Trade unions.</p> <p><u>Croatia</u></p> <p>With Croatia, three Grant schemes for Civil Society Organisations under implementation:</p> <ul style="list-style-type: none">• CARDS 2003 "Support of Civil Society Active in the Field of Environment" (0,2 m€)• CARDS 2004 "Good Governance and the Rule of Law" (1,2 m€)• Phare 2005 "Small Projects Funds" (0,5 m€) <p>Two grant schemes are in preparation:</p> <ul style="list-style-type: none">• CARDS 2004 "Support of Civil Society Active in the Field of Environment" (0,6 m€)• Phare 2006: "Civil Society participation in EU pre-accession process" (3 m€)
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B. OPINIONS TO WHICH THE COMMISSION HAS GIVEN A SUBSTANTIVE REPLY TO THE COMMITTEE'S SUGGESTIONS

<p>38. The mobility of persons in the enlarged Europe and its impact on means of from transport Q4 05 Own-initiative opinion – EESC 1250/2005 – October 2005 DG TREN – Mr BARROT</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission position</p>
<p>1.3: The development of the means of transport to meet the likely demand for mobility over the coming two to three decades must be carried out with a view to achieving the objectives set out at the Lisbon Summit in 2000.</p>	<p>The Commission agrees with the Committee's analysis and welcomes its support for the Lisbon strategy.</p>
<p>1.5: Any assessments and measures relating to the development of passenger transport must, in order to be inclusive and guarantee equal opportunities, take account of the rights of passengers with reduced mobility (PRMs), such as people with disabilities, older people, and very young children.</p>	<p>The Commission recognises the problems encountered by persons with reduced mobility and is aware of the need to ensure that they have access to transport, as indicated in Commission Communication COM (2006)314 of 22 June 2006 on the mid-term review of the white paper on transport. After the initiative taken in the area of air travel, the Commission intends to examine possible solutions to the problems encountered by persons with reduced mobility in the area of sea transport and international coach transport.</p>
<p>1.7: At the end of 2005 the Commission will present a communication regarding the mid-term results of the proposals it made in the White Paper on European Transport Policy for 2010: Time to Decide. This will allow assessments to be drawn up on whether users have successfully been put at the heart of transport policy, and whether consideration given to sustainable development has resulted in a real transfer of increases in freight transport away from roads to alternative means of transport (rail, inland waterways and sea).</p>	<p>On 22 June 2006 the Commission adopted Communication COM (2006)314 on the mid-term review of the White Paper on transport. The new guidelines are along the same lines as former policies while taking into account the changes that have taken place since 2001: enlargement, globalisation, environmental considerations, international connections. Users are increasingly at the heart of transport policy and will continue to be so in the future. There has been progress in the area of passengers' rights, although more needs to be done in this area. Accessibility has</p>

	<p>been improved in certain regions, for example with the regional airports, although more needs to be done, for example in opening up the outermost regions. Access to transport by persons with reduced mobility is also a key societal development and policy issue. Giving consideration to sustainable development has led to significant reductions in pollutant emissions and increases in freight transport away from roads to alternative means of transport. However, in relative terms, modal shares remain practically unchanged, and modelling confirms that, overall, modal transfer will stabilise in the long term.</p>
<p>1.8 – 1.9 – 1.10: In the view of the Committee, a global debate on passenger travel is needed. The prioritisation of freight transport has led to road infrastructure projects being favoured over other means of transport.</p>	<p>The Commission does not agree with this analysis. A general debate on transport, including passenger transport, was held recently and led to the Commission Communication COM (2006)314 of 22 June 2006 on the mid-term review of the White Paper on transport, which provides a working basis for new initiatives and measures. This communication is accompanied by a detailed impact assessment of the transport sector. One of the actions planned for 2007 in this communication is a report on transport scenarios with a 20- to 40-year time horizon. The Commission also points out that in recent years there has been a significant development in high-speed passenger trains in the EU, which have been boosted by the Community policy of trans-European networks. However, it notes the Committee's wish for greater emphasis to be put on passenger transport in a new white paper in 2010 on transport.</p>
<p>2.1: The Committee calls on the Commission to take action to make Europe's citizens and policymakers more aware of the geographical dimensions that Europe has attained today and will have attained in the near future.</p>	<p>The Commission welcomes this suggestion by the Committee and has already included it in the mid-term review of the white paper on transport adopted on 22 June 2006.</p>
<p>2.2: Potential scope of a general appraisal of the mobility of persons.</p>	<p>The Commission notes this suggestion for a general appraisal of transport and reminds the Committee that such an appraisal was carried out</p>

<p>.</p>	<p>in 2005/2006 and led to Commission Communication COM (2006)314 and to an impact assessment concerning European transport policy.</p>
<p>2.3.4: 2.3.4 The Committee noted with interest the document published by the Commission in September 2004, <i>European energy and transport: Scenario on key drivers</i>. Chapter VI deals with transport and gives us some insight into the future. It would be useful to review these figures in order to identify and extract the data relating to passenger transport, currently presented together with freight transport, which still holds a dominant position in these statistics.</p>	<p>The Commission can support this suggestion and examine the technical possibilities for the proposed new presentation of the figures.</p>
<p>2.3.8 and 3.4. The Committee calls on the Commission to initiate a comprehensive and targeted study to assess, as fully as possible, the quantitative and qualitative needs in passenger transport that have to be met by 2020 and 2030.</p>	<p>This is among the actions planned for 2007 in Commission Communication COM (2006)314 of 22 June 2006 on the mid-term review of the White Paper on transport; more precisely, a report is to be drawn up on transport scenarios with a 20- to 40-year time horizon.</p>
<p>3.5: The Committee suggests that these discussions could be the subject of a new Transport Policy White Paper in 2010 attaching greater importance to this than in 2001. This should allow the requirements that will confront passenger transport by 2020/30 to be met.</p>	<p>The Commission notes the Committee's suggestion.</p>
<p>3.6: The Committee recommends that the Commission, together with the Member States concerned, introduce the necessary means to ensure the best possible mobility for people, in the best possible conditions and line with the principle of sustainable development.</p>	<p>The Commission notes this suggestion, which is broadly contained in Commission Communication COM(2006)314 on the mid-term review of the white paper on transport.</p>

3.7: The Commission stresses in conclusion that a united Europe must ensure that Member States offer a balanced transport service, both for freight and passengers. It wishes to be notified when the appraisal is launched and to be involved therein, and also to be consulted on the conclusions.

The Commission notes this suggestion.

<p>11. 1st quart. The role of Railway stations in the cities and conurbations of an enlarged EU</p> <p>06 Own initiative opinion - EESC 232/2006 - February 2006 Rapporteur: Mr Tóth (var. Int./HU) DG TREN - Mr Barrot</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission's position</p>
	<p>The Commission appreciates that the opinion examines the multi-dimensional analysis of the role railway stations have in the transport system in the EU, in particular after the enlargement in May 2004. This comprehensive approach is interesting and provides a useful input for the elaboration of policy documents and legislative proposals.</p>
<p>1.1: The European Economic and Social Committee urges that its recommendations should be included in the material being developed in response to the currently ongoing review of the <i>White Paper on European transport policy for 2010: time to decide</i> (COM(2001) 370).</p>	<p>The Commission wish to inform that the EESC recommendations have been included in the material being developed within the mid-term review of the 2001 White Paper on transport. For instance, safety and security issues have been taken into consideration and reinforced in the review. Accessibility, social and territorial cohesion, fair competition, interoperability are important aspects that have been deeply outlined. Environmental issues have been strongly addressed. Increasing effective access to transport for passengers with reduced mobility has also been addressed and explicitly indicated in the text. Urban transport has been also tackled with the aim to identify potential European added value to actions at local level, fully respecting subsidiarity.</p>
<p>1.4: EU legislation must take account of public expectations of international railway stations with regard to general improvements in passenger safety and protection from terrorist attacks</p>	<p>The Commission takes note of the EESC position and wish to inform that it intends to issue in early 2007 a communication on passenger surface transport security.</p>

<p>1.7 and 1.8 (conclusions): Highlights need to develop station areas for their primary functions rather than shopping and working, whilst underlining the need to create jobs.</p>	<p>The Commission shares the Committee's view that railway station development projects should boost the creation of new jobs. The Commission would like to observe though that building facilities for shops and offices in the vicinity of stations or as part of stations contributes to boosting the revenues of the organisations managing these facilities, such as infrastructure manager..</p>
<p>3.3; 4.1.2; 4.2.2: Highlights the need to provide appropriate information and travel information to passengers in relation to tickets; timetables; access conditions, etc:</p>	<p>The Commission shares the Committee's view concerning the importance of providing high-quality information to passengers. It would like to refer to its proposal tabled within the framework of the third railway package on passengers' rights and obligations. This proposal is now discussed in the European Parliament and within the Council.</p>
<p>5: Models for development: Underlines the consequences of the restructuring process started in the rail sector with the adoption of the first legislative measures in the early nineties</p>	<p>The Commission would like to observe the restructuring of the sector in the EU has not necessarily led to a privatisation in the meaning of a transfer of ownership from public to private parties. One of the consequences though was the separation of essential functions (infrastructure and station management, capacity allocation, safety-issues) from transport operations. Furthermore, the amended Directive 91/440 requires the Member States to allow railway undertakings to be managed according to the same principles that apply to any commercial undertaking.</p>
<p>6.1: Trends in the EU</p>	<p>The Commission shares the view of the Committee concerning the importance of cross-sectional co-operation, and the Commission is glad to inform that the internal procedures already provide for this to a very large extent. What's more, several policy areas are now addressed in a</p>

	<p>comprehensive way by creating task-forces ensuring that policy initiatives are fully coherent with actions undertaken in other domains, such as the Maritime Policy Task Force.</p>
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<p>6. Proposal for a Directive of the European Parliament and of the Council on the placing on the market of pyrotechnic articles COM (2005) 457 final – EESC 730/2006 – May 2006 Rapporteur: Mr CASSIDY (Empl./UK) DG ENTR – Mr Verheugen</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The EESC in general supports the Commission draft directive but makes the following recommendations.</p>	<p>The Commission takes note of the general support of the European Economic and Social Committee and of its recommendations.</p>
<p>The Commission should consider a longer period for transposition than that allowed for in the current Article 20. The period allowed for fireworks is only 24 months after publication of the directive, whereas for other pyrotechnic devices it is five years. Given the long lead time for importers of fireworks from China and other sources, estimated by distributors in the EU to be at least three years, the EESC recommends that the same length of time should be allowed for fireworks as for other pyrotechnic devices, i.e. five years.</p>	<p>The Commission will take the recommendation to consider a longer period for transposition into account during the negotiations with the other institutions. It is however of the opinion that the suggested transition period of five years for fireworks is too long, since many European standards for fireworks are already existing and have to be followed by importers in most EU Member States.</p>
<p>The Committee points out that the arrangements for testing fireworks and for meeting the CEN specification impose responsibilities on importers and distributors. It recommends therefore that it should be made clear in the directive that importers must specify the standards to be obtained for the CE marking when placing their orders with manufacturers throughout the world. The responsibility for testing and for CE marking should rest with the manufacturer, with the importer having a secondary responsibility for ensuring that products bearing the CE mark are genuinely able to meet the CEN standards to avoid counterfeit</p>	<p>The Commission will take the suggestion to better clarify the obligations of importers of pyrotechnic articles into account during the negotiations with the other institutions.</p>

<p>products being put on the market.</p>	
<p>The Committee believes that customs and other authorities in the Member States should also be involved in monitoring that products bearing the CE mark are genuinely meeting the standard.</p>	<p>The Commission shares this point of view and will communicate it to the Member States in the framework of the committee which will be set up by the Directive.</p>
<p>Article 14 sets up arrangements for rapid information on products presenting serious risks. The RAPEX system could also be used as an interim measure until the directive comes into force.</p>	<p>The Commission agrees that the Rapex system is indeed a suitable instrument for transmitting rapid information on products presenting serious risks. It has already been used to transmit information on fireworks.</p>
<p>For pyrotechnic products used in the automotive industry, Article 12 (1) requires manufacturers to ensure that they "are properly labelled in the official language(s) of the country in which the article is sold to the consumer". The Committee believes the reference to the consumer is misleading as most pyrotechnic articles are fitted to motor vehicles at the manufacturing stage. The information for Original Equipment can therefore continue to be used in the current language (English). However, manufacturers of this equipment are concerned about the obligation to print instructions in all the official languages of the 25 countries because they have no control over which country the device will be used in. The Committee believes that the manufacturers' Safety Data Sheets should be sufficient as the information they contain is mainly diagrammatic and statistical.</p>	<p>The Commission will bear this comment in mind, pending the outcome of negotiations with the other institutions.</p>

<p>The Committee has learned that in some Member States there are a number of micro enterprises involved in the manufacture of fireworks for special local occasions. Member States must ensure that these enterprises also respect the safety requirements of the directive.</p>	<p>The Commission is of the opinion that all pyrotechnic articles which fall under the Directive and which are placed on the EU market should be in conformity with the essential safety requirements of the Directive.</p>
<p>Automotive pyrotechnical devices should be covered by a UN/ECE regulation under the 1958 Agreement (WP 29 in Geneva) rather than in a standard.</p> <p>The Committee believes that for automotive pyrotechnical devices, the Commission should be prepared to accept some form of type approval.</p>	<p>The Commission is of the opinion that the creation of a European standard which will be simultaneously developed as an international ISO standard for automotive pyrotechnic articles is preferable to a UN/ECE regulation. Many pyrotechnic articles used in the automotive industry also have other uses and would have to be approved twice if covered by a UN/ECE regulation and the European whole vehicle type approval system.</p>

<p>7. Proposal for a Directive of the European Parliament and of the Council relating to restrictions on the marketing and use of perfluorooctane sulfonates (amendment of Council Directive 76/769/EEC) COM(2005) 618 final – EESC 731/2006 – May 2006 Rapporteur - Mr Sears (Empl./UK) DG ENTR – Mr Verheugen</p>	
Main points of the EESC Opinion	Commission Position
<p>The EESC supports the two restrictions on PFOS-related substances as defined in the proposal, i.e. (1) they may not be placed on the market or used as a substance or constituent of preparations equal or higher than 0.1% by mass and (2) they may not be placed on the market in products or parts thereof in a concentration equal or higher than 0.1% by mass.</p>	<p>The Commission welcomes the EESC's support.</p>
<p>The EESC also supports the derogation in paragraph (3) that paragraphs (1) and (2) above shall not apply in the six specific cases set out in the proposal.</p>	<p>The Commission welcomes the position adopted by the EESC, especially the suggestion that derogations for controlled closed systems should be a standard feature for most substance restrictions.</p>
<p>The EESC recommends that the derogation for chromium plating should be reviewed after 5 years.</p>	<p>The Commission takes note of the EESC's recommendation and wishes to inform the EESC that time limits for the derogations or a review clause are also under discussion in the European Parliament and the Council.</p>
<p>The EESC recommends that proper disposal routes for existing stocks of fire-fighting foams and for run-off from major fires must be agreed.</p>	<p>The Commission takes note of the EESC's recommendation but would like to point out that the proposed Directive is not the appropriate tool to address these issues.</p>

<p>8. Proposal for a Directive of the European Parliament and of the Council amending Council Directives 90/385/EEC and 93/42/EEC and Directive 98/8/EC of the European Parliament and the Council as regards the review of the medical device Directives COM (2005) 681 final – EESC 732/2006 – May 2006</p> <p>Rapporteur: Mr Braghin ((Empl./IT) DG ENTR – Mr VERHEUGEN</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The opinion of the European Economic and Social Committee recognises that the Commission proposal regarding the review of medical devices Directives “deals more with regulatory clarification than regulatory change”, and “welcomes the Commission proposal”. It is recognised that the introduced changes aim at providing increased clarity, greater transparency, and support a high level of health protection. However, the Committee has some reservations that are outlined in the opinion.</p>	<p>The Commission has analysed and taken account of the opinion and comments of the EESC. The Commission’s position is summarised below.</p>
<p>The EESC is of the opinion that single use medical devices should be used just once. However, the EESC is against the exclusion of reprocessing from the proposed text. The EESC therefore asks that the reprocessing company be at least required to submit a set of data on the type of operation conducted and provide similar guarantees of quality and safety to those that apply to the original product. Users and patients should be clearly informed of the situation.</p>	<p>The Commission agrees that the issue of the reprocessing of single use devices is a legitimate issue.</p> <p>Today, this issue is principally regulated at national level and there are significant divergences between the Member States.</p> <p>This question has been highlighted during the Internet consultation on the revision of the medical devices Directives. Resulting consultations and debate has shown that this is a very complex area. The issues that would need wider consultation and consideration include:</p> <ul style="list-style-type: none"> - the need for information on the exact profile of this industrial sector, - the analysis of the current situation and regulation in the Member States, - subsidiarity considerations, - the interpretation of the term “single use”, - the definition of requirements applicable to these products, - the impact of an EU regulation on international trade, - ethical and liability considerations.

	<p>It will be necessary to determine the appropriate regulatory framework to cover this issue and particularly if a legislation on products or on provision of services is needed.</p> <p>The Commission has to consider these scientific, legal and political aspects in order to give appropriate answers to the citizen. It has to find solutions which ensure a high level of protection of the health.</p>
<p>The EESC agrees on the need for every non-Community manufacturer to designate an authorised representative. However, it also insists that a “flexible system allowing real freedom of choice for industry” should be the norm.</p>	<p>The Commission welcomes the suggestion that the system shall be flexible, therefore giving the manufacturer the possibility of choice.</p> <p>The Commission will take this consideration into account in the framework of the negotiations with the other institutions. It will follow on this point the work already done in the review of the “new approach” Directives.</p>
<p>The EESC believes the use of the European databank should be compulsory rather than optional. It also points out that information contained in the databank, available to the public, should be extended.</p> <p>It also underlines that a “reasonable amount of non-confidential information should be made available to the stakeholders directly concerned”.</p>	<p>The Commission agrees with the EESC on the fact that the use of the European databank (EUDAMED) must be compulsory. Article 14a of the medical device Directive already provides that the data mentioned in this provision shall be stored in this databank. The Commission is preparing a measure to implement this article. Furthermore, the Commission’s proposal envisages that the databank will store enlarged information over and above that already defined in Article 14a, in particular data related to clinical investigations.</p> <p>The issue of increased transparency to all the parties involved in the application of the Directive has been considered in the revised Article 20 proposed by the Commission. This modified provision will allow some data to be considered non-confidential.</p>

Intended purpose and relevant mode of action (principal or ancillary) as criteria to take into account when deciding the applicable community act (such as the medical device Directive and the proposed “Advanced Therapies Regulation): the EESC is of the opinion that this approach should be enforced as a general principle.

The Commission proposal makes cross references to the Advanced Therapies Regulation, presently being developed at Council and Parliament level (co-decision procedure). Some adaptations will be required, at a later moment, to take into account the development of both legislative texts.

On substance, the Commission is in favour of this approach (intended purpose/relevant mode of action), as a general rule. However, due the particular nature of potential risks associated with human viable tissues, a different approach may be required to deal with combination products (medical device plus human viable tissues) – regardless whether the tissues have a “principal” or “ancillary” mode of action.

As regards human non-viable tissues, if it is clear that these products will not be covered by the Advanced Therapies Regulation, the Commission will consider proposing a legislative initiative under the Medical Devices regulatory framework.

This would give satisfaction to the EESC statement that “a large proportion of human engineered products are more similar to medical devices than to drugs”.

<p>The EESC proposes that the Commission should enlarge the scope of Directive 2003/32/EC to Active Implantable Medical Devices.</p>	<p>Certain animal tissues utilised in medical devices, are covered by a specific Commission Directive (2003/32/EC). However, as a “Commission Directive”, it is legally appropriate that the enlargement of its scope will be done through an amendment adopted by comitology, instead of an amendment of a Parliament and Council Directive. In the original text, submitted by the Commission to public consultation, the reference to “animal tissues” was contemplated. It was later withdrawn under these considerations. The Commission will therefore introduce a proposal to enlarge the scope of Directive 2003/32/EC to active implantable Medical Devices.</p>
<p>The EESC is against the possibility of two Directives simultaneously applying different requirements for the shared objective of protecting the user (i.e. the Directive on medical devices and the Directive on personal protective equipment). It calls for a return to the original text of Article 1(6) of Directive 93/42/EC.</p>	<p>The aim of the proposal of the Commission is precisely to clarify that only the medical device Directive applies to personal protected equipment (PPE) which is also intended to be used as a “medical device”. This aspect of the proposal should be read in conjunction with Article 1.4 of Directive 89/686/EEC concerning personal protection equipment. According to this provision “This Directive does not apply to PPE covered by another Directive designed to achieve the same objectives as this Directive with regard to placing on the market, free movement of goods and safety”.</p>

<p>9. Proposal for a Directive of the European Parliament and of the Council on improving the portability of supplementary pension rights COM (2005) 507 final – EESC 589/2006- April 2006 Rapporteur: Ms ENGELEN-KEFER (Work/DE) DG EMPL - Mr ŠPIDLA</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The Committee calls for sufficient account to be taken of the implications of the measures proposed in relation to the various supplementary pension schemes in force in the Member States and of the potentially greater expenditure within supplementary pension schemes.</p>	<p>In the negotiations with the other institutions, the Commission will continue to study the impact of the directive, taking into account the different types of scheme in question and the possible cost implications.</p>
<p>The Committee calls for provision to be made for transitional arrangements enabling employers to gradually bring pension schemes into line, to avoid negative effects on the financial contributions by employers to the establishment of supplementary pensions.</p>	<p>The Commission's proposal already includes transitional arrangements or exemptions in order to avoid negative financial effects which, in turn, might affect the employer's decision to continue with or introduce supplementary pension schemes.</p>
<p>In keeping with the fundamental objectives of the Directive, the Committee would like the deadlines for its implementation should be kept as short as possible, taking into account what is actually necessary in each country.</p>	<p>The Commission enters a reservation on this suggestion pending the results of the negotiations with the other institutions.</p>
<p>The Committee believes that the block exemptions without time limits for certain implementation processes should be reconsidered.</p>	<p>The Commission enters a reservation on this suggestion pending the results of the negotiations with the other institutions.</p>
<p>The Committee calls for accompanying measures in the field of taxation of supplementary pension schemes.</p>	<p>The Commission, as announced in its Communication of 19 April 2001, will continue its activities with a view to eliminating tax treatment of supplementary pension rights contrary to the fundamental principles of the treaty (non-discrimination, free movement of persons,</p>

	<p>services and capital). As regards the tax treatment of cross-border contributions, several infringement procedures have already been initiated against the Member States. The Court of Justice is expected to rule within the next twelve months on <i>Commission vs Belgium</i>, Case C-522/04, where, amongst other issues, it is asked to judge the compatibility with the EC Treaty of a law which taxes cross-border transfers of pension capital, while exempting domestic transfers. In the coming year, in relation to complaints, the Commission also expects to examine the tax treatment of transfers in the other Member States.</p>
<p>The Committee calls for all forms of termination of employment (including redundancy) to be included in the scope of the directive.</p>	<p>The Commission will take this suggestion into account in future negotiations with the other institutions.</p>
<p>The Committee considers that at European level, rules on conditions for acquisition should focus on principles and provide direction for measures at national level, thereby leaving the social partners sufficient room for collective bargaining. Thus, Article 4 of the directive should be replaced by the following: "where conditions for acquisition are stipulated, such as minimum age, waiting periods and/or vesting periods, such conditions should be fair and justified on objective (and non discriminatory) grounds."</p>	<p>The Commission recognises the key role played by the social partners in the area of supplementary pension schemes. For this reason, the proposal provides for the possibility of the social partners' implementing (certain provisions of) the directive through collective agreements. The Commission will await the outcome of the negotiations with the other institutions before deciding whether to amend the proposal relating to the role of the social partners. It enters a reserve concerning the change to the text of Article 4 suggested in the opinion. It considers that it is essential to make provision at European level for certain limitations on the conditions of acquisition in order to make genuine improvements as regards portability and mobile workers' possibilities of building up sufficient pension rights throughout of their careers.</p>

<p>10. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and Committee of Regions – Situation of disabled people in the enlarged European Union: the European Action Plan 2006-2007 COM (2005) 604 final – EESC 591/2006 – April 2006 Rapporteur: Ms Tatiana GREIF (Var.Int./SI) DG EMPL – Vladimir SPIDLA</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The Committee has received the Communication with great interest. The Committee welcomed particularly that the Commission has chosen to follow-up on the results EYPD through its Biannual report and to introduce a continuous Action Plan that allows to efficiently monitor progress and commit the stakeholders to concrete actions. The Committee followed to large extend the structure of the Communication when drafting its Opinion. However, according to the Rapporteur, Ms. Greif, the information value of the Communication was limited. The Rapporteur would like to see more focus on accessibility issues. Also, the focus on the phenomenon of multiple discrimination, especially with regards to disabled women, should be addressed with greater attention.</p>	<p>The Commission would like to stress that accessibility issues have been covered by one of the priorities – access to services. The Commission will reconsider the need to focus on the issue of multiple discrimination in its next Communication.</p>
<p>Rapporteur Greif stressed that the disabled people was a heterogeneous group and that this fact should be highlighted in the Communication. The Rapporteur was also of the opinion that the employment of disabled people was not sufficiently integrated into the European Employment Strategy and the Lisbon Strategy and called for integration of disability issues into the revised EES</p>	<p>The Commission is fully aware of the complexity of the disability issue and does not view disabled people as one single heterogeneous group. However, addressing each and every group in the Communication is difficult. The Commission does not agree that employment of disabled people is not reflected within the EES. In January 2005, the Commission issued a working paper specifically on this issue.</p>

<p>While endorsing the Communication focus on active employment, the Rapporteur called for stronger focus on areas other than employment – independent living, education, culture, right to sexual life, etc</p>	<p>In order to achieve tangible results and have a credible strategy, one needs to avoid too broad goals and focus on limited number of areas. The Communication focuses on four areas which, to some extent, comprise the issues mentioned by the Rapporteur.</p>
<p>The Committee called for greater involvement of (particularly smaller) NGOs and supported the idea of introducing a Directive focusing specifically on discrimination against disabled people. The Committee welcomed the introduction of the European Year of Equal Opportunities 2007.</p>	<p>The European Commission is actively involved in a dialogue with NGOs and other organisations representing people with disabilities. Introduction of a specific Disability Directive in addition to Directive 2000/78 is currently not on the agenda of the Commission.</p>

<p>11. Strategy for open co-ordination on social protection COM (2005)706 final –EESC 596/2006 - April 2006 Rapporteur: Mr. OLSSON (Var. Int./SE) DG EMPL - Mr SPIDLA</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The EESC agrees with the thrust of the Communication and urges the European Commission and the Member States to send a clear and positive message to the citizens of increased efforts to highlight the social dimension as the third pillar of the Lisbon Strategy. The EESC also points out that in bringing together the strands that are at significantly different stages of progress, account must continue to be taken of the specific characteristics of the three individual strands, the different stages of progress, as well as to the differences between Member States. The EESC thinks that the use of the Open Method of Coordination in different sectors has not delivered the expected results, as Member States have not shown any real commitment to the objectives and actions agreed upon.</p>	<p>The Commission agrees with the opinion of EESC, with which it is in agreement. Similar views on the need to re-launch the social dimension of the Lisbon strategy were also expressed by the Social Protection Committee and the Economic Policy Committee and led to the streamlining of the Open Method of Co-ordination in social protection and inclusion (OMC).</p> <p>The streamlining of the open co-ordination on social protection is also meant to raise the political profile of the exercise, taking account of the principle of subsidiarity.</p> <p>In light of the agreement between the institutions, there will be no specific follow-up.</p>

<p>The EESC deems that there is still much too little involvement of social partners and other key actors from organised civil society and is then in favour of extensive involvement in all phases, from policy-shaping to implementation and evaluation. The EESC also suggests that the Social Protection Committee (SPC) organise meetings on a more regular and broader basis with representatives of social partners and other relevant civil society organisations from both European and Member State levels. The EESC also believes that the government representatives on the SPC have a strong responsibility both to organise and take part in consultations with social partners and other relevant civil society stakeholders in their home countries.</p>	<p>The Social Protection Committee regularly meets with representatives of social partners and civil society. The Commission agrees that the involvement of stakeholders at national level has often been insufficient. In response to this, the Council has approved upon proposal from the Commission, the over-arching objective of strengthening governance. The Commission, together with the Social Protection Committee (in accordance with art.144 of the TEC) will monitor the implementation of the OMC, including the degree of involvement of stakeholders, and inform each year the European Council. In light of the substantial agreement between the institutions, there will be no specific follow up.</p>
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12. Employment Guidelines COM (2006) 32 final - EESC 746/2006 – May 2006 Rapporteur: Mr Greif (Work./AT) DG EMPL - Mr SPIDLA	
Main points of the EESC Opinion	Commission Position
Improved consultation with relevant actors in developing the National Reform Programmes.	The Commission agrees that improvements can be made in ensuring that the NRPs are more inclusively developed. The timetable this year should go some way towards ensuring this – and the issue will be looked at closely in the Commissions Annual Progress Report at the end of the year.

<p>14. Proposal for a Regulation of the European Parliament and of the Council on common rules in the field of civil aviation security COM(2005) 429 final - EESC 584/2006- April 2006 Rapporteur: Mr McDonogh (Empl./IE) DG TREN – Mr Barrot</p>	
Main Points of the EESC Opinion	Commission Position
<p>1.1 and 1.10: Member states shall finance the costs for more stringent measures from national budgets. The Commission shall draw up a comprehensive policy on financing security measures.</p>	<p>The Commission understands the rationale behind this recommendation. However, it believes that a Regulation on technical standards has to be separated from the much broader issue of financing the expenditure for the implementation of such standards and the financial consequences of more stringent measures.</p> <p>The Commission will soon publish a report on the financing of transport security. This report will include clarifications of the use of state aid rules in the field of transport security. The Commission expects that this report will form the basis for a political orientation debate on how to finance expenditure of operators for meeting EU standards in this field.</p>
<p>1.5: The Commission shall seek agreements with Third countries facilitating ‘one-stop security’ for transiting passengers.</p>	<p>The Commission agrees that it is highly desirable to extend the intra-EU system of one-stop security to selected Third countries where security standards are equivalent to EU-requirements. It is active in this area by virtue of concluding comprehensive agreements on air services, e.g. draft EU/US agreement, by gradually extending the Community acquis to neighbouring countries and by exploring the possibility of concluding special agreements for countries seeking mutual recognition of security standards.</p>

<p>16. The institutional framework for inland waterway transport in Europe Own-initiative opinion - EESC 599/2006 – April 2006 Rapporteur: Mr Simons (Empl./BE) DG TREN – Mr Barrot</p>	
<p>Main Points of the EESC Opinion</p>	<p>Commission Position</p>
<p>6.2.: With regard to the “institutional” options discussed in the Commission Communication on the promotion of inland waterway transport “NAIADES” (COM(2006)6), the EESC notes that closer cooperation is certainly required in the short term. The Commission’s accession to the CCNR (as proposed by the Commission in (SEC(2003)897) could also be a phase of this.</p>	<p>Favourable, since this opinion is in line with the Commission’s position in its Communication on the promotion of inland waterway transport “NAIADES” (COM(2006)6).</p>
<p>6.3. et seq.: The Committee prefers the option of creating a Pan-European Inland Navigation Organisation within which all the European organisations and countries concerned, including the EU, would cooperate.</p>	<p>The Commission will include this option in the impact assessment it is currently carrying out on the modernisation of the organisational structure for inland waterway transport in Europe.</p>

<p>21. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions Reducing the climate change impact of aviation COM (2005) 459 final – EESC 598/2006 – April 2006 Rapporteur Mr SIMONS (Empl./BE) DG ENV – Mr DIMAS</p>	
<p>Main Points of the EESC Opinion</p>	<p>Commission Position</p>
<p>From the earliest date possible, all intra-EU air traffic should be included in an open (EU) Emissions Trading Scheme, with a realistic baseline scenario, in order to reflect its (annually increasing) CO₂ contribution to climate impact.</p>	<p>The Commission aims to bring forward a legislative proposal for the inclusion of aviation in the system of trading in emission rights by the end of 2006 or as soon as possible after that date.</p>
<p>There are still many aspects of air transport in an EU ETS which the EESC feels require study, for example in the proposed and already active Working Group of Experts, before a definitive position can be taken on methods and timing.</p>	<p>When drawing up the legislative proposal and the accompanying economic impact assessment, the Commission will take account of the Committee's remarks, among others.</p>

<p>22. Proposal for a directive of the European Parliament and of the Council establishing a Framework for Community action in the field of marine environmental policy COM (2005) 505 final – EESC 585/2006 – April 2006 Rapporteur: Ms SANCHEZ MIGUEL (Empl./ES) DG ENV – Mr DIMAS</p>	
Main Points of the EESC Opinion	Commission Position
<p>The Committee proposes clarifying and strengthening the Commission's monitoring and coordinating role vis-à-vis the regional authorities that are required to assess and plan the targets and the measures for applying these to the marine environment under their control in order to harmonise and balance actions throughout coastal areas.</p>	<p>The Commission takes note of this point of the opinion, but reserves its position pending the results of the negotiations with the other institutions.</p>
<p>The EESC believes that quantitative descriptors should also be included in the definitions given (particularly the definition of good environmental status), since the objectives proposed in the Directive are so general that it could prevent them from being fully effective.</p>	<p>The Commission is fully aware of the possibilities of developing the descriptions included in the proposal in more detail, whether in the directive itself or at national level. However, it reserves its position pending the results of the negotiations with the other institutions.</p>
<p>The Committee considers that the environmental targets should, at the very least, be those specified in the Communication.</p>	<p>The objectives set out in the Communication, COM(2005) 504, in particular point 5.1, are essentially political in nature. Even if the actions implementing this proposal are ultimately inspired by these objectives, good environmental status should be defined more specifically and in terms more suited to the requirements of a legislative text.</p>
<p>The Committee considers that the ambiguous wording used in referring to the selection of special areas could lead to misuse; it therefore proposes that the reasons for this special status be clearly and carefully defined, along with the procedures for approval by the Commission.</p>	<p>The Commission takes note of this point, but reserves its position pending the results of the negotiations with the other institutions.</p>

<p>The Committee considers it necessary to emphasise the importance of the immediate application of all the previous measures affecting the marine environment, such as those relating to the ERIKA I, II and III packages, in particular referring to ports of refuge, the trans-European network for monitoring maritime traffic, setting up a Member State auditing system for ship registration, investigating and identifying waste (such as bombs, containers with radioactive products), etc.</p>	<p>The Commission would point out that nothing in the Communication or the proposal for a directive is intended to modify the timetables for application of the policies and measures previously decided on.</p> <p>Furthermore, the Commission shares the Committee's view of the importance of the measures indicated.</p> <p>The Commission considers that it is not appropriate to follow up this point of the opinion, particularly in view of the agreement between the two institutions.</p>
<p>The Committee also emphasises the importance of research in the marine environment, which will make it possible to establish the programmes of measures needed to restore good environmental status. Greater participation in the European Framework Programmes for Research is therefore required.</p>	<p>The Commission shares the Committee's view of the importance of research activities for ensuring correct implementation of the directive.</p> <p>These needs are directly reflected in the drawing up of appropriate research guidelines in the context of the 7th RTD Framework Programme.</p>

<p>23. The effects of international agreements to reduce greenhouse gas emissions on the industrial change processes in Europe Own initiative Opinion – EESC 593/2006 – April 2006 Rapporteur: Mr Zbořil (Empl./CZ) DG ENV – Mr Dimas</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
	<p>In general, the Commission has expressed at different occasions in the meetings of the Committee and the working group that it has strong reservations as regards a number of aspects of this report. The rapporteur did not take contact with the responsible Commission Services which could have resulted in clarifying quite a number of mistakes which seem to stem from misunderstandings, particularly with respect to emissions trading. The Commission also regrets that it was not invited to speak at the final plenary session that could have clarified these misunderstandings. The final document, therefore, includes a number of rather biased and unsubstantiated views.</p>
<p>1.5 The assumption which enjoys wide support in scientific circles – mostly in Europe – and is given great importance at the political level is that climate change is caused predominantly by the increase of greenhouse gases in the earth's atmosphere resulting from human activity, above all the burning of fossil fuels. This assumption is based on the correlation between a long-term growth in concentrations of greenhouse gases, especially carbon dioxide, in the atmosphere and the long-term trend in global temperatures in the twentieth century, as well as on results from climate models for assessing the extent and effects of climate changes in the future, taking account of projections of greenhouse gas emissions and their concentrations in the atmosphere.</p>	<p>Disagree. This clearly contradicts the findings of the Inter-Governmental Panel on Climate Change in its 3rd Assessment Report and subsequent scientific findings. The remark "mostly in Europe" is not based on any evidence and is purely polemic.</p>

<p>The opinion from the Committee states in paragraphs 1.6 and 1.9 that the climate models cannot simulate all the elements of the climate system with complete accuracy.</p>	<p>Disagree. <i>Per se</i>, no model will predict reality with "complete" accuracy. Still, on a global scale all climate models predict the same kind of changes. The uncertainties regarding the elements of the climate system are mostly present at regional level.</p>
<p>The opinion from the Committee mentions in paragraph 1.10 that the man-made global warming is a hypothesis.</p>	<p>Disagree. The 3rd report of the IPCC confirmed the observed man-made climate change. Based on this and more recent scientific reports the G8 leaders at their summit in Gleneagles in 2005 agreed that this climate change has to be treated with resolve and urgency.</p>
<p>2.1.1 ...The Directive came into force on 1 January 2005 and should enable operators of undertakings producing greenhouse gases to trade in such a way as to optimise the costs to them of reducing these emissions.</p>	<p>Factually incorrect. The Directive enables operators to meet their obligations under the National Allocation Plans in the most cost-effective manner. This does not necessarily mean that operators have to reduce their emissions. Should the marginal abatement costs be very high then operators can meet their obligations through realising 'cheaper' emission reductions elsewhere within the EU or in another country that has ratified the Kyoto Protocol as the net effect for the atmosphere is the same.</p>
<p>2.2 The Committee says that the EU ETS fails to create a level playing field at national level between individual manufacturing sectors.</p>	<p>Disagree. There is no reason why the system as such should distort a playing field between individual manufacturing level <i>within</i> Member States and <i>between</i> Member States. Indeed, criterion 5 in Annex III to the Directive provides that the NAPs shall not discriminate between companies or sectors in such a way as to <i>unduly</i> favour certain undertakings or activities.</p>
<p>2.7 Relatively little attention is paid to the very important issue of making Europe as a whole, and specifically the individual Member States, less vulnerable should climate changes occur. This very important sphere merits much</p>	<p>Disagree. There is no evidence that funds invested in adaptation yield the "greatest" benefits. Despite that, there will be a clear need to adapt to residual climate change in future.</p>

<p>greater attention and funds invested here yield the greatest benefit.</p>	
<p>3.2.3 The introduction of the European system of emission allowances trading (EU ETS) involves a rise in energy prices (the range is between 8% and 40%, depending on source and area) and a loss of competitiveness manifesting itself in a drop in GDP of between 0.35% and 0.82%. Also expected are a drop in the European economy's export performance and tougher competition with countries which, unencumbered by measures to reduce climate change, have low energy costs. The way the system is being introduced is very chaotic and is causing uncertainty in the investment environment as a whole, while favouring only those with inefficient processes and management systems.</p>	<p>Disagree. On the contrary, the Commission's economic assessment shows that the use of emissions trading reduces significantly the costs of meeting the Community's international legal obligation under the Kyoto Protocol. There is no evidence for the drop in GDP since the introduction of the EU ETS claimed by the authors. Rising energy prices that were observed worldwide in 2005 have many underlying causes, e.g. high demand for oil, political crises.</p> <p>The EU ETS was introduced in an orderly way, the emissions trading market was fully functional from the first day of the implementation of the EU ETS. More than 260 million allowances were traded during the first year. It has stimulated numerous new emission reduction projects under the Clean Development Mechanism and Joint Implementation.</p> <p>It is not true that the system favours those with inefficient processes and management systems, on the contrary companies that use the stimulus to reduce emissions will be rewarded since they require less allowances to cover their actual emissions and can, thus, sell the surplus.</p>
<p>3.2.4 In reality, EU ETS means that the system of allowances is such that modernised companies will have to buy allowances, while those who have invested no effort or resources will receive a "contribution" to their development in the form of allowances which they can sell.</p>	<p>Disagree. This is pure speculation. There is no evidence for this sweeping statement. This could only happen if allowances would have been systematically allocated in a distorted manner which apart from few exceptions does not seem to be the case when looking at the data after the first year of the operation of the EU ETS.</p>

3.2.5 (...) The truth is that even those who invented the system have not published any concrete figures for greenhouse gas emissions reduction following the introduction of EU ETS to show the benefits of the envisaged measures to reduce greenhouse gas emissions.

Disagree. The 1st compliance cycle for the year 2005 of the EU ETS was only closed in mid May 2006, i.e. before this report was discussed and adopted. Actual emissions in 2005 were in many installations lower than allowances allocated. This was partly achieved through to actual emission reductions. Again it should be noted that with emissions trading the reductions can also occur outside the EU. One principle objective is to ensure that emission reductions are achieved in the most cost-efficient way.

<p>31. Regulation of the European Parliament and of the Council on information on the payer accompanying transfers of funds COM (2005) 343 final – EESC 597/2006 - April 2006 Rapporteur: Mr. Burani (EMPL/IT) DG MARKT - Mr Mc CREEVY</p>	
<p>Main Points of the EESC Opinion</p>	<p>Commission Position</p>
<p>When it comes to combating unlawful financial activities, organised crime and terrorism are two sides of the same phenomenon. The EESC believes therefore that the phrase "money laundering and terrorist financing" is misleading and that the regulation should be seen as part of the series of more general measures to combat money laundering and organised crime.</p>	<p>Rejected. The wording in the proposal follows the Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on prevention of the use of the financial system for the purpose of <u>money laundering and terrorist financing</u> and ensures consistency with other Community legislation.</p>
<p>Article 5: the text of this article should refer to the anti-money laundering provisions already in force as regards orders made by payers who are not current-account holders.</p>	<p>The European Commission is taking into account this recommendation in the framework of its negotiations with the European Parliament and the Council.</p>
<p>Article 9: the requirement for the credit institution to suspend relations with another in case of repeated failure to supply the information on the payer is not proportionate. Immediate suspension of relations would cause huge, unjustifiable damage for both PSP's and their customers.</p>	<p>The European Commission is taking into account this concern in the framework of its negotiations with the European Parliament and the Council and considers restricting considerably the circumstances under which such obligation would apply.</p>
<p>The EESC requests the creation of a single point of contact responsible for receiving reports and referring them to the competent investigating bodies. Otherwise the PSP would have the task of identifying the authority it should notify in case of a suspicious transaction, where no precise information is given.</p>	<p>Rejected. This obligation is already contained in Directive 2005/60/EC, according to which each Member State shall establish a financial intelligence unit (FIU), serving as a national centre for receiving, analysing and disseminating to the competent authorities suspicious transaction reports and other information regarding potential money laundering and terrorist financing.</p>

<p>Article 10: the risk-based assessment may prove to be a hard task for PSPs as they have to process a considerable quantity of transactions every day.</p>	<p>Rejected. The concept of a risk-based assessment was already adopted within the Directive 2005/60/EC. The extent of such customer due diligence measures relates to the risk of money laundering and terrorist financing, which depends on the type of customer, business relationship, product or transaction.</p>
<p>Article 13: the EESC notes that the obligation for the PSP to keep information on the payer for at least five years could be a considerable burden.</p>	<p>Rejected. Since, in criminal investigations, it may not be possible to identify the data required or the individuals involved until many months or even years after the original transfer of funds, it is appropriate to require payment service providers to keep records of information on the payer for the purposes of preventing, investigating and detecting money laundering or terrorist financing.</p>
<p>Article 19: The EESC points out that the possible exemption of transactions made to Non profit organisations (NPOs) under certain conditions might be a front for criminal organisations which are not necessarily terrorist organisations.</p>	<p>Rejected. In order not to discourage donations for charitable purposes, it is appropriate to authorise Member States to exempt payment services providers situated in their territory from collecting, verifying, recording, or sending information on the payer for transfers of funds up to a maximum amount of EUR 150 executed within the territory of that Member State. It is also appropriate to make this option conditional upon requirements to be met by NPOs in order to allow Member States to ensure that this exemption does not give rise to abuse by terrorists as a cover for or a means of facilitating the financing of their activities.</p>

<p>34. Proposal for a Decision of the European Parliament and Council concerning the European Year of Intercultural Dialogue (2008) COM (2005) 467 final - CESE 590/2006 - April 2006 Rapporteur: Ms Csér (Work./HU) DG EAC – Mr Figel'</p>	
Main points of the EESC Opinion	Commission Position
2.1. The EESC underlines that it is essential to involve in the process of intercultural dialogue all individuals living in the EU, not only the citizens of the EU.	The Commission fully agrees and emphasizes it in the modified proposal.
2.5. The EESC stresses that education has a crucial role to play in the process of intercultural dialogue.	The Commission agrees and wants to focus on youth.
3.5. The EESC underlines that the main basis for intercultural dialogue should be promoting respect for the various cultures, customs and traditions of citizens living in the EU.	The Commission agrees and underlines the need to promote these values.
3.11 The EESC believes that 10 M Euros as a budget for the Year are not sufficient.	The Commission points out that the financial measures should be concentrated on the awareness-raising campaign, together with a more general strategy comprising the valorisation to dissemination and exploitation of best practices and emphasizing the intercultural dialogue in respective Community programmes.
3.13. The EESC suggests preparation of an encyclopaedia of European culture.	This idea cannot be carried out as it is beyond the scope of the Year.
The EESC raises the question, whether the EU needs to enshrine mutual respect for different cultures in the Treaties.	Such a change cannot be introduced within the framework of the European Year, as it implies a revision of the Treaty.

<p>35. Proposal for a Recommendation of the European Parliament and of the Council on key competences for lifelong learning COM (2005) 548 final – EESC 754/2006 - May 2006 Rapporteur: Ms HERCZOG (Var. Act./HU) DG EAC - Mr Figel'</p>	
Main points of the EESC Opinion	Commission Position
<p>4.3 The opinion highlights the fact that in academic terms the concept of 'competence' is defined in various ways and that the one used in the Recommendation only partially overlaps with the one of the OECD.</p>	<p>The Commission acknowledges the complexity of the concept and has chosen the most practical way to express learning outcomes and a combination of knowledge, skills and attitudes, as the purpose of the Recommendation is to provide a practical reference tool.</p>
<p>4.7 The opinion stresses the challenge for the education of teachers and their ability to provide support for learners in particular at the secondary level.</p>	<p>The Commission agrees with the importance of the education of teachers (and their continuing professional development). A working group established in the context of the Education and Training 2010 work programme, has developed European Principles for the Qualifications and Competences of Teachers and Trainers that would facilitate Member States' reforms.</p>
<p>4.8 The opinion stresses the educational needs of elderly people, especially with respect to digital literacy, as they are often excluded from programmes.</p>	<p>The Commission shares the importance of this particular group and has stressed that lifelong learning covers all age groups and both non-formal and informal learning. The Grundtvig programme in particular addresses the needs of the elderly.</p>
<p>4.9 For the ESC it is crucial to have an ongoing exchange of views and good practice and for the Commission to provide national experts with opportunities to do so.</p>	<p>The Commission has launched, within the Education and Training 2010 work programme, 'clusters' of countries wishing to learn from each other. These clusters cover e.g. teachers' education, curricular reforms, social inclusion and access to education. Moreover, Cedefop will provide Member States with an internet-based tool that facilitates exchange of information on</p>

	<p>successful practices in organising lifelong learning systems.</p>
<p>5.3 The Committee underlines that policy making, assessment and monitoring in the field of lifelong learning must be based on methodologically reliable, regularly compiled and comparable statistics.</p> <p>The Committee underlines as well that lifelong learning phenomena are complex, and that several statistical instruments are needed to describe them. Since these instruments are run by different statistical organisations, strong scientific cooperation is needed between the organisations.</p>	<p>The Commission shares the views of the Committee. These aspects have been taken into consideration in the proposal, and will continue to be present in the envisaged Commission regulations implementing the current proposal.</p>
<p>6.1 The Committee proposes to consider the long-term feasibility of shortening the five year cycle for compiling statistics on lifelong learning, i.e. of conducting more frequent surveys.</p> <p>In the short term the Committee also proposes that smaller-scale surveys carried out at one-year intervals could provide a solution.</p>	<p>At this stage, the Commission considers that a periodicity of five years represents an acceptable compromise between data needs and the high costs involved in their production. If the situation evolves over time, this position could be reconsidered.</p> <p>The Commission underlines that data on lifelong learning is already being gathered annually on a smaller scale in the context of the labour force survey.</p>
<p>6.2 The Committee stresses the importance of training provided by enterprises. This training is covered by another regulation² and does not include enterprises with less than ten employees. Therefore the current proposal should address training in smaller enterprise with less than 10 employees.</p>	<p>The Commission underlines that the current proposal will help in providing information about lifelong learning activities undertaken by employees of small companies, as reported by the employee. Furthermore, Regulation 1552/2005(EC) contains provisions for extending the scope of the survey to smaller companies. These provisions will be used by the Commission if necessary.</p>

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REGULATION (EC) No 1552/2005 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 7 September 2005 on statistics relating to vocational training in enterprises

<p>36. Amended proposal for a Council Directive amending Directive 77/388/EEC as regards the place of supply of services COM(2005) 334 final –EESC 741/2006 - May 2006 Rapporteur : Mr METZLER (Var. Int./DE) DG TAXUD – Mr KOVACS</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>It must be ensured that the Commission’s proposals concerning the introduction of a one-stop shop system are implemented and monitored for effectiveness.</p>	<p>The Commission welcomes the support given by the EESC for the proposed one stop mechanism. There is a clear need for the proposal on the place of supply of services to be accompanied by such a mechanism. During the ongoing negotiations in Council, the Commission is therefore making all possible efforts to ensure that the new rules for the place of supply of services are complemented by such a mechanism.</p>
<p>Linguistic confusion can spell the end of joint action and common markets. Agreement on definitions is a precondition for the application of harmonised laws. The EESC would therefore call for efforts to overcome confusion in the establishment of basic concepts.</p>	<p>While Community VAT legislation provides for some basic concepts, others are not given a common definition. Where concepts are derived from other legislation, it is not always appropriate to provide for a common definition. That is for example the case with immovable property which is governed by civil legislation.</p>

<p>39. Legal Framework for Consumer Policy Own-initiative opinion – EESC 594/2006 – April 2006 Rapporteur: Mr PEGADO LIZ (Var. Int./PT) DG SANCO - Mr KYPRIANOU</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The purpose of the own-initiative Opinion is to encourage a detailed examination of the legal basis to be selected for consumer policy at European level.</p> <p>The EESC considers that the current Treaty Article 153 no longer provides a legal basis that affords adequate safeguards for consumer protection objectives.</p> <p>The EESC notes that Article 153 has been used as the basis for measures to protect and defend consumer interests in exceptional cases only.</p> <p>Therefore the EESC proposes a new legal basis which entails:</p> <ol style="list-style-type: none"> 1. to replace the present Article 153 by a new Article 153 which lists the customary objectives of EU consumer policy and express 5 principles considered vital for a successful implementation of the consumer policy, and 2. To add a new Article 153a setting out the policy to be pursued by the Council. <p>Harmonisation measures adopted to reach the objectives referred to in Article 153 shall not prevent Member States from maintaining or introducing more stringent protective measures.</p>	<p>The Commission does not share the opinion of the EESC on the need to modify the Treaty as regards the legal basis for consumer actions.</p> <p>In particular, the Commission considers that the proposed minimum harmonisation approach to consumer protection is unacceptable since it would result in regulatory fragmentation.</p> <p>Such a fragmentation could undermine consumer confidence in the Internal Market and raise Internal Market barriers for business.</p>

<p>40. Green paper Improving the mental health of the population. Towards a strategy on mental health for the European Union COM (2005) 484 final – EESC 739/2006 - May 2006 Rapporteur: Mr BEDOSSA (Var. Int./FR) DG SANCO - Mr KYPRIANOU</p>	
Main points of the EESC Opinion	Commission Position
<p>The EESC supports the Commission initiative on developing an integrated European strategy on mental health. It believes that the discussion on researching, identifying and developing such a strategy must take place in the context of the knowledge society.</p>	<p>The Commission welcomes the support of the EESC to the initiative. It will now analyse all responses to the Green Paper consultation.</p>
<p>Before a common strategy can be defined, there has to be a common definition and explanation of terms and concepts, such as "mental ill health" and "person suffering from mental disability".</p>	<p>The Commission agrees that a possible document following-up the Green Paper should further clarify the terms and concepts referred to.</p>
<p>From a different angle, this will require cataloguing of evidence of existing needs and current responses to those needs.</p>	<p>The Commission agrees with the EESC's view. A report resulting from a project "Mental health promotion and mental disorder prevention across European Member States: A collection of country stories" published in 2005 is an example of previous work in this direction.</p>
<p>From this perspective, emphasis must be placed on the three aspects of prevention (primary, secondary and tertiary), with the balance between them depending on the particular area concerned. Initiatives need to be developed in a number of areas, including the promotion of mental health and public information, the acquiring and maintaining of healthy ways of living and the creation of an environment favourable to individual self-development.</p>	<p>The Commission agrees with the EESC's view.</p>

<p>With regard to deinstitutionalisation and the new model it proposes, a new period began in the late 1990s, marked by the end of both the downward trend in hospitalisation model and the illusions about de-institutionalisation, with a resulting need for a combined approach offering both effective community-based care and full-time hospitalisation.</p>	<p>In the Commission's view, it is essential in this debate to consider the significant differences in the state of mental health systems in Member States. In some countries they are still dominated by large institutions, and further de-institutionalisation and the building up of community-based services are urgently needed.</p>
<p>Moreover, the most important factor is the nature of the treatment, in other words, what benefits it is intended to provide, for which needs, and to what level, above and beyond the setting in which it is dispensed.</p>	<p>The European Treaties stipulate that questions relating to the organisation and delivery of care remain under the sole responsibility of Member States.</p>
<p>In view of the above, the same studies recommend a minimum threshold of 0.5 beds per 1 000 adult inhabitants for patients in acute phases, a figure which will have to be reviewed if the target objective of an 80 to 85% service occupation rate is envisaged, as we recommend.</p>	<p>The Commission is not aware of a generally accepted minimum threshold of beds per population. It would be interested in the references of these studies.</p>
<p>Whilst the threshold for bed numbers may vary from country to country, the minimum standards for accommodation can be more assertively presented.</p>	<p>The European Treaties do not provide the Commission with a mandate to define standards for accommodation. However, the Commission might be mandated to identify and highlight good practice in health promotion in mental health accommodations.</p>
<p>The residents should have access to a wide range of therapies that compliment and contribute to their care and treatment</p>	<p>The European Treaties stipulate that questions relating to the organisation and delivery of care remain under the sole responsibility of Member States.</p>

<p>41. Proposal for a Council regulation on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations</p> <p>COM (2005) 649 final — EESC 588/2006 — April 2006 Rapporteur: Mr RETUREAU (Empl./FR) DG JLS – Mr FRATTINI</p>	
<p>Main Points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The EESC welcomes the Commission’s initiative and makes three specific comments:</p>	
<p>Article 3.</p> <p>The EESC feels that the first element determining the jurisdiction of the courts should be the place of the maintenance creditor's habitual residence and thus suggests reversing the order of indents a) and b).</p>	<p>The order of presentation of the elements determining jurisdiction does not reflect an order of priority of any kind. They are “alternative” elements, use of which is left to the discretion of the plaintiff, and changing their presentation would therefore not change the content in any way. The essential point is that the text should reflect the following principle, which has been approved by the EESC: the creditor must always have the possibility of applying either to the court in the place where he is habitually resident or the court in the place where the defendant is habitually resident. Conversely, if the debtor is the plaintiff, he can only apply to the court in the place where the creditor is habitually resident.</p>
<p>Article 15.</p> <p>The Committee considers that the maintenance creditor should always benefit from the law conferring the right on him/her; therefore invoking a law which would withdraw this right should not be admissible, except for a compelling public-policy reason as provided for under this regulation.</p>	<p>The Commission cannot agree with the EESC on this point. Article 15 arranges for the protection of the debtor against the application of the designated law where it is not unanimously recognised that the maintenance relationship in question should be protected. This is the case, in particular, for relations between persons related collaterally or by affinity, descendants’ maintenance obligations with regard to their ascendants, or maintenance after the dissolution of marriage. In all these areas the discrepancies between Member States are such that the debtor should be allowed to disapply the designated law in certain circumstances. Article 15 is essential if</p>

	the proposal for a regulation is to be unanimously accepted by the Member States.
<p>Article 35</p> <p>The Committee is of the opinion that the order for the temporary freezing of a bank account should not be total, but limited to the amounts needed for the maintenance obligation to be met; otherwise the account holder could be deprived of the means to survive for an indeterminate period, until a decision is reached on the content of the matter – a measure which the Committee feels would be clearly out of proportion to the objective in mind.</p>	<p>The Commission understands and shares the Committee's concerns with regard to this point. Neither Article 35 nor Article 34 (on orders for direct payments) should deprive the debtor of the means of subsistence.</p> <p>This is why Article 32(2) of the proposal states that the competent authority of the Member State of enforcement may decide, at its own initiative, to limit the enforcement of the decision of the court of origin to a part of the maintenance claim if the complete enforcement would have an impact on a part of the debtor assets which is not attachable according to the law of the Member State of enforcement.</p> <p>The Commission will ensure that this point is further clarified during the negotiations at the Council.</p>

<p>42. Proposal for a Regulation of the European Parliament and of the Council on Community statistics on migration and international protection COM (2005) 375 final – EESC 587/2006 – April 2006 Rapporteur: Ms SCIBERRAS (Empl./MT) DG ESTAT - Mr SOLBES MIRA</p>	
Main points of the EESC Opinion	Commission Position
<p>The Committee encourages the Commission to place an emphasis on the importance of the accurate collation and interpretation of statistical information so as to avoid misinterpretation of data.</p>	<p>The Commission agrees that these statistics should be produced to the highest possible standards. The statistical activities covered by this legislation will be subject to the standards of reliability, objectivity, independence and impartiality established under Council Regulation (EC) 322/97 on Community Statistics.</p>
<p>The Committee encourages the Commission to introduce new criterion of arrivals, to include those by air, land or sea, in order for more comprehensive statistics on prevention of illegal entry and stay (Article 5) and improvement on data sources and standards (Article 9).</p>	<p>The Commission has proposed that the statistics on prevention of illegal entry (Article 5) should be disaggregated according to the criteria specified in Article 13(5) of Regulation 562/2006/EC (Schengen Borders Code) This includes information on the type of border – land, sea, air.</p>
<p>The Committee suggests that statistics are also needed on detention centres and open centres hosting illegal immigrants so that the European Commission could propose some form of a common policy on this issue.</p>	<p>As far as is possible, the Commission will take the views of the Committee into account in considering the types of statistics that might be necessary to develop any possible future policies on this issue.</p>
<p>The Committee suggests a comparative survey of all immigration laws practised in the EU-25 would definitely help the European Commission to better coordinate immigration policy at EU level.</p>	<p>Statistical legislation is not intended to establish a database on national migration legislation. Such a database, however, would be most useful; its establishment could be one of the tasks of the future European Migration Network. Moreover, coordination of national policies will be enhanced by the creation of a Mutual Information Procedure, as proposed by the Commission (COM (2005) 480).</p>

<p>The Committee stresses the importance of social, educational and employment data on migrants.</p>	<p>Through this legislative proposal, and in other actions, the Commission is seeking to improve the availability of social, educational and employment information on migrants. However, significant methodological problems (poor availability of data) mean that developments in this field must be incremental.</p>
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43. Prioritising Africa: European civil society's perspective Own-initiative opinion - EESC 763/2006 – May 2006 Rapporteur: Mr Bedossa (Var. Int./FR) DG DEV – Mr MICHEL	
Main points of the EESC Opinion	Commission Position
The Committee welcomes the adoption of the EU's strategy for Africa.	The Commission notes with satisfaction the Committee's position.
The Committee emphasises the need for more coordination between donors in Europe and more coherent policies.	The Commission shares this view.
The Committee believes that it is in Europe's interests to help Africa to develop more rapidly.	The Commission is also of this opinion since without the development of Africa, Europe will have to face the consequences of negative interdependence between the two continents (e.g. migratory pressures, environmental degradation).
The Committee proposes priority actions for implementing the strategy for Africa.	The Commission has already launched initiatives for 2006 on issues regarded as priorities by the Committee (governance, fighting AIDS, regional integration and trade, migration, rural development).

<p>The Committee regrets the lack of participation by civil society in the partnership with the ACP countries.</p>	<p>The Commission considers that all the non-State players should be able to participate in the different stages of the development process. Our wish to promote the principles of participation and appropriation is expressed in several policy documents, including the “European consensus on development” and the revised Cotonou agreement.³</p>
	<p>In the partnership with the ACP countries, progress has been made in terms of both dialogue on policies and (admittedly to a lesser degree) access to Community financing.</p> <p>There is also regular dialogue with European civil society both through the Economic and Social Committee and in bilateral meetings with the Commission.</p>

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“The European consensus on development” (Council, Parliament, Commission, 20.12.2005);

Revised Cotonou Agreement, Articles 4, 6, 58 and Annex IV, Articles 4 and 15

C. POINTS IN RELATION TO WHICH THE COMMISSION IS NOT REQUIRED TO GIVE SPECIFIC CONSIDERATION TO EESC's COMMENTS

a) Agreement between the Commission and the EESC

<p>3. Imports of small consignments of goods of a non commercial character from third countries (codification) COM(2006) 12 final - EESC 733/2006 – May 2006 Mr DANUSEVICS (Var. Int./LV) SJ – the President</p>

Given the favourable reception by the EESC, no follow-up is necessary.

<p>4. Cohesion funds (codified version) COM(2006) 5 final - EESC 743/2006 – May 2006 Mr GRASSO (Var. Int./IT) SJ – the President</p>

Given the favourable reception by the EESC, no follow-up is necessary.

<p>18. Proposal for a Directive of the European Parliament and of the Council on the promotion of clean road transport vehicles COM(2005) 634 final - EESC 521/2006 – May 2006 Rapporteur: Mr Ranocchiarì (Empl./IT) DG TREN – Mr Barrot</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>1.11 and 4.1 to 4.11: The EESC therefore hopes that the directive can be adopted in 2006, complementing the other measures already taken by the European Community and new measures which are in the process of being approved.</p>	<p>The Commission welcomes the unequivocal support of the European Economic and Social Committee for this proposal which nevertheless encounters at this stage, certain difficulties at inter-institutional level.</p>

37. Taxation of cars in the EU
COM(2005) 261 final - EESC 749/2006 – May 2006
Mr RANOCCHIARI (Empl./IT)
DG TAXUD – Mr KOVACS

Given the full agreement between the EESC and the Commission , no follow-up is necessary.

<p>45. External action of the Union Own-initiative opinion – EESC 744/2006 – May 2006 Rapporteur: Mr Koryfidis (Empl./EL) DG RELEX – Ms FERRERO-WALDNER</p>	
Main Points of the EESC Opinion	Commission Position
<p>Overall opinion of the EESC.</p>	<p>We are in general well satisfied with this report, which is a much simplified version of the initial report of mid-2005, since it includes the comments made by us at our hearing in October 2005. Furthermore, the line taken by the Committee enables the general philosophy incorporated by the Commission (and, specifically, by RELEX) into all its external actions, i.e. the human dimension, to be recognised in all its initiatives with socioprofessional groups and civil society.</p>
<p>Expression of various concerns, particularly relating to the EU's neighbours around the Mediterranean and relations with China and India.</p>	<p>It is a fact that a growing number of programmes and partnerships incorporate the concerns expressed by the EESC: external policies, whether they relate to ENP, our Mediterranean neighbours, relations with China or India, with the ACP, Latin America or Asia, include a significant number of provisions allowing for the negotiation of a societal framework for political processes. All areas are affected (working conditions, environment, health, demography, migration, visas, family, hygiene, etc.) and given particular attention. The EESC can make a valuable contribution thanks to its extensive work, networks and research in these areas and we are pleased that it is exploring certain stimulating avenues, e.g. as regards the human costs of globalisation, particularly in the areas of culture and education.</p>
	<p>To conclude, there is no contradiction between the general direction of the external</p>

	<p>policy to which the Commission and RELEX contribute and the EESC's opinion on the role of civil society. At most, close attention should be paid to the arrangements for implementing the EESC/Commission memorandum of understanding. If the Commission wishes to ensure the independence of its policies, it is clearly in its interests to respect the EESC's prerogatives and draw on the extensive and high-quality work carried out by the Committee to assist us.</p>
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b) Opinions on which the Commission has made certain comments

<p>41. Q4 05 Communication from the Commission to the Council and the European parliament: The Hague Programme: ten priorities for the next five years – The partnership for European renewal in the field of freedom, security and justice COM (2005) 184 final - EESC 1504/2005 – December 2005 Rapporteur: Mr PARIZA (Work./ES) DG JLS –Mr FRATTINI</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>4.1.3.2. It is still difficult to exercise some rights connected with European citizenship, such as the right to free movement within the EU or the right to vote or stand in local and European elections. Measures to eliminate these difficulties must be developed.</p>	<p>Regarding the free movement of persons within the EU, the Parliament and the Council adopted the Directive 2004/38/EC of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (recast). The final date for its implementation by the Member States was 30 April 2006. The Commission believes that the implementation of this directive is going to significantly favour the easier movement of persons across the EU.</p> <p>Regarding the right to vote and stand as a candidate in local elections, the Commission issued a report in 2002 on the application of the Directive 94/80/EC on municipal elections. In the report the Commission is of the view that the legal implementation of this directive can be considered satisfactory. A second report on the implementation of this directive is scheduled for 2008.</p> <p>Regarding the right to vote and stand as a candidate in European elections, the Commission issued two reports in 1998 and 2000 on the implementation of the Directive 93/109/EC on European elections. The Commission's last report concludes that on the whole the Directive</p>

	<p>has been satisfactorily transposed by the Member States. The next report on the implementation of this directive is scheduled for this year. On the basis of this report the Commission will assess the need of possible amendments to the directive with the aim of improvement of electoral procedures relating to standing as a candidate and to prevent double voting.</p>
<p>4.1.3.3 Citizens of the new Member States should be accorded all the established rights for citizenship of the Union without delay. The temporary restriction on their rights is an anomaly that should be removed as soon as possible.</p>	<p>On 8 February 2006 the Commission adopted the Report on the Functioning of the Transitional Arrangements set out in the 2003 Accession Treaty (period 1 May 2004 – 30 April 2006). In this report the Commission while recalling the right of the Member States set forth in the 2003 Treaty of Accession to maintain restrictions under the transitional arrangements, recommends that the Member States carefully consider whether the continuation of these restrictions is needed, in the light of the situation of their labour market and of the evidence of this report. The Commission considers that whatever decision is taken by Member States at this stage, they need to prepare to open their labour markets in order to fulfil their obligations under the treaties. The aim of the transitional measures is to allow them to prepare themselves to achieve this ultimate and irrevocable goal of free movement of workers from the EU-8 as soon as possible.</p>
<p>4.1.3.4 The EESC has proposed⁴ that citizenship of the Union be granted on the basis of a new criterion: that third-country nationals who are long-term, stable residents of the European Union be granted citizenship. Citizenship rights, in particular political rights in municipal elections, are fundamental to the integration of migrants.</p>	<p>Pursuant to Article 17 of the EC Treaty only persons holding the nationality of a Member State have the citizenship of the Union. However, the Commission encourages Member States to promote the participation in democratic life of third-country nationals, and in particular those granted the status of long term residents,</p>

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See opinion on Access to European Union citizenship, in OJ C 208 of 03/09/2003 (rapporteur: Mr Pariza Castaños).

	<p>since this is an essential element of their integration.</p> <p>The Commission Communication on a common agenda (COM(2005)389) for integration emphasises this point and suggests various measures to enhance the participation of immigrants in the democratic process.</p>
<p>4.1.4.4. However, we cannot expect asylum applications to be dealt with outside the EU</p>	<p>In order to facilitate access to protection for refugees closer to regions of origin, the Commission has proposed the establishment of Regional Protection Programmes (RPP). The aim of Regional Protection Programmes is to deliver direct benefits to refugees as well as to contribute to the improvement of the protection and human rights situation in the host country.</p> <p>Such programmes do not deal with processing of asylum applications outside the EU. RPPs solely aim at increasing protection in the regions of origin and such an approach will be complementary to the Common European Asylum System. The Hague Programme asked the Commission to carry out a study, in close cooperation with UNHCR, to look into the merits, appropriateness and feasibility of joint processing of asylum applications outside the EU territory, in complementarity with the Common European Asylum System and in compliance with relevant international obligations.</p>

<p>4.1.5.11. Those who come to Europe deserve to be treated fairly. Community admission legislation should include migrants' rights.</p>	<p>The Commission agrees with the position of the Economic and Social Committee. In its Policy Plan on Legal Migration (COM(2005)669 final of 21 December 2005), the Commission indicated that it intends to present in 2007 a draft framework directive addressing the rights of all third-country workers once admitted in a Member State. As for other categories of third-country nationals, all directives</p>
<p>4.1.5.12. The Directive on long-term resident status covers a wider range of rights, relating to security of status and mobility within the EU. The EESC has proposed that these people should also have citizenship rights.</p>	<p>on the conditions of admission include the rights which shall be granted to the immigrants concerned.</p> <p>Furthermore, directive 2003/109/EC, concerning the status of third-country nationals who are long-term residents, provides for equality of treatment with EU nationals in a number of areas for those third-country nationals who are granted such status under the terms of the directive.</p>
<p>4.1.6.3. However, to prevent illegal immigration, action in other areas is needed. It is essential that migrants are offered legal, transparent and flexible admission procedures.</p>	<p>In order to fulfil the clear mandate given by The Hague Programme, the Commission has adopted on 21 December 2005 a Policy Plan on Legal Migration. This document presents the Commission's intentions for the further development of a coherent legal immigration policy and includes a roadmap containing the legislative and operational measures that the Commission intends to present between 2006 and 2009. Among these, there are 4 proposals for specific directives on the conditions of admission of certain categories of third-country nationals for employment, i.e. for highly skilled and seasonal workers, intra-corporate transferees and remunerated trainees.</p>

<p>4.2.3. European cooperation and coordination against crime and cross-border organised crime must be strengthened through the establishment of a common strategy.</p>	<p>The Commission shares this point of view and has adopted in June 2005 a Communication on "developing a strategic concept on tackling organised crime". In this context the Commission presented in January 2005 a Proposal for a Council framework Decision on the fight against organised crime, which proposes a common definition of crime. This proposal is currently being discussed in the Council.</p>
<p>4.2.13. Furthermore, the Hague Programme prioritises the need to implement and assess the measures already in place relating to freedom, security and justice more effectively and appropriately. Before framing and promoting any policy relating to one of these three fields, a study should be carried out on the effectiveness, proportionality and legitimacy of these measures, i.e. high-quality legislation is needed.</p> <p>4.2.20. The Hague Programme makes setting up arrangements for the assessment of existing policies⁵ a clear priority. Before adopting these initiatives it is necessary to carry out a detailed and independent study of their effectiveness, added value, proportionality and legitimacy (compliance with human rights and civil liberties).</p>	<p>The Commission agrees. For all important proposals from its Working programme, the Commission prepares an impact assessment which compares economic, social (including fundamental rights) and environmental impacts of different policy options. Amongst other aspects, the analysis covers their legitimacy, EU added value, subsidiarity and proportionality. The impact assessment aims at recommending a policy option which best meets the policy objectives whilst minimising potential negative impacts. These assessments are proportionate, i.e. where the Commission considers that the impact will be important, it prepares a more in depth assessment.</p> <p>For all proposals involving significant budgetary expenditure, the Commission conducts an ex ante evaluation. It ensures that the objectives of an intervention correspond to the needs and that the instruments used will effectively meet the objectives at reasonable costs. During their implementation, interventions are examined through interim and after their completion</p>

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Area of strengthening security

	<p>through ex post evaluations. All programmes are regularly evaluated. Evaluation of legislation is more and more developed and a methodology is progressively put in place.</p> <p>The presentation of a new evaluation mechanism for the area of freedom, security and justice in June 2006 will further strengthen the systematic evaluation of policies in this area. The EESC will be involved in the preparation and implementation of this evaluation mechanism.</p>
<p>4.2.22. The European Commission recently proposed a code of good practice for preventing the use of NGOs to finance criminal organisations. The EESC is pleased that the Commission has launched a consultation process with civil society and NGOs on this topic, but is concerned by the disturbing link drawn by the Commission between NGOs and terrorism, since it creates confusion and leads to unfair preconceptions.</p>	<p>A Framework for a Code of Conduct was proposed by the European Commission in its Communication [COM (2005) 620] adopted 29th November 2005. At the moment discussions continue with the non-profit sector on the follow-up of this initiative, where special attention is being given to ensuring that the work or reputation of the vast majority of NPOs, which operate legitimately, are not undermined.</p>
<p>4.2.26. The Commission should study the possibility of including terrorism in those crimes which come under the jurisdiction of the International Criminal Court.</p>	<p>Terrorism is not one of the crimes listed in Article 5 of the Rome Statute and during the negotiations on the Statute in 1998 it was deliberately decided to omit the crime of terrorism. However, a review conference is planned in 2009 and one of its specific tasks will be to consider whether terrorism can be added. This will depend in part on a suitable definition of terrorism. The change to the Rome</p>

	<p>Statute must be proposed in accordance with Article 121 of the Rome Statute and it requires a two thirds majority of the Assembly of the States Parties to be adopted.</p>
<p>4.3.6. A good example of this imbalance between freedom and security is the European arrest warrant, which represents the first step, within the field of criminal law, towards developing the principle of mutual recognition of judicial decisions⁶. Despite the direct impact of this "Euro-warrant", three years after its adoption there is still no parallel legislative framework protecting the procedural rights of suspects and defendants in criminal proceedings in the EU.</p>	<p>The Commission agrees with this point of view and adopted in April 2004 the Proposal for a Council framework decision on certain procedural rights in criminal proceedings throughout the European Union. At this moment the proposal is still being discussed in the Council.</p>

⁶ Council Framework Decision on the European arrest warrant and the surrender procedures between Member States, of 13 June 2002, 2002/584/JHA, OJ L 190, 18.7.2002, p. 1.

<p>5. Communication from the Commission Implementing the Community Lisbon Programme: A policy framework to strengthen EU manufacturing – towards a more integrated approach for industrial policy COM (2005) 474 final – EESC 595/2006 – April 2006 Rapporteur: Mr Ehnmark (Work./SU) DG ENTR –Mr Verheugen</p>	
Main points of the EESC Opinion	Commission Position
<p>1.3. However, the communication fails to cover essential aspects of the shaping and implementation of a European industry policy. Responsibility for implementation is conferred on other units in the Commission, national and regional authorities, and industry itself. The issues of "who does what" are left to further consideration.</p>	<p>The Commission has started to work on the implementation of the proposed initiatives for individual sectors and horizontal cross-sectoral initiatives. Each initiative involves different timetables and various services of the Commission. Work on setting up task forces is also progressing. For example, the ICT Task Force, which includes industry representatives, academia, other stakeholders, MEPs and Member State representatives, met on 6 June 2006. The high-level group on "competitiveness, energy and environment" composed of high level persons responsible for industry, energy and environment issues convened on 28 February, and the first meeting of the Pharmaceuticals Forum's Steering Group was already on 6 December 2005.</p>
<p>4.14. The Communication does not discuss the fact that the borderline between manufacturing industry and services is becoming more and more blurred. What does this mean in terms of human resources, market approaches and access, regulation and access to finance?</p>	<p>The current Communication takes into account the close inter-linkage between manufacturing industry and the service industry. However, it focuses on the manufacturing industry, based on a screening of individual sectors with respect to a number of broad policy challenges that were identified. The screening of policies undertaken for the current Communication allowed the development of a concrete outline of work for the coming years. The Commission is aware of the potential to deepen this approach and consider further extension in the context of the mid-term review of its Industrial Policy.</p>
<p>6.4. The Commission Communication does not explicitly deal with the issues of communication and of reaching out to industry itself and various</p>	<p>The set of new policy initiatives proposed in the Communication provide for the involvement of industry and stakeholders. The purpose of task</p>

stakeholder groups. However, bearing in mind that a considerable part of the implementation will have to be via information and communication, these issues will have to be given high attention. How else will the large group of SMEs get relevant information about joint partnerships and various support measures?

forces is to bring together key stakeholders, such as social partners, including industry representatives, at working level in order to exchange views and pool information on a range of key issues. High level groups on the other hand bring together senior representatives of key stakeholders and Member States in order to compare their points of view on sector's difficulties and achieve consensus and a common vision for the future.

Information on the progress of the Industrial Policy Communication initiatives is regularly provided to industry stakeholders and Member States. In addition the Commission portal (http://ec.europa.eu/enterprise/enterprise_policy/industry/index_en.htm) gives an accessible overview of measures and initiatives taken in this policy area.

<p>17. Revised proposal for a regulation of the European Parliament and of the Council on public passenger transport services by rail and by road COM(2005) 319 final - EESC 734/2006 - May 2006 Rapporteur: Mr Stéphane Buffetaut (Empl./FR) DG TREN – Mr Barrot</p>	
<p>Main Points of the EESC Opinion</p>	<p>Commission Position</p>
<p>1.3, 1.4 and 4.1.3: the EESC believes that the provisions of the regulation should apply to all public service transport contracts, in line with the principles of transparency and equal treatment. This would be by far the simplest and clearest solution and would not call into question the freedom of the competent authorities to conclude contracts.</p>	<p>Provisions have been added in Articles 5(1) and 8(1) in order to clarify the relationship between the “public procurement” directives and the regulation. However, the regulation continues to give priority to the rules contained in the directives on public procurement <u>where they are applicable, which is never the case for service concession and heavy rail transport contracts.</u> Furthermore, giving priority to the regulation would contravene the commitments made by the Community under the WTO’s agreement on public service contracts. The Commission can therefore not accept the EESC’s proposal.</p>
<p>1.6 and 4.2.6: The Committee considers that provision should be made for the possibility that, in order to ensure the unity of the network and the integration of transport services in areas which border on/are adjacent to that of the authority which awarded the public service contract, services operated by the organising authority itself or by an internal operator may also be of use to areas for which different competent authorities are responsible.</p>	<p>The provisions in Recital 15 and Article 5(2) concern groups of authorities offering integrated public transport services.</p> <p>Furthermore, to avoid jeopardising the integration of certain services, Article 5(2)(b) now specifies that the internal operator may operate lines passing through neighbouring areas.</p>
<p>1.8, 4.2.9; 4.3.2 and 4.3.3: The Committee considers that it is surprising that strictly defined conditions apply to the general case of direct award to an internal operator, whereas the specific exception to the principles of the regulation, concerning direct award to a rail operator, is not subject to any</p>	<p>As is now specified in Recital 20, the Commission would point out that the aim of this regulation is to establish a legal framework for granting public service compensations and exclusive rights rather than the opening up the railway service</p>

<p>conditions; no reason for this is given in the explanatory memorandum.</p> <p>The Committee considers that the derogation from the tendering obligation for public service contracts for regional or long distance rail travel raises certain questions.</p>	<p>market.</p> <p>It should also be noted that the political agreement reached at the Council on 9 June 2006 makes the direct awarding of railway contracts subject to certain conditions regarding duration (Article 5(6)) and transparency (Articles 7(3) and 7(4)).</p>
<p>4.5.2 and 4.5.3: The Committee considers that the revised proposal of 2002 was more precise in defining a suitable level of quality for public transport and passenger information, as well as social legislation (former Articles 4, 4a) and 4b)). The EESC deplores this excessively cautious new wording on quality, passenger information and the guarantees offered by national social legislation.</p>	<p>Following the political agreement reached at the Council on 9 June 2006, the provisions in Recital 13 and Article 4(7) and the addition of Recital 13a and Article 4(7)a clarify these matters with due regard for the proposal for a regulation and the subsidiarity principle.</p>

<p>20. The development and promotion of alternative fuels for road transport in the European Union Own-initiative opinion – EESC 748/2006 – May 2006 Rapporteur: Mr Ranocchiarì (Empl.IT) DG TREN – Mr Barrot</p>	
Main Points of the EESC Opinion	Commission Position
<p>1.11 The EESC recommends that binding measures are adopted by the European Commission in case the revision of Biofuel directive foreseen in 2006 shows that Member States action was not sufficient to attain the expected targets both for biofuels and for NG.</p>	<p>The Commission is currently drawing up an evaluation report on the progress made in the use of biofuels and other renewable fuels in the Member States. In the course of this assessment the responsibility of Member States in setting targets, the methods of ensuring that targets, once set, are achieved as well as the time horizon of targets will be evaluated taking into account the results of a recently-concluded public consultation. The question of mandatory targets will be evaluated as part of this process.</p> <p>On the basis of this report, the Commission will submit, if appropriate, proposals to amend the Biofuels Directive (2003/30/EC).</p>
<p>4.5 The European Commission should get together with industry to consider why the measures adopted until now are not sufficient for the diffusion of NG as an automotive fuel. In our opinion a minimum target should be established by each Member State, taking into account the specific national situation.</p>	<p>The Commission does not consider it necessary at this stage for each Member State to establish minimum targets for consumption of natural gas as automotive fuel.</p> <p>However, the Commission has encouraged the industry to produce more models using natural gas.</p> <p>It has also pointed out to the Member States that Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity provides for the possibility of reductions in taxes on natural gas used as automotive fuel.</p> <p>In addition, State aid has been approved for the development of infrastructures for automobile refuelling with natural gas.</p>

<p>4.6 This proposal should also review all the technical and safety requirements for CNG filling stations. In many cases these requirements are quite old and do not take into account recent developments. Such a revision may definitely help a wider diffusion of CNG filling stations, together with the simplification of bureaucratic procedures. Very often the authorisations for building a CNG filling station are unnecessarily complex and time consuming.</p>	<p>The Commission is involved in the work of the European standardisation bodies CEN and CENELEC, which draw up standards for natural gas filling systems.</p> <p>The Commission is of the opinion that the adoption of standards for CNG filling will significantly boost the use of natural gas as an automotive fuel.</p>
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<p>24. Proposal for a Directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe COM (2005) 447 final – EESC 750/2006 – May 2006 Rapporteur: Mr BUFFETAUT (Empl./FR) DG ENV- Mr DIMAS</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>1.2. The Committee fully endorses the desire to mainstream air quality objectives into other Community policies, but urges the Commission to review the energy scenarios generated by the PRIMES model, which seem to contain inaccuracies, which will probably have the effect of altering the baseline scenario for the Clean Air for Europe (CAFE) programme.</p>	<p>The Commission acknowledges that energy projections are linked with uncertainties, in particular, as pointed out by the Committee in 5.1.4, due to the uncertain shares of coal and nuclear energy, as well as the differences between national scenarios, which bring inconsistencies between imports and exports of electricity. The numbers used were the best available at the time. Update of energy scenarios is currently under way and will be used in the revision of the National Emission Ceilings Directive.</p>
<p>1.3. The Committee proposes that the dates set for complying with the obligations laid down in the directive be postponed from 2010 to 2015 for the concentration caps for PM_{2.5} and from 2015 to 2020 for the reduction in human exposure in view of the time required for the successful completion of the legislative process and the establishment of measuring stations in the Member States, and the cost of the necessary investment;</p> <p>The Committee also believes that, before fixing binding ceilings, it would have been useful to provide for a transition period during which Member States would have been required to move towards "target" concentration values;</p>	<p>The Commission will take the Committee's conclusion into account as much as possible, when evaluating related changes proposed by the Council and the European Parliament. There is now strong scientific evidence of the negative health impacts of PM 2.5. Binding measures are necessary to address this problem and action is needed as soon as possible.</p> <p>The Commission considers however that the exposure reduction target have to be implemented within 2010-2020, as proposed, in order to have time to deliver the stated objectives. Around 2013 a review of the PM_{2.5} legislation will take place, based on the latest projections and monitoring data, with the intention to make the target legally binding and potentially differentiated between the Member States.</p>

<p>1.3. The Committee requests that natural fine particulate matter be excluded from the scope of the directive.</p>	<p>Possibility of deduction of contributions from natural sources to the exceedances of fine particulate matter concentration cap is already included in the Proposal (Article 19).</p>
<p>4.5. However, it is to be regretted that the Commission does not consider the role that local authorities and, not least, towns and cities should play in the field of transport (promotion of alternative modes of transport, public transport, deflection of heavy traffic, etc.). In fact, local authorities, especially municipalities, play a crucial role in the practical implementation of provisions adopted at European level, particularly as regards measures.</p>	<p>The Commission agrees fully with the Committee's evaluation on the importance of towns and cities role in practical implementation of provisions linked to the implementation of this Directive, however it considers it primarily a subsidiarity issue, to be addressed appropriately within the Member States.</p> <p>The Commission enables their active participation in the policy development (Eurocities – stakeholder in CAFE Steering Group), encourages exchange of information and practices and realization of common goals through Community programmes (example Interreg III CITEAIR project) and organizes related workshops. Guidance's, such as Guidance on Sustainable Urban Transport Planning as announced by the Thematic Strategy on Urban environment, are under development. Further Community funds (LIFE, structural funds) are also available to support environmental improvement.</p>

<p>25. Proposal for a Directive of the European Parliament and of the Council on the assessment and management of floods COM (2006) 15 final –EESC 737/2006 - May 2006 Rapporteur: Ms Sanchez Miguel (Work./ES) DG ENV- Mr DIMAS</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>1.3. It is also important to place emphasis on actions to prevent the harmful effects of flooding, including all public information and participation measures. To this end, we call upon the Commission to make particularly sure that these arrangements as provided for in Article 14 of the WFD and the Proposal for a Directive, are included in river basin plans.</p>	<p>The Commission agrees that public participation is very important in flood risk management policy development, and that Article 14 of Directive 2000/60/EC provides for an appropriate procedure. The Commission would like to underline in particular that Article 14.3 of the proposed Directive on floods requires coordination of the public information and consultation measures of the two Directives. Merging the two consultation processes would also ensure benefits in terms of avoiding duplication of efforts. The Commission also proposed that the flood risk management plans shall include details about the public information and consultation exercises.</p>
<p>1.4. The risk management plans and risk mapping, as set out in the proposal, must be extended. The classification of river basins at high risk of flooding should incorporate both priority measures (with adequate funding) and criteria to be met in order to reduce costs and increase the benefits to people. This should result in integrated and sustainable activity in flood areas.</p>	<p>The Commission agrees that there is a need to prioritise measures, as also mentioned by the EESC in 4.4. Hence, the identification of areas where there is "significant potential flood risk" was proposed in the preliminary flood risk assessment. However, the Commission would like to highlight that the ultimate selection of measures is left to the Member States in accordance with the principle of subsidiarity.</p>

<p>1.5. Lastly, it should be added that, in the context of Community measures for multidisciplinary research and coordination, all policies that affect European waters should be strengthened.</p>	<p>The Commission agrees that multidisciplinary research in relation to water policies is important, but believes that this proposal is not the instrument for consideration and identification of research priorities.</p>
<p>4.5. The EESC suggests to the Commission that the river basin plans provided for in Article 9 and in Annex A be specifically based on the following principles and measures:</p> <ul style="list-style-type: none">• Returning river and coastal water systems to their natural state, promoting the recovery of natural spaces and the natural self-regulating functions of basins (reforestation in mountainous areas, the protection of wetlands and associated ecosystems, monitoring erosion and sedimentation in water courses, programmes for finding alternative uses ... etc.).• The principle of achieving sustainable development in flood areas, by:<ul style="list-style-type: none">– estimating the exploitable economic potential of land use in these areas which is compatible with natural flood activity;– planning the transition to these models in the various areas of planning, in particular land-use planning.	<p>The Commission agrees that the mutual benefits of the coordination between the Water Framework Directive and this proposed Directive principally relates to the possible non-structural measures and to sustainable flood risk management measures, as suggested by the EESC. The Commission proposes to address the concerns of the Committee in the context of the negotiations on this proposal with the European Parliament and the Council, which have proposed similar measures.</p>

<p>4.6. In order to increase civil society's involvement in preventing the risks and effects of flooding, it is important that a system of information and participation is developed in all Member States, as provided for in Article 14 of the WFD. To this end, the arrangements for participation should cover both the risk management plans and the preliminary assessments.</p>	<p>The Commission takes note of the suggestion made to extend the public participation requirement also to the preliminary flood risk assessment. However, it believes that public participation is sufficiently ensured not only because of the specific public participation requirements that are already included in the proposal but also because of the three stage process (preliminary flood risk assessment, flood risk maps and flood risk management plans) and the regular review cycles for each of these stages. The Commission can however explore this issue further in the negotiations on this proposal with the European Parliament and the Council especially in relation to references to the Aarhus Convention.</p>
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<p>(1) 32. (2) Cohesion Policy in Support of Growth and Jobs; Community Strategic Guidelines, 2007-2013 COM (2005) 299 final – EESC 592/2006 – April 2006 Rapporteur: Mr VEVER (Empl./FR) DG REGIO – Ms HÜBNER</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>(3) The EESC deplores the fact that the cohesion policy strategic guidelines 2007-2013 were presented one year after the proposals for budgetary programming and Structural Funds regulations for that period, instead of being presented jointly or earlier. In these circumstances, the guidelines are more like supplementary provisions than the real guidance documents which they should be.</p>	<p>(4) The sequence of events foreseen under Article 23 of the draft Council Regulation (EC) laying down general provisions for the European Regional Development Funds (ERDF), the European Social Fund (ESF) and the Cohesion Fund, is such that it is for the Council to establish, after the adoption of the regulations and on the basis of a Commission proposal, and taking into account the Opinion of the European Parliament, Community strategic guidelines for cohesion policy to “give effect to the priorities of the Community with a view to promote balanced, harmonious and sustainable development”. Thus, it is only after the adoption of the regulations, that</p>

	<p>Guidelines can be adopted.</p> <p>(5) Once adopted by the Council, the Guidelines constitute the first stage in the preparation of the next generation of cohesion programmes. In a second stage, the national authorities are required to produce national strategies based on the Guidelines (National Strategic Reference Frameworks), which in turn form the basis of the more detailed operational programmes, which are adopted by the Commission. This part of the process can only take place after the adoption of the regulations.</p> <p>(6) It should be noted that the Guidelines are very different in nature from the budgetary programming and Structural Funds regulations, in the sense that they are about the priority actions for the new programmes rather than about budgetary allocations and implementation methodologies.</p>
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<p>(7) This time-lag is all the more regrettable given the urgent need for such guidelines in the face of cohesion issues which are as varied as they are complex for 2007-2013: measures to accompany enlargements, consolidation of the euro, making up the delays to the Lisbon strategy against the background of accelerating globalisation. Faced with the difficulties of insufficient growth, considerable disparities between Member States and a Community budget which is too limited, the Union has its strong points but they remain more potential than established (consolidation of the enlarged single market, infrastructure designed for the future, reforms for adaptation).</p>	<p>(8) The Commission agrees on the urgency of the Guidelines in view of the need to create the conditions for programmes to be adopted as early as possible in 2007. This is why the Commission took the extraordinary step of proposing draft Guidelines in July 2005, one year before the expected date of adoption of the regulatory framework by the Council.</p> <p>(9) It should be noted that the Community Strategic Guidelines represent a single framework which Member States and regions are invited to use when developing national, regional, and local programmes, in particular with a view to assessing their contribution to the objectives of the Union in terms of cohesion, growth and jobs. The Guidelines are a necessary condition, but not the only condition for achieving the right level of concentration on key priorities for each Member State and region in accordance with the renewed Lisbon agenda.</p>
<p>(10) The EESC takes the view that the links between the priorities of the strategic guidelines and the objectives of the Structural Funds are not explained, and that the conditions for their implementation should be clarified. Thus, the first priority, seeking to make investments more attractive, raises the central question of the necessary strengthening of confidence in the development of the Union itself. The second priority, of support for innovation and entrepreneurship, raises the question of the continuing unsuitability of Community resources (lack of progress on the Community patent, gaps in the legal status of the European company, measures under the Funds too limited to subsidies). The third priority, seeking to create more jobs, raises the question of making up the delays to the Lisbon strategy and a still distant optimisation of the</p>	<p>(11) The Objectives of the Structural Funds represent a typology of targets and target areas which provide the framework for, among other things, the concentration of resources. The Guidelines set out indicative priorities for the use of these resources.</p>

<p>economic and social operation of the single market in the face of the pressures of globalisation.</p>	
<p>(12) LIKE THE EUROPEAN PARLIAMENT, THE EESC IS PREOCCUPIED BY THE LIMITED SCALE OF THE COMMUNITY BUDGET PROGRAMMED BY THE EUROPEAN COUNCIL OF DECEMBER 2005 FOR 2007-2013: ITS FIXED CEILING OF 1.045% OF THE GROSS NATIONAL INCOME (ONLY 0.36% FOR THE COHESION BUDGET) PLACES IT AT A LOWER LEVEL THAN BEFORE THE ENLARGEMENT FROM 15 TO 25 MEMBERS, AT A TIME WHEN THE CHALLENGES OF INTERNAL DISPARITIES AND INTERNATIONAL COMPETITION HAVE CONSIDERABLY INCREASED. THUS THE CENTRAL QUESTION WHICH THE 2007-2013 STRATEGIC GUIDELINES FOR COHESION POLICY SHOULD ANSWER IS: HOW TO DO BETTER WITH LESS? AS AN ANSWER, THE EESC RECOMMENDS DIVERSIFYING THE RESOURCES OF COHESION POLICY, CONCENTRATING ITS MEASURES MORE AND MODERNISING ITS MANAGEMENT METHODS.</p>	<p>(13) IT IS WORTH NOTING THAT, AGAINST A BACKGROUND OF DIFFICULT ECONOMIC CIRCUMSTANCES AND BUDGETARY RESTRAINT IN THE MEMBER STATES, THE RESOURCES ALLOCATED TO COHESION UNDER THE FINANCIAL PERSPECTIVE, 2007-2013, WILL INCREASE BY 21% COMPARED TO 2000-2006.</p> <p>(14) THE NEW FRAMEWORK FOR COHESION POLICY IN 2007-2013 WILL SEEK TO REINFORCE THE CONCENTRATION OF FINANCIAL RESOURCES ON THE LEAST DEVELOPED REGIONS AS WELL AS ACHIEVING A STRONGER THEMATIC CONCENTRATION ON THE RENEWED GROWTH AND JOBS AGENDA.</p> <p>(15) THE COMMISSION IS ALSO BRINGING FORWARD NEW INITIATIVES TO DRAW IN ALTERNATIVE SOURCES OF FINANCES SUCH AS THE JEREMIE INITIATIVE WITH THE EIB/EIF TO PROVIDE FINANCIAL ENGINEERING PRODUCTS FOR SMES.</p>
<p>(16) The EESC recommends diversifying the resources of cohesion policy through an innovative machinery in the Union's financial measures.</p> <p>(17) 1.5.1 The Structural Funds should be able to use instruments other than subsidies and develop, in direct contact with the EIB and the EIF, loans, interest relief, loan guarantees and support in the form of investment capital and risk capital.</p> <p>(18) 1.5.2 A redeployment of this kind, on a much larger scale than the JEREMIE programme alone, would</p>	<p>(20) Cohesion policy has a long tradition of Public-Private Partnerships (PPP), mobilising investment when there is significant scope for involving the private sector. Apart from the financial leverage it provides, public-private partnership at project level also improves the quality of the implementation and subsequent management of projects.</p> <p>(21) Cohesion policy will also support PPPs by providing expert operational guidance through the technical assistance facility developed in cooperation with the European</p>

<p>have a multiplier effect on under the Funds which would better complement investment of public and private capital, making up for the modest scale of the budget.</p> <p>(19) 1.5.3 To this end, the EESC is in favour of a substantial increase in the Union's loan and guarantee capacities, of a strengthened partnership with the banking and financial sector, and of corresponding adjustments to the new regulations of the Structural Funds. These three conditions would require urgent proposals on these lines on the part of the European Commission.</p>	<p>Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD) (the JASPERS facility).</p> <p>(22) With regards to JEREMIE, "Joint European Resources for Micro to Medium Enterprises", this is not the only instrument designed to improve access to finance for business development. It is envisaged that the grant contribution under the programme will lever in significant additional loan capital from the international financial institutions, and the financial sector in general.</p> <p>(23) Similarly, JESSICA, "Joint European Support for Sustainable Investment in City Areas" is under development in order to create a new policy initiative, creating a framework for enhanced cooperation on financial engineering for sustainable urban development policy between, on the one hand, the authorities in the Member States, and on the other hand, the Commission in cooperation with the European Investment Bank (EIB) and the Council of Europe Development Bank (CEB).</p> <p>(24) As with JEREMIE, JESSICA provides a framework that, based on a contribution from the programmes to urban development funds or holding funds, adds specialist expertise, levers-in additional loan resources, and facilitates the relationships with project promoters leading to new investments on the ground. Other International Financial Institutions (IFIs), as well the European banking and private sector are also expected to participate and contribute.</p>
<p>(25) The EESC recommends that measures under the Structural Funds should be more concentrated according to the priority interests of Europe.</p> <p>(26) 1.6.1 Going beyond direct support for the most disadvantaged states and</p>	<p>(29) The key objective of the Community Strategic Guidelines for Cohesion is to provide Member States with guidance for the preparation of the National Strategic Reference Frameworks, with a view to ensuring that the programmes co-financed by the Funds are in line</p>

<p>regions, which must be continued and intensified, this implies strengthening the financing of trans-European infrastructure networks and aid to border regions, partly through public/private partnerships.</p> <p>(27) 1.6.2 To this end, the EESC calls for a significant reassessment of the budget of the trans-European networks, which has been ignored in the December 2005 programming despite the objectives of the Lisbon strategy.</p> <p>(28) 1.6.3 It also assumes that Community aid is used more to help Member States better to implement Community guidelines, decisions and commitments, whether this involves transposing directives or implementing the Lisbon strategy. In particular, the training aid budget, also minimised in December 2005, should be reassessed.</p>	<p>with the priority policy areas defined at Community level, in particular, to help deliver the Lisbon agenda for growth and jobs. In light of the above and of the renewed Lisbon strategy for growth and jobs, programmes co-financed through the cohesion policy should seek to target resources on the following three priorities:</p> <ul style="list-style-type: none"> – improving the attractiveness of Member States, regions and cities by improving accessibility, ensuring adequate quality and level of services, and preserving their environmental potential; – encouraging innovation, entrepreneurship and the growth of the knowledge economy by research and innovation capacities, including new information and communication technologies; and – creating more and better jobs by attracting more people into employment or entrepreneurial activity, improving adaptability of workers and enterprises and increasing investment in human capital. <p>(30) These priorities correspond to those set out in the Commission’s “Partnership for Growth and Jobs” paper published in February 2005⁷ and endorsed by the 2005 Spring European Council.</p>
<p>(31) Finally, the EESC recommends modernising the management methods of cohesion policy in order to promote more transparency and interactivity.</p> <p>(32) 1.7.1 This assumes that Community aid, like state aid, can be shown to be fully compatible with European competition policy.</p> <p>(33) 1.7.2 This also requires greater involvement of the actors of organised</p>	<p>(35) Article 54 of the draft Council Regulation (EC) laying down general provisions for the European Regional Development Funds (ERDF), the European Social Fund (ESF) and the Cohesion Fund stipulates that all Community assistance granted via the Structural and Cohesion Funds shall observe the ceilings on state aid to enterprises within the meaning of Article 87 of the Treaty.</p>

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Communication to the Spring European Council “Working Together for growth and jobs – a new start for the Lisbon Strategy”, COM (2005) 24, 2 February 2005

<p>civil society, primarily the social partners, in the formulation, management and follow-up of European cohesion policy.</p> <p>(34) 1.7.3 The EESC therefore asks that the involvement of the socio-occupational actors should be made the subject of explicit provisions integrated with the strategic guidelines. The conditions for their implementation in each of the Member States should be specified in annexes to the programming and review documents.</p>	<p>(36) The partnership principle is fundamental to the implementation of European cohesion policy. It implies close cooperation between the Commission, the authorities at national, regional and local level in the Member States and other governmental and non-governmental organisations and bodies during the different stages of the implementation cycle of the Structural Funds. For the 2007-2013 period, the Commission has asked Member States to provide a list of the partners and other actors involved in its preparation as well as details of the actions taken to facilitate a wide involvement, in particular:</p> <p>(37) o how the involvement of all actors respects principles of transparency. The process of identification of relevant partners should be made public and be clear,</p> <p>(38) o the responsibilities of actors and the definition of the scope of their participation,</p> <p>(39) o the organisation of work so as to facilitate the widest possible participation of all actors.</p> <p>(40) The Commission is actively encouraging Member States to seek an active, broad and balanced participation of the relevant partners in the process.</p>
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<p>38. Draft Communication from the Commission: "Tackling the corporation tax obstacles of small and medium-sized enterprises in the Internal Market - outline of a possible Home State Taxation pilot scheme COM(2005) 702 final - EESC 742/2006 - May 2006 Rapporteur: Mr LEVAUX DG TAXUD - Mr Kovács</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The European Economic and Social Committee (EESC) supports tax rules harmonisation in the long term. However as many obstacles still stand in the way of harmonisation, the Committee:</p> <ul style="list-style-type: none"> ▪ reiterates approval for the Commission's guidelines as regards Home state Taxation (HST) but question the effectiveness of the proposed pilot scheme and its limits; ▪ feels it would have been more relevant to suggest more detailed provisions, build on concrete experience, based on voluntary commitments by MS and limited to a 5 year trial period; ▪ suggests in the long term a comprehensive solution for SME including a European SME statute. 	<p>The Commission is grateful for the EESC's support for its policy towards the harmonisation of tax base rules and for a pilot scheme based on mutual recognition for SMEs.</p> <p>The Home State taxation (HST) Communication outlines in some detail the potential technical features of the pilot scheme and mentions the willingness of the Commission Services to provide technical assistance to MS who wish to consider the implementation of the scheme.</p> <p>The pilot scheme is clearly to be implemented for a limited period of 5 years in order to monitor the impact and potential improvement and is clearly voluntary. It is for MS to choose whether or not to negotiate bilateral or multilateral agreements.</p> <p>To the Commission Services' knowledge there is currently no existing scheme as such in Europe which could have been used as a model for the pilot scheme. Currently only a protocol to the German/Dutch bilateral tax treaty signed in 2004 takes such an approach. It only recently entered into force and is very limited in scope.</p> <p>The Commission services are currently</p>

	working on the feasibility of a European statute for SME (DG ENTR / DG MARKT)
<p>The EESC asks the Commission to provide more detail on the following:</p> <ul style="list-style-type: none">▪ approximate number of SMEs potentially interested in the HST pilot scheme?▪ what is their economic weight in the EU?▪ economic sector most affected?	<p>The impact assessment provides data in this respect (see pp. 15/16/19 and 54).</p> <p>Commission Services' representatives provided detailed information in this respect at the preparatory meeting held by the Committee's working group on 31 March 2006.</p>
<p>The EESC is surprised that the Commission is unable to measure the costs associated with the implementation of the proposed measure</p>	<p>As far as the pilot scheme should be limited in scope and concerns SMEs whose share in tax revenue is very low, the additional administrative costs should be very limited in practice.</p> <p>Moreover, as mentioned in the Communication, MS who wish to limit the potential impact in terms of tax revenues and administrative costs could restrict the application of the scheme to small companies (as opposed to small and medium).</p>

<p>The EEESC states that the survey conducted by the Commission services (questionnaire to SMEs) offers little useful information as a very limited number of SMEs responded.</p> <p>The Committee is surprised that no information is given on the contribution made by business organisation and asks the Commission to provide them if they are not confidential.</p>	<p>The Commission commented that the survey was subject to methodology reservations and does not meet the statistical standard of 'representativeness' (see impact assessment p. 15).</p> <p>However other consultations have been organised and revealed strong support (see impact assessment p. 13): workshop in December 2002, public online consultation in February 2003, and various contacts with European and national organisation in 2002 and 2003.</p> <p>Several business organisations at the European level expressed their support in writing and a copy of these letters was given to the Secretariat of the Working group at the preparatory meeting held on 31 March (and subsequently sent by e-mail).</p>
<p>The EESC recommend monitoring and if necessary controlling potential fiscal dumping (relocation of head office of the parent in a MS where the calculation of the company tax base would be more favourable)</p>	<p>This potential risk has been taken into account and several "safe guards" have been suggested in the technical framework (see annex to the communication: paragraph 30)</p>
<p>The EESC is worried that the diversity of the agreements would not bring SMEs the hope for simplification and would make tax harmonisation even more difficult as the agreements between MS would be in theory different.</p>	<p>The pilot scheme is based on mutual recognition of existing tax rules and thus does not imply the creation of a new set of rules. Thus, HST agreements would not threaten future work on the harmonisation of tax rules. In the event that several MS wish to implement the pilot scheme a multilateral agreement is recommended. In any case, HST implies one way of calculation of the tax base of a group of entities and thus represents a simplification compared to the current situation.</p>

c) **Opinions on which the Commission is not at this stage able to offer comments**

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| <p>1. Sustainable Development Strategy
COM(2005) 658 final - EESC 736/2006 – May 2006
Mr RIBBE (Var. Int./DE) - Mr DERRUINE (Work/BE)
SG – The President</p> |
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Follow-up deferred to next quarter.

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| <p>2. Contribution to the European Council of 15 and 16 June – Period of reflection
Exploratory opinion – EESC 745/2006 - May 2006
Mr MALOSSE (Empl./FR)
SG – The President</p> |
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Follow-up deferred to next quarter.

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| <p>13. Flexicurity: the case of Denmark
Exploratory opinion - EESC 740/2006 – May 2006
Rapporteur: Ms VIUM (Var. Int./DK)
DG EMPL – Mr SPIDLA</p> |
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This opinion does not require any follow-up by the Commission.

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| <p>15. European Aviation Safety Agency
COM(2005) 579 final - EESC 598/2006 – April 2006
Rapporteur: Mr SIMONS (Empl./BE)
DG TREN – Mr BARROT</p> |
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Follow-up deferred to next quarter.

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| <p>19. Biomass action plan
COM(2005) 628 final - EESC 747/2006 – May 2006
Rapporteur: Mr VOSS (Var. Int/DE)
DG TREN – Mr PIEBALGS</p> |
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Follow-up deferred to next quarter.

26. The Community Civil Protection Mechanism
COM(2006) 29 final - EESC 738/2006 – May 2006
Rapporteur: Ms SANCHEZ MIGUEL (Work/ES)
DG ENV – Mr DIMAS

The Commission considers that follow-up is not necessary because this matter is still being negotiated at the Council and the Commission has already reacted to a Committee opinion on this matter.

28. 7th Framework Programme RDT
COM(2005) 439 to 445 final - EESC 583/2006 – April 2006
Rapporteur: MM. WOLF (Var. Int./DE) et PEZZINI (Empl./IT)
DG RDT – Mr POTOČNIK

Follow-up deferred to next quarter.

29. Nanosciences and nanotechnologies – Action plan 2005-2014
COM(2005) 243 final - EESC 582/2006 – April 2006
Rapporteur: Mr PEZZINI (Empl./IT)
DG RDT – Mr POTOČNIK

Follow-up deferred to next quarter.

30. Five-Year Assessment of Community research activities (1999-2003)
COM(2005) 387 final - EESC 729/2006 – May 2006
Rapporteur: Mr BRAGHIN (Empl./IT)
DG RDT – Mr POTOČNIK

Follow-up deferred to next quarter.