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du troisième trimestre 2007

Relevé trimestriel présenté
par la Commission européenne

ACTION TAKEN ON OPINIONS

adopted by the European Economic and Social Committee
at its plenary sessions
in the third quarter of 2007

Quarterly review presented
by the European Commission

SUIVI ACCORDÉ PAR LA COMMISSION AUX AVIS
DU COMITÉ ÉCONOMIQUE ET SOCIAL EUROPÉEN
RENDUS AU COURS DU 3^e TRIMESTRE 2007

(juillet et septembre 2007)

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PARTIE A: Avis exploratoires

<p>14. Promotion du trafic cycliste transfrontalier 2° trim. 07 CESE 616/2007 – Avril 2007 Rapporteur: M. SIMONS (Empl./NL) DG TREN – M. BARROT</p>	
<p>Point de l'avis du CESE estimés essentiels</p>	<p>Position de la Commission</p>
<p>Paragraphe 1.2:</p> <p>1.1 Le CESE recommande, de manière générale, d'intégrer le vélo dans la politique des transports et de l'infrastructure, et en particulier, de lui accorder toute l'attention qu'il mérite dans le futur livre vert sur les transports urbains.</p>	<p>Dans le contexte du plan d'action, qui fera partie des mesures de suivi du Livre vert "Vers une nouvelle culture de la mobilité urbaine" (Com(2007)551), la Commission examinera les moyens de promouvoir les alternatives à l'utilisation de la voiture, dont notamment le vélo.</p>
<p>Paragraphe 1.6:</p> <p>La Commission européenne doit continuer à soutenir financièrement l'échange de connaissances et de bonnes pratiques, ainsi que des campagnes de sensibilisation au vélo.</p>	<p>La Commission cofinance, depuis 2000, dans le cadre des programmes-cadre de recherche et développement technologique, l'initiative CIVITAS qui intègre ce type d'actions. Le nouvel appel à propositions pour le 7^{ème} programme-cadre RDT prévoit la poursuite de CIVITAS.</p>
<p>Paragraphe 1.7:</p> <p>Il y a lieu d'encourager, également au niveau européen, l'élaboration et la mise en œuvre de règles de sécurité adéquates, tant pour le cycliste et son moyen de transport que pour l'infrastructure cyclable et le reste du trafic.</p>	<p>Dans son action en faveur de la sécurité routière, la Commission privilégie une approche intégrée, basée sur trois piliers : le comportement de l'utilisateur, l'infrastructure et le véhicule. Elle attache une attention particulière à la protection des usagers vulnérables, notamment des piétons et des cyclistes.</p>
<p>Paragraphe 1.9:</p> <p>1.2 La Commission européenne devrait bien organiser la collecte et le suivi des données sur le vélo en Europe, et encourager l'harmonisation des méthodes d'analyse.</p>	<p>La collecte d'informations au niveau européen est un problème général du transport urbain qui est abordé dans le livre vert "Vers une nouvelle culture de la mobilité urbaine" (Com(2007) 551) .</p>

<p>Paragraphe 1.10:</p> <p>1.3 La Commission européenne doit continuer à subventionner la création de voies cyclables dans le cadre du projet EuroVelo, afin de mettre en place un réseau complet de voies cyclables, un RTE (réseau transeuropéen) de transport cycliste.</p>	<p>1.4 La construction des routes EuroVelo est subsidiée par le programme INTERREG. Le programme RTE-T (Réseaux Transeuropéens – Transport) ne peut financer le développement d'EuroVelo - cf décision 884/2004/EC définissant les orientations RTE.</p>
<p>1.5 Paragraphe 1.11:</p> <p>1.6 Il est souhaitable qu'une organisation européenne, subventionnée par la Commission européenne, assure la gestion et le secrétariat du réseau EuroVelo...</p>	<p>1.7 Il n'est pas possible d'obtenir des subsides directs pour une telle organisation mais un financement via un projet supporté par un programme spécifique de l'UE pourrait être envisageable.</p>

<p>1. Communication from the Commission to the Council and the European Parliament - Progress Report on the Sustainable Development Strategy 2007 COM (2007) 642 final - EESC 994/2007- July 2007 Rapporteur : Mr RIBBE (Var. Int./DE) SG - President BARROSO</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>Sections 1 – 4 of the Committee's opinion lists the EESC's general and specific comments on the Renewed Sustainable Development Strategy adopted in June 2006 and previous comments, opinions, etc.</p>	<p>These comments will have to be examined in detail when the strategy is reviewed. According to the EU, SDS adopted by the European Council in June 2006 the Council will at the latest by 2011 decide when a comprehensive review of the EU SDS needs to be launched again.</p>
<p>Point 5.2, the EESC has repeatedly called for the internalisation of external costs and the appropriate use of economic instruments to ensure progress on this.</p>	<p>In its Green Paper on market-based instruments, COM(2007) 140, of March 2007 the Commission concludes that these instruments should be used much more, particularly in energy, transport, water management, waste management, protection of biodiversity and reduction of air pollution. The paper also suggests developing the Energy Taxation Directive to promote greater energy efficiency and a wider application and take up of green tax reforms by Member States.</p>
<p>Point 5.3, the Committee welcomes the call in the EU SDS to shift taxation from labour to resource and energy consumption and/or pollution, to contribute to the EU goals of increasing employment and reducing negative environmental impacts in a cost-effective way and asks the Commission to give this point extensive consideration in the progress report and to submit practical proposals on how this can be done.</p>	<p>The Commission agrees. A more detailed analysis of this is provided in the Commission Staff Working Document, SEC (2007) 1416, under Financing and Economic instruments.</p>
<p>Point 5.4, the Committee welcomes the announcement that "by 2008, the Commission should put forward a roadmap for the reform, sector by sector, of subsidies that have</p>	<p>The Commission has undertaken the preparatory work and completed a study in March 2007 which helps set the parameters and offers practical insights into subsidy reform. The</p>

<p>considerable negative effects on the environment and are incompatible with sustainable development".</p>	<p>Commission will in 2008 work further on a roadmap building on this study.</p>
<p>The Committee also subscribes to the objective of "gradually eliminating" these subsidies and that consideration should be given to the possibility of transferring the savings thereby made to a new "EU sustainability fund", on which the Member States can draw when an environmental measure involves costs that are disproportionate to their budget (Articles 175(5) and 174(1) EC).</p>	
<p>Point 5.5, the Committee agrees with need to have a clear overview of what specific policy plans are in the offing and the reasons behind them. Thus, the Council's request that the Commission "produce a layman's guide to this strategy, including good practice and good policies in Member States" (point 26) is correct but, once again, the absence of a specific timetable is a matter of regret that should be addressed in the progress report.</p>	<p>The Commission has produced a layman's guide to the SDS. This guide is available on the Europa website since January 2008 (electronically) and will be published on paper in the spring of 2008.</p>
<p>Point 5.7, the Committee feels that the plan to "elaborate a concrete and realistic vision of the EU on its way to sustainable development over the next 50 years" is very important (point 27). The Committee would ask that, already at this stage, any vision of this kind should also look beyond 2060.</p>	<p>The Commission is currently considering how to take forward work on the 2060 vision.</p>
<p>Point 5.9, the renewed strategy states that each Member State is to appoint a representative to act as focal point. The Committee trusts that the progress report will indicate whether these appointments have already been made and how cooperation has been developing.</p>	<p>Each Member State has appointed a SDS Coordinator. The SDS Coordinators meet in the SDS Coordinators group which is chaired by the Commission.</p>

<p>Point 5.10, the first progress report should also indicate whether all Member States have now completed their (first) national strategies which, as announced, are due by June 2007. The Committee wonders who checks these national strategies, what benchmarks are used, and what happens if Member States fail to complete the strategies or if the strategies are "below par".</p>	<p>23 Member States have now completed their NSDS and the remaining 4 Member States are in the process of completing their NSDSs. The consultancy report issued by the Commission on the EU SDS examines the status of the 27 Member State NSDSs. This report will be made available on the Commission's SDS website.</p>
<p>Point 5.12, the Committee believes that maintaining progress on sustainable development at the rate that is needed will also require a strengthening of capacity in the Commission to monitor overall progress and to be ready to initiate new measures where implementation appears to be falling behind and a collective European approach is needed. The Committee doubts whether the coordination and exchange of good practices alone is enough. The Committee would like to receive, each year, the compiled results of the Member States submitted for examination.</p>	<p>The Commission is concerned by the lack of progress found for most of the key challenges. Implementation is therefore a key priority and the development of leading policies to bring about the desired results forms part of the Commission ongoing work. The Commission agrees that coordination and exchange of good practices is not sufficient to achieve real progress. The Member State reports can be found on the Commission's Sustainable Development Website.</p>
<p>Point 5.13, the strategy recommends the establishment or strengthening of national councils for sustainable development. The Committee is not aware of much progress on this recommendation. It intends to examine this issue later in the year, and meanwhile recommends that the implementation review should also examine this issue with Member States.</p>	<p>The Commission supports the establishment or strengthening of national councils for sustainable development in line with the recommendation of the strategy and has taken note of the Committee's assessment of 4 December 2007.</p>
<p>Point 5.16, Point 45 of the strategy states that, in 2011, a decision will be made on when a "review" of the sustainable development strategy is needed. The Committee cannot endorse this. If it becomes clear from the progress reports that Europe is encountering difficulties on the road to sustainable development, then there is something wrong with the strategy (which is the means to the end). If that happens, a review is needed immediately – and not just in 2011.</p>	<p>Given the fact that the progress report showed that EU Member States still are very far from having achieved the EU SDS objectives and targets, the Commission believes that the main emphasis must now be on implementation and achievement of results in all the 27 Member States rather than on a review of the strategy.</p>

1.8	6. Simplification of the regulatory environment for the machinery sector EESC 1238 – September 2007 Rapporteur : Mr IOZIA (Work./IT) DG ENTR – Mr VERHEUGEN	
	Main point of the EESC opinion	Commission Position
1.9	1.5 The EESC notes that various legislative initiatives are under way concerning the sector: the different interests involved – economic, social, environmental – need to be reconciled. The creation of the internal market must not jeopardise other, very important considerations such as health and safety in the workplace and consumer and environmental protection, in the context of the Lisbon goals. The EESC believes that a strategy integrating and coordinating the different initiatives is needed.	Despite the achievements of the Single Market, it now needs to adjust to new realities. The forthcoming Communication from the Commission: “A Single Market for 21 st century Europe” will set out how the Single Market will build on its strong foundations while repositioning itself to respond to the challenges and opportunities of the 21st century - globalisation, a larger more diverse EU, the rapid pace of innovation and change, evolving social and environmental realities. Seizing these opportunities will bring benefits to citizens, consumers and the business community alike.
1.10	1.6 The EESC welcomes the Commission's proposals in the Communication of 17 February 2007 modifying the new approach and strengthening the role of Member States' market surveillance activities, which they sometimes under-resource. The EESC calls for more Commission staff to be assigned to coordination, monitoring and, in some cases, even checks on management of accreditation procedures, notification bodies' activities and the quality of their certification. It supports the creation of a "platform for communication" between operators and Member States, which must act commensurately and consistently with the goals of the directives and Community policy, bringing about gradual convergence of market surveillance systems and models.	The Regulation on accreditation and market surveillance relating to the marketing of products and the Decision on a common framework for the marketing of products recently adopted by the legislature, once in force, will meet the EESC's concerns. Regarding the suggestion to create a "platform for communication" between operators and Member States the above legal acts do not provide for this tool. The new measures aim at providing for: - communication by the establishment of a general information support system and; - cooperation where it was considered appropriate (see e.g. Art. 35 of the Decision and section 2 of Chapter III of the Regulation).

1.7 - As regards standardisation activities, the EESC calls for all stakeholders to be enabled to participate from the outset in drawing up standards, strengthening the role both of technical committees, particularly at local level, and impact assessments, without excessive use of telematic consultation, which although a useful tool must not be the only means of consulting stakeholders, particularly in this case. The EESC calls on the Commission to take into due consideration the need to encourage stable standardisation, incorporating suggestions from operators and key stakeholders

1.8 - As regards "harmonised" standardisation, the EESC feels that this should be made available free of charge or for a token amount, particularly to small and medium-sized enterprises, and points out the disparity between the treatment of firms which do not belong to the countries in whose languages the rules are published (English, French and sometimes German) and that of the others, which do not have to bear what can be huge translation costs

The Commission intends to launch an in depth study in 2008 on the access to standardisation. The aim is twofold: to identify existing barriers affecting stakeholder participation in particular SME and to propose viable solutions concerning their removal.

It belongs to the European and national standardisation organisations, through their open network and transparent procedures, to consult all stakeholders on every new standardisation developments. Draft European standards are subject to public enquiries, conducted at national level in all Member States via adapted modalities.

Decision No 1673/2006/EC of the European Parliament and of the Council of 24 October 2006 on the financing of European standardisation provides a basis for a financial support to standardisation actions and for the infrastructure of the standardisation system. The Commission is reviewing its Framework Partnership Agreement with the European Standardisation Organisations in view of contributing to the stabilisation of the system in the period 2008-2011.

The Commission will make further recommendations with regard to the business model of standardisation as a result of the conclusions of the study on the access to standardisation, and will also address this issue in its forthcoming Communication to the Council, the European Parliament and the European Economic and Social Committee: "Towards an increased contribution from standardisation to innovation in Europe".

The financing of European Standardisation is currently under examination. Nevertheless, the Commission provides a financial support to the translation of Harmonised Standards in all EU languages not covered by the rules for publication of the European Standards Organisations.

	<p>Member States are encouraged to participate also to these translations, in such a way that the highest possible number of standards is translated. The Commission and the European standardisation bodies² have also undertaken activities to promote SMEs' participation in the standardisation process and to raise SMEs' awareness on standardisation. The Commission has signed contracts with NORMAPME since 2002:</p> <ul style="list-style-type: none"> → To increase the participation of SMEs in the European and national standardisation process directly linked to the works of the European standardisation bodies; → to ensure that SME positions are taken into account within the European standardisation process; → to increase the information on, and the use of, European standards by SMEs <p>Due to the high needs of SMEs in this area, the budget for 2008 is reaching € 1.000.000 through an ad hoc grant.</p>
<p>1.12 1.9 The EESC stresses that all unnecessary administrative costs should be removed, substantially reducing the burden on the production system:</p> <p>6.2 • Need for a practical solution for notification procedures under Directives 2000/14/EC on noise emissions from machinery used outdoors and 97/68/EC on gaseous emissions from off-road machinery engines</p> <p>1.13 6.3 • Need for guidelines on the practical application of Directives on vibrations (2002/44/EC) and on the risk of exposure to optical radiation (2006/25/EC), especially for SMEs.</p>	<p>6.2 Regarding the Outdoor Noise Directive 2000/14/EC, the Commission is offering a practical solution to the notification requirements by means of a noise data base and an IT-tool enabling manufacturers to upload the relevant data of their equipment directly into the database and where needed eventually correct these.</p> <p>On the gaseous emissions Directive, the Commission is currently exploring pragmatic solutions for complying with the Directive's notification requirements, through the use of the CIRCA system (<i>CIRCA</i> is extranet tool, enabling a given community of stakeholders geographically spread across Europe and beyond to maintain a private space on the Internet where they can share information, documents, participate in discussion fora and benefit from</p>

²

The CEN is running a project on a creation of a code for conduct on quality of supply services for SMEs (value for money of consultants advice). The CENELEC is running an Assistance Programme to promote SMEs' participation in the standardisation process.

	<p>various other functionalities).</p> <p>6.3 To help with the practical implementation of Directive 2002/44/EC on vibrations, a non-binding handbook was developed by the Commission services in cooperation with the Tripartite Advisory Committee on Health and Safety at Work. The publication of this handbook is expected for 2008.</p> <p>Regarding Directive 2006/25/EC on the risk of exposure to non-ionising radiation, the Commission services have launched preparatory work, in cooperation with the Advisory Committee on Health and Safety at Work, with a view to developing non-binding guidelines to help with the practical implementation of the Directive. The specificities of SMEs are taken into account in all Commission's guidelines related to the practical implementation of Health and Safety at Work Directives.</p>
<p>1.14 1.10 As regards the legal framework and the reference legal basis, the EESC recommends that, before issuing legislation, the Commission assess whether the same objectives could not be achieved by other means such as self-regulation or co regulation, as long as maximum transparency and fully-inclusive stakeholder participation can be ensured, and consistently consider the main aim of the standard and its content when determining the relevant Treaty articles to use as a legal basis.</p>	<p>The December 2003 Inter-Institutional Agreement (IIA) on Better Lawmaking recalls "the Community's obligation to legislate only where necessary, in accordance with the Protocol on subsidiarity and proportionality" and recognised "the need to use, in suitable cases or where the Treaty does not specifically require the use of a legal instrument, alternative regulation mechanisms". This is also reflected in the Commission's guidelines for impact assessment, which stipulate that all feasible regulatory and non-regulatory policy options (which includes self-regulation) should be examined so as to determine how well they would help achieve the stated objective(s), and against which costs these benefits would come.</p> <p>In this area, the Commission welcomes the collaboration with the European Economic and Social Committee on the public database aimed at mapping EU self- and co-regulation practices. This will help to increase awareness of the practical use and possibilities of these</p>

	instruments.
<p>1.15 1.11 The EESC calls for technical barriers to the completion of the internal market to be removed. Unnecessary national and local regulations are a genuine, insurmountable barrier to the free movement of goods.</p> <p>9.1 • Need to adopt a proposal to harmonise existing national legislation on the use of non-road machinery on public roads</p> <p>9.2 • Providing for benchmark standards that confer a presumption of conformity with requirements;</p> <p>9.2 • Including appropriate provisions for conformity assessment, bringing in a more rigorous conformity assessment for certain systems (steering, brakes, etc.).</p>	<p>The Commission agrees that the existence of conflicting requirements and multiple procedures for the approval for road circulation of off-road machinery needs to be overcome.</p> <p>The Commission will therefore examine the possible ways to complete the internal market in this area. This does not necessarily imply new legislation, since the development of harmonised standards in this area could provide a basis for mutual recognition of approval for road circulation by the Member States.</p>
<p>1.12 The EESC recommends that future legislation always be preceded by a proper, careful, ex ante impact assessment, taking account of the degree of proportionality, and also be followed by very stringent, ex post monitoring to repair damage which would otherwise be irreparable for the future of the sector's companies.</p>	<p>The Commission agrees with the EESC that impact assessment is essential to design high-quality legislation. All strategic and priority initiatives announced in the Commission Legislative and Work Programme are subject to the quality discipline of impact assessment. Furthermore, impact assessments are reviewed by the Impact Assessment Board which operates independently from the proposing services and under the direct authority of the Commission President.</p> <p>Regarding the ex-post monitoring, and in addition to the Commission's well-established policy of ex-post evaluation, the Commission is in the process of reviewing the existing body of legislation in the context of the simplification programme. A simplification strategy has been set up in October 2005 and is now composed of about 164 initiatives. In this context, the Commission has adopted a second progress report on simplification on 30 January 2008. It takes stock of progress achieved in the implementation of simplification rolling</p>

	<p>programme and enhances the rolling programme with a new set of simplification initiatives. It also repeats that the screening of the entire <i>acquis</i> will be completed during the mandate of this Commission and the results integrated in the updated simplification rolling programme to be presented in early 2009.</p>
<p>1.13 European sectoral social dialogue will also have a key role to play in identifying all the common initiatives supporting job creation and development of competitiveness in the sector, with due regard for workers', public and environmental safety, which are sacrosanct principles. Corporate social responsibility practices will facilitate this ongoing dialogue between companies and stakeholders, to prevent improper use, increase knowledge and lifelong training and build a good relationship with the region in question and end consumers</p>	<p>The Commission is committed to social dialogue and supports the activities of the sectoral and cross-industry social partners. The Commission is also committed to promoting a wider uptake of CSR amongst European enterprises, on a voluntary basis.</p>

<p>10. The role of the social partners in reconciling working, family and private life Exploratory opinion asked by the Portuguese presidency - EESC 998/2007 – July 2007 Rapporteur : Mr CLEVER (Empl./DE) DG EMPL – M. ŠPIDLA</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The EESC recalls the importance of a better reconciliation of work, family and private life in the context of demographic change for attaining higher employment rates and achieving gender equality. It highlights the crucial role of the social partners in implementing reconciliation policies, notably by providing support to working parents and families through staff-related measures. In its view, social partners can raise awareness and change role models of men and women. Reconciliation measures can bring benefits to both workers and companies. The Committee also recalls the responsibility of the state to adopt adequate reconciliation policies and to provide facilities for child-care and other dependent people. It points to the importance of joint initiatives at the regional and local level.</p>	<p>The Commission agrees with the Committee's view that better reconciliation of work, family and private life can be achieved through joint efforts by public authorities at European, national and local level, the social partners at all levels and the individual persons concerned.</p> <p>The Commission recalls that it has launched in October 2006 and in May 2007 the first and the second-stage consultation of social partners on reconciliation. In their joint reply to the second phase of 11 July 2007, the European social partners (ETUC, BUSINESSEUROPE, CEEP and UEAPME) have announced that they will carry out an evaluation of all elements of their framework agreement on parental leave. The European social partners intend to use this opportunity to evaluate parental leave arrangements in connection with other arrangements supporting parents and work life balance (flexible work arrangements, childcare, other forms of leave) to assess if joint actions need to be taken. They will report on progress made to the Commission and the Tripartite Social Summit of March 2008.</p> <p>The Commission supports all actions by the European social partners to improve reconciliation, including the Framework of Actions on Gender Equality and the follow-up given by national social partners and summarised in annual reports.</p> <p>Furthermore, the Commission carries out an impact assessment in order to study the costs and benefits of further legislative measures to</p>

	improve reconciliation, namely as regards duration and payment level of maternity leave, the introduction of new forms of leave in case of adoptions, for dependant family members and a special leave of several days for fathers.
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<p>11. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Towards Common Principles of Flexicurity : more and better jobs through flexibility and security Exploratory opinion asked by the Portuguese presidency - EESC 375/2007 – July 2007 Rapporteur : Mr JANSON (Work./SE) DG EMPL - Mr Špidla</p>	
Main points of the EESC Opinion	Commission Position
<p>The EESC wants to see a stronger link between the flexicurity debate and the strengthening of social dialogue on all levels, and collective bargaining on appropriate levels.</p>	<p>The Commission's Communication on flexicurity stresses the role of the social partners and collective bargaining in establishing and implementing the flexicurity strategies at all levels.</p>
<p>The flexicurity concept should enhance both flexibility and security in a balanced way. The flexicurity concept must not be abused for unilateral and illegitimate reduction of workers' rights.</p>	<p>Agrees. The two dimensions of flexicurity have to be seen as reinforcing each other rather than as the opposite ones.</p>
<p>Internal flexicurity (worker flexibility within the context of the enterprise) needs to be more strongly developed <i>as an alternative</i> to external flexicurity (being transitions of workers from one enterprise to another).</p>	<p>Both external and internal flexicurity form an integral part of any flexicurity strategy. The Commission sees internal and external flexicurity as complementary. Internal flexicurity will not always be sufficient, for example in SME's. Safe transitions between jobs need to be developed in addition to improved internal flexicurity.</p>
<p>The Commission and the Member States should give more attention to gender equality and intergenerational solidarity in the context of flexicurity.</p>	<p>Gender equality and intergenerational solidarity occupy a very crucial place in the flexicurity debate. Flexicurity should support gender equality by promoting equal access to quality employment for women and men, and by offering possibilities to reconcile work and family life as well as providing equal opportunities to migrants, young, disabled and older workers. Flexicurity could help address the challenge of segmented labour markets. Women and young and older people belong to the group of workers that are the most affected by this phenomenon.</p>

<p>12. Employability and entrepreneurship – The role of civil society, the social partners and regional and local bodies from a gender perspective Exploratory Opinion asked by the Portuguese presidency - EESC 689/2007 - July 2007 Rapporteur : Mr PARIZA CASTAÑOS (Work./ES) DG EMPL - Mr SPIDLA</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>1.2 gender perspective of the Lisbon agenda needs to be strengthened, and that the aspects (of the CESE opinion should be included in the mid-term review of the integrated guidelines for growth and jobs and the national reform plans.</p>	<p>The Commission shares the opinion of the EESC, as it is clearly indicated in its Roadmap on equality between women and men 2006-2010 (COM 2006/92) and it is working within its own competences in order to ensure a strengthening of the gender perspective in the Lisbon strategy for growth and jobs. It is to be underlined that, in that regard, the cooperation and the commitment of Member States is crucial for success.</p> <p>In its Communication "The European Interest: Succeeding in the age of globalisation. Contribution of the Commission to the October Meeting of Heads of State and Government (COM 2007/581), the Commission underlined that "<i>the new governance of the Lisbon Strategy for growth and jobs, with its emphasis on partnership between the European and the Member States level, has proved its worth. The integrated guidelines are fulfilling their role; they do not require major revision</i>". Following this, in December 2007, the Commission has adopted a Lisbon package including an Annual progress report and proposal on the Guidelines for growth and jobs. The proposals for guidelines will be discussed with Member States and adopted by the Council in Spring 2008. The Commission will ensure that the gender equality dimension will be present in its proposal.</p>

<p>1.15.1 1.2.9. <i>The equality plans and positive action measures agreed and implemented in many companies and sectors should be extended, and should be supported by national, regional and local governments, and through the Community resources of the European Social Fund.</i></p>	<p>The Commission adopted on 18 July 2007 a Communication on tackling the gender pay gap (COM 2007/424) where it supported the view that in order to tackle the problem of labour market segregation, the Member States could give greater consideration to taking positive action, while abiding by the case law of the Court of Justice. In Addition it urged the Member States to exploit the full potential of the European Social Fund, in particular in order to tackle the direct and indirect causes of pay gaps between women and men, improve women's access to the labour market and reduce the segregation of the labour market on the grounds of sex</p>
<p>1.2.10. and 6.12. The EU guidelines should reinforce the national objectives for equal pay between men and women, by means of specific indicators.</p>	<p>See answer to point 1.2.</p>
<p>3.5 The EESC considers it necessary to strengthen the gender perspective of the Lisbon Strategy, revising the Community and national objectives, in order to enable more women to be entrepreneurs, to secure employment, and for the quality of this employment to be improved ("quality" is understood to mean greater professional diversity, equal pay, greater job stability, access to training and career development).</p>	<p>See answer to point 1.2.</p> <p>As far as the objectives are concerned, 2010 will be an important date to evaluate progress towards the current EU targets.</p>
<p>5.3. The EESC stresses that the new national reform plans must make it a requirement for Member States to appoint a national officer for gender equality</p>	<p>Despite the fact that the existence of a national officer for gender equality could possibly help the integration of a gender perspective into the National Reform Program, according to the subsidiarity principle, it is up to Member States to decide if to have such position within its own structure.</p>
<p>5.13. The EESC reminds Member States of the commitments they made in the European Pact for Gender Equality, and proposes that</p>	<p>The integrated guidelines require Member States to improve reconciliation policies, including the provision of childcare facilities.</p>

<p>the Commission require that the Member States' national reform programmes include greater commitments to improving the reconciliation of family and working life for women and men.</p>	<p>The Commission monitors Member States policies, including their commitments taken in the European Pact for Gender Equality, through the mechanisms of the Lisbon Strategy. In addition to that, these commitments have been the subject of informal meetings of Ministers for gender equality, for instance under the EU German presidency.</p> <p>Moreover, in 2008 the Commission will organise exchanges of good practices between Member States around this subject and will also present a report on the state of play of the Barcelona targets on childcare</p>
<p>5.17. Women from migrant or minority backgrounds suffer from particular difficulties in setting up businesses and accessing the labour market under equal conditions, and the new guidelines for employment must therefore include specific objectives.</p>	<p>The Roadmap on equality between women and men 2006-2010 underlines the importance of combating multiple discrimination in particular against immigrant and ethnic minority women and stresses the need for the promotion of gender equality in migration and integration policies in order to ensure women's rights and civic participation, to fully use their employment potential and to improve their access to education and lifelong learning. In that respect, the Commission has launched a study on the "role of migrant women in the labour market: current situation and future prospects".</p> <p>See also answer to point 1.2.</p>
<p>5.18. The EESC has drawn up various opinions calling for a common EU policy on immigration, and for integration policies and the fight against discrimination to be made priorities by European governments. These policies should include the gender perspective, so that migrant women or women from ethnic or cultural minorities can implement their business projects and become part of the labour market under equal conditions.</p>	<p>See answer to point 5.17.</p>

<p>5.19. The EESC proposes that the new guidelines and national reform programmes strengthen the objective of including women with disabilities in the labour market, through specific indicators.</p>	<p>The Commission is well aware of the issue of women and disability and the multiple discrimination they can experience.</p> <p>In 2007 the study on "Men and women with disabilities in the EU" was finalised providing an overview of the statistical analysis of the Labour Force Survey (LFS) ad hoc module on people with disabilities and long term health problems, as well as the first data collection of the EU Statistics on Incomes and Living Conditions (EUSILC).</p> <p>http://ec.europa.eu/employment_social/index/lfs_silc_analysis_on_disabilities_en.pdf</p> <p>In addition, in 2007 the Commission has launched a new study "on the situation of women with disabilities in light of the UN Convention on the Rights of People with Disabilities".</p> <p>See also answer to point 1.2.</p>
<p>6.8. The Committee urges the Commission to work more actively with the social partners to achieve gender equality objectives.</p>	<p>The Commission supports the work of social partners to achieve gender equality. The efforts of all interested parties need to be harnessed, in particular the Member States and the social partners, in order to achieve progress with regard to equality between men and women in the workplace. Furthermore, in the Communication on the gender pay gap (COM 2007/424) the Commission calls upon the social partners to continue to implement their framework of actions on gender equality, in particular as regards the priority given to reducing the pay gap.</p>

<p>6.16. Often, the systems for calculating pensions are detrimental for women, as they are linked to professional careers. Many women with part-time jobs or whose periods of employment are interrupted or unstable find it very difficult to obtain a pension, or they receive very low pensions. The EESC proposes that, through the open method of coordination for the reform of pension systems, the Commission and Member States take into account these situations, which damage the equality of women in the labour market, and look for fairer solutions.</p>	<p>The promotion of equality between women and men is an overarching objective of the Open Method of Coordination on social protection and social inclusion. A specific objective in the pension strand is to ensure that pension systems are well adapted to the specific needs of women and men. The Commission in its 2006 Synthesis report on Adequate and Sustainable pensions has acknowledged the significant gender gap in pension entitlements. A study has recently been launched by the Commission to improve the knowledge on the socio-economic impact of pension systems on women and gender equality.</p>
<p>7.4. The Action Plan: The European agenda for Entrepreneurship³ proposes a series of measures for the promotion of entrepreneurship to be achieved by the EU and the political leaders of all the Member States. Among other things, the plan highlights the need to provide tailored support for women. However, the progress reports on the achievement of the key objectives and actions of the European Charter for Small Enterprises⁴ do not make any mention of this issue. The EESC believes that the annual reports should include specific information on the progress made at European level and in Member States in providing support for female entrepreneurs, in order to make it easier to exchange good practices and knowledge.</p>	<p>Reporting under the European Charter is since 2005 integrated in the Reporting on the renewed Lisbon Partnership for Growth and Jobs. No specific reporting on women entrepreneurship is foreseen but the Member States may address this area in their National Progress Report should they wish so.</p> <p>The Collection of good practices under the Charter continues independently of the Lisbon reporting exercise. Good practices in the area of women entrepreneurship have been submitted by Romania in 2007 (Developing an entrepreneurial culture among women managers from SMEs) and Lithuania in 2006 (Promoting women entrepreneurship in Lithuania).</p> <p>These measures can be consulted freely in the Charter online good practice catalogue at: http://ec.europa.eu/enterprise/enterprise_policy/charter/gp</p>

³ Action Plan: The European agenda for Entrepreneurship. http://eur-lex.europa.eu/LexUriServ/site/en/com/2004/com2004_0070en01.pdf.

⁴ http://ec.europa.eu/enterprise/enterprise_policy/charter/index_en.htm.

<p>7.19. In some countries, social protection provisions for female entrepreneurs and married co-entrepreneurs distinguish between different statuses which can apply to female entrepreneurs, e.g. "collaborator spouse", "employed spouse" or "associate spouse". The EESC proposes that the Commission encourage debate in order to improve the social protection of female entrepreneurs.</p>	<p>The Commission has announced in its work program for 2008 the review of Directive 86/613/EEC on the application of the principle of equal treatment to self-employed and helping spouses.</p> <p>In this context, the Commission will analyze how to improve the situation of helping spouses and recognize their contribution for the success of family businesses.</p>
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<p>14. Harmonised indicators in the field of disability as an instrument for monitoring European policies Exploratory opinion asked by the Portuguese presidency – EESC 400/2007 – September 2007 Rapporteur: Mr JOOST (Var. Int./BE) DG EMPL – Mr SPIDLA</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>Recommendation 1.1 – adoption of a roadmap with the development of a set of indicators and quantitative targets to be achieved by MS.</p> <p>Recommendation 1.2 – to focus on gathering a reliable and coherent set of indicators, as well as quantitative targets in each of the statistical fields and policy objectives identified, for each MS to achieve within a set of time.</p>	<p>The Commission agrees that there is a need for indicators on the participation of disabled persons as comparable data among the Member States. These are in particular necessary to be able to comply with the data collection requirements of Article 31 of the UN Convention on the Rights of Disabled Persons. Since the main problem is the availability of the data in the field of disability, the objective of the European statistical activities of the Commission is to provide relevant, reliable and comparable statistical data to establish a picture of the overall situation of disabled people in Europe on the basis of the social model of disability.</p> <p>In this respect, one of the main priorities of the European Disability Action Plan 2006-2007 was to increase the EU's analytical capacity. This will remain a priority also for years 2008-2009 since data on the situation of disabled people is still needed for better informed and more targeted policy making. Eurostat has increased its efforts in the European Statistical System (EES) to further develop Community statistics relating to disabled people. An annex (Annex 3) of the new Commission Communication on the Disability Action Plan 2008-2009 of 26 November 2007, addresses the issue of capacity building in the area of disability statistics.</p>

	As to the period beyond the Action Plan 2008-2009, the Commission will take into account the recommendation for a roadmap.
Recommendation 1.3 – to endorse a list of priorities by the Disability High Level Group for the data collection based on a core set of indicators already existing in the ISTAT list (proposed back in 2001 in the context of the study).	The Commission presented the EESC's opinion to the Disability High Level Group at its October 2007 meeting and there will be a fuller discussion at March 2008 meeting in the presence of the rapporteur Mr. Joost.
Recommendation 1.4 – Member States to continue with their efforts to gather data on disability based on surveys. The work on definition at international level within the Washington Group to be continued.	The Commission agrees that Member States should continue and increase their efforts to gather data on disability. The Washington Group also needs to continue its work. Since June 2001, the Group has met seven times and has developed a "Short Set of Questions on Disability" for use in national censuses. The last meeting, in October 2007 in Dublin, was dedicated to the development of a specific extended set of questions including environment and participation variables. The next meeting is planned for October 2009 in the Philippines
Recommendation 1.5 – the EU Labour Force Survey should assess the progress achieved on a more regular basis. The Social Protection and Employment Committees could in future include a set of indicators which would be systematically researched, as opposed to independent one-off initiatives	A first module on employment of disabled people was included in the 2002 European Labour Force Survey (LFS). The information provided in that module now needs to be updated to provide information on the current situation in the enlarged EU of 27 Member States and other countries participating in the LFS. A new module would allow identifying changes to the employment situation of people with disabilities. The Commission intends that the programme of ad-hoc modules for the EU LFS in 2011 will include the employment of disabled people.
Recommendation 1.6 – the EESC urges the EC to include in Eurostat surveys a coherent disability module including the above-	The Council Resolution of December 2007 on the Follow-up of the European Year of Equal Opportunities for All (2007)

<p>mentioned elements, with regular reports to allow a proper assessment of policies, as well as identification of priorities</p>	<p>emphasises that the issue of inequalities and discrimination inter alia on grounds of disability in the EU continuously exists. The Resolution invites the Member States and the Commission (1) to strengthen efforts to prevent and combat discrimination based inter alia on ground of disability, inside and outside the labour market, (2) to sustain and reinforce the mainstreaming of disability issues into all relevant policies and (3) to promote the development of a set of harmonised indicators and quantitative targets to monitor progress achieved in the field.</p> <p>Within the context of European Health Interview Survey (EHIS) the module on health status (EHSM) contains questions on disability. Eurostat has already started work on development of survey module on disability and social integration (EDSIM). These two instruments should in future result in achieving a comprehensive set of questions to allow monitoring of the overall situation of disabled people in Europe.</p>
<p>Recommendation 1.7 – National disability organisations should be involved in working out priority indicators for the individual Member State concerned. Endorsement of harmonised indicators and collection of data will enable to exchange best practice solutions between Member States, as the effectiveness of the used initiatives is measurable.</p>	<p>The Commission supports this recommendation and encourages disability organisations to become involved in working out indicators in the field of disability. At European level, disability organisations and other stakeholders participating the Disability High Level Group, such as service providers, will be associated with this work. In the March 2008 meeting of Disability HLG, the issue of data collection to feed into a core set of indicators as those already proposed by ISTAT in 2001 in its preliminary study will be discussed with all stakeholders as a follow up to the EESC report.</p>

<p>16. Radio Frequency Identification CESE 661/2007 – July 2007 Rapporteur : Mr Morgan (Empl./UK) DG INFSO –Mrs Reding</p>	
Main points of the EESC Opinion	Commission Position
(1.3) The EESC would welcome an opportunity to present this Opinion to the Stakeholders Group.	The rapporteur, Mr. Morgan was invited to present the EESC opinion to the stakeholder group on September 11, 2007.
(1.4) The EESC highlights the urgency to establish effective contributions to Standards forums.	DG INFSO has adopted a frequency spectrum decision (2006/808/EC) for the most used UHF RFID tags in 2006. DG ENTR formulated the intention to release soon a RFID mandate for Standards forums (CEN, CENELEC, ETSI).
(1.6) RFID tag readers can be incorporated invisibly into nearly every environment where human beings congregate. It must not be allowed to happen.	The draft Recommendation to Member States currently (February 22, 2008 – April 25, 2008) open for online consultation specifies how RFID readers should be made visible to avoid that individuals can be tracked or profiled without their consent.
(1.7) Tag reading in a retail environment must be transparent to all parties	The draft Recommendation, currently under online consultation, specifies in article 7 how RFID tags and readers can be used in retail applications.
(1.8) business-to-consumer transactions, such as retail, ticketing, access controls or transport services should follow principles laid out in the EESC opinion.	The draft Recommendation includes guidance on how business-to-consumer services referred to in the EESC opinion can be build.
(1.11) Some applications are inappropriate in a free society and should never be permitted.	The draft Recommendation gives guidance for some applications but does not express an opinion on some applications such as RFID implants that could present a non ethical use of the technology. These applications fall outside the scope of the recommendation but might be addressed in a relevant framework. Contacts have already been established with the EGE (European Group on Ethics and New

	Technologies) to discuss this matter.
(1.11) The imperative need to preserve privacy and anonymity must be the core of the Recommendation by the Commission to the Member States.	The envisaged draft Recommendation currently under public consultation is a result of the concern of citizens and consumers and is directed towards maximal privacy when deploying RFID applications for the wide public.

39. Santé et migration

**Avis exploratoire à la demande de la présidence portugaise - CESE 1001/2007 –
Juillet 2007**

Rapporteur: M. SHARMA (Act. Div./UK)

Corapporteur: Mme CSER (Trav./HU)

DG JLS – M. FRATTINI

Suivi reporté au trimestre suivant.

PARTIE B: avis faisant l'objet d'une réponse substantielle

<p>2. Investment in Knowledge and Innovation (Lisbon Strategy) Own-initiative opinion – EESC 40/2007 – July 2007 Rapporteur: Mr WOLF (Var. Int./DE) SG – Mr President BARROSO</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>1.16 2.9 In particular, the Barcelona target set for the purpose of implementing the Lisbon strategy must be taken very seriously by all the relevant stakeholders if Europe is not to fall further behind its global competitors in terms of R&D investment. This target states that total R&D expenditure in the EU should be increased such that it reaches around 3% of GDP by 2010. Two thirds of the required investment is to come from the private sector.</p>	<p>The Commission fully agrees with the Committee's view on this point. Whilst Member States have set targets committing themselves to significantly increasing R&D investments which would help the EU approach its 3% of GDP target by 2010, the evidence thus far does not fully yet reflect this ambition.</p>
<p>1.17 2.11 Therefore, the Committee reiterates its recommendation that this part of EU funding should, as a first step, be increased by half, i.e. to around 3% of the total investment aimed for by the Barcelona target, as part of the revision of the EU budget planned for 2008. This is especially relevant in the light of the future European Technology Institute (ETI) and the urgent need for more R&D into climate-friendly sustainable energy supply.</p>	<p>Following decisions by the 2006 Spring European Council, Member States have set targets and taken steps to increase investments in research and development. The European Research Council and several Joint Technology Initiatives are being launched, based on Commission proposals. The European Institute for Innovation and Technology (EIT) is expected to start work in 2009. Under the new cohesion policy programmes, more than € 85 bn will be made available for investments in knowledge and innovation.</p> <p>These are good first steps, but the Commission agrees that much more is needed to achieve Europe's ambitions. Member States should take additional measures to meet their R&D investment targets for 2010.</p>

<p>1.18 2.14 Europe's strength lies in the capabilities and performance of its citizens. Doing more to promote and develop these capabilities must therefore be a priority. Accordingly, the Committee calls on the Member States to strengthen and</p>	<p>Investing more in education and skills throughout people's lives is not only critical to Europe's success in the age of globalisation, it is also one of the most effective ways to fight inequality and poverty.</p>
<p>1.19 improve their educational establishments and to put in the considerable investment necessary to achieve this. Sound education and training for the masses is just as important as the education of the academic elite. With this in mind, a wide range and sufficient number of sound and appropriate educational establishments, from primary schools to universities, are necessary. Only then will European society as a whole be receptive to education and science.</p>	<p>In its December 2007 Strategic Report on the Lisbon Growth and Jobs Strategy⁵, the Commission called for more investment in people through a life-cycle approach in employment and education, to modernise labour markets and to reinforce social inclusion. In terms of specific actions, at Community level, this would involve a Commission proposal by mid-2008 of a renewed Social Agenda based on opportunities, access and solidarity, taking account of Europe's new social realities and covering notably issues such as youth, education, migration and demography. This would also include proposals to address the skills gap by improving the forecasting and monitoring of future skills requirements in Europe.</p> <p>The report also called for action at Member State level which would include implementing the agreed common principles on 'flexicurity' by defining national pathways within Member States' National Reform Programmes by end 2008, drawing up action plans and set targets to substantially reduce early-school leaving and improve basic reading skills, linking up national and regional programmes to the Erasmus programme to increase the number of students participating in international exchanges; and ensuring that by 2010, national qualification frameworks are aligned with</p>

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COM(2007) 803, 11 December 2007.

	the European framework.
<p>1.20 2.15 In addition, the Committee repeats its recommendation that a common European knowledge area be developed to complement the European Research Area, through closer supranational cooperation in the areas of learning, innovation and research. Any incentives and measures in support of lifelong learning have an important role to play here. Lifelong learning is the key to the knowledge society. Obstacles to the single market that are obstructing the transition to the European knowledge society must be removed as quickly as possible.</p>	<p>Research and technological development is essential to promoting sustainable development and innovation and ensuring that Europe remains a competitive and prosperous society in the future. In this context, the EU has committed itself to building a European Research Area (ERA) that will overcome geographical, institutional, disciplinary and sectoral boundaries.</p> <p>Even though many initiatives have been launched by the European Union and Member States, there are still national and institutional barriers which prevent ERA from becoming a reality. For this reason, the European Commission has presented its vision for the future of the ERA in the Green Paper 'The European Research Area: New Perspectives', adopted on 4 April 2007. Over the course of 2008, the Commission will focus on the development of ERA in line with the results of the consultation on the Green Paper. In this respect, important initiatives will be launched in 2008 to deepen the ERA:</p> <ul style="list-style-type: none">- A proposal for a Council regulation on a dedicated Legal Framework for the construction and operation of new pan-European research infrastructures; it should facilitate the formation of European consortia for the construction and operation of research facilities of pan-European interest which are necessary for the efficient execution of Community research programmes;- A communication on "Towards joint programming of research" to increase the value of well-chosen national investments

	<p>in research through joint programming;</p> <ul style="list-style-type: none">- A communication on Partnership for a European researchers' passport for mobility and career development to accelerate the realisation of a genuine European labour market for researchers in a renewed partnership with and among Member States;- The contribution of ERA to Europe's role as a world partner in research will be advanced with the development of an international S&T co-operation strategy. This will constitute a framework and a privileged forum to identify common interests, priorities, policy dialogue, and the necessary tools for scientific and technological collaboration. <p>Moreover, the Seventh Framework Programme for Research (FP7), with a budget of 7 billion € per year, remains the cornerstone of the construction of the ERA and, as such, a key component for the Growth and Jobs strategy. FP7, as its predecessors, strongly contributes to European competitiveness and to achieving the objectives of other Community policies.</p> <p>Another important activity will be the setting-up of the two executive research agencies: the European Research Council and the Research Executive Agency.</p>
<p>1.21 2.19 Thus, innovation means devising and implementing new technologies, processes, organisational methods, business models, educational models etc. that previously had not been, or could not be, considered. It is therefore important that relevant legislation offers sufficient room for manoeuvre</p>	<p>Europe's better regulation agenda is starting to produce results and administrative burdens should be reduced by 25% at EU level. Member States have committed themselves to equally ambitious targets at national level. An important part of improving the business environment for SMEs, and an underestimated source of innovation, is the</p>

<p>to give new ideas that were not previously thought of the chance to be put into practice and not to wither away before they even take root simply because they do not fit into the framework of excessively detailed regulation. Over-restrictive regulation is a brake on innovation. The Committee therefore supports all efforts to simplify regulations and to check them for superfluous, excessively detailed and/or unnecessarily restrictive requirements.</p>	<p>modernisation of public administrations, notably as regards their uptake of interoperable ICTs. As part of the better regulation agenda, many administrations are already responding to growing expectations; treating businesses and citizens as customers, using new technologies, promoting social innovation and making organisational changes to provide a transparent, predictable service and effective means of redress. The Commission will continue to promote the exchange of good examples.</p>
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3. The economic and social consequences of financial market trends
Own-initiative opinion - EESC 665/2007 – September 2007
Rapporteur: Mr DERRUINE (Var. Int./BE)
DG MARKT – Mr McCREEVY

The EESC own-initiative opinion illustrates selected problematic economic and social consequences related to financial sector practices and trends. Starting with some stylised facts on the process of financial globalisation and its impact on the economy, the opinion highlights that a certain convergence of different corporate governance practices across Member states (opposing the "Anglo-Saxon" model to the model characteristic of continental Europe and other countries such as Japan) poses challenges to the coherence of different systems, notably in terms of the functioning of capital and labour markets. In terms of economic impact of recent financial sector trends, the opinion highlights the increasing importance of institutional investors and their impact on corporate governance practices (e.g. notably in terms of the expected net return on equity (ROE), M&A activity and leveraged buyouts, and incentive structures associated with the remuneration of fund managers). The resulting consequences in terms of social cohesion are notably a trend towards "atypical" work contracts such as fixed-term and part-time contracts, which result in new risks for both workers and enterprises in terms of work conditions, with the need to find a "new balance" between shareholders and workers. As fostering R&D and innovation should play a positive role in this process, the opinion deplores an increasing focus of private equity investors and hedge funds on buy-outs, as well as their negative leverage and systemic risk effects. On this background, the opinion formulates 19 specific recommendations aimed at improvements in four areas i.e. (i) information, transparency and protection of investors and consumers; (ii) risk management and diversification; (iii) reconciling the financial strategy and the European social model and (iv) equal tax treatment, which are partly addressed to the Commission Services.

Main points of the EESC Opinion	Commission position
<p>1.1: It is important to develop statistical instruments that will give a better picture of the hedge funds and private equities industries and to develop indicators for corporate governance, all of which are subject to harmonisation, at least at European level.</p>	<p>The Commission welcomes recent risk assessments and market mapping exercises undertaken by national authorities and industry groups which contribute to greater understanding of current practices and developments. As regards the impact of hedge funds and private equity funds on the corporate governance of portfolio companies, extensive evaluation has been undertaken by the OECD. Hedge funds and private equity funds must act in accordance with well-established provisions of European and national company law when acquiring a large or controlling stake in a company. Recent industry initiatives, such as the recommendations of the Hedge Fund Working</p>

	<p>Group and Walker Working Group in the UK, are expected to result in more information on the scale and impact of hedge fund and private equity investing.</p>
<p>1.2: In order to alleviate the increasing suspicions weighing on part of the financial industry, to limit the danger of undue risks (especially indebtedness) generating systemic shocks and to ensure respect for fair competition between the various types of investment, prudential standards should be applied to hedge funds and private equity funds (a "Basel III").</p>	<p>The recent market turmoil suggests that the existing approach to managing the risks posed by hedge fund activity to the financial system - that is, through the prudential supervision of institutions that lend to hedge funds - works well. The Commission concurs with the Financial Stability Forum finding that there is no case at this time for fundamental regulatory change in this area. While there is a clear need to remain vigilant to the risks posed by the activities of these institutions, heavy-handed regulation would risk undermining the positive contribution that hedge funds and private equity can make to the efficiency of financial markets, to the dispersion of risks and to the performance of the companies in which they invest.</p>
<p>1.3: "The EESC would urge the Commission to present, as soon as possible, its draft legislative provisions aimed at stepping up the information provided by institutional investors with regard to their policies in respect of investment and voting</p>	<p>The European Commission organised a public consultation on the future priorities of the Company Law and Corporate Governance Action Plan in 2006, where the question of a need for EU-level rules on transparency of institutional investors' voting policy was raised. The public consultation did not show strong support for such EU measures. The Commission therefore did not envisage presenting any such proposal in the short term. With regard to shareholdings and voting activity, it remains the case that hedge funds and private equity funds must act in accordance with well-established provisions of European and national company law when acquiring a large or controlling stake in a company. They must also respect the legitimate demand for information on the part of shareholders of companies in which they invest. The Commission notes that the industry is actively developing standards to address areas of residual concern, such as the disclosure of derivative positions and voting on borrowed stock.</p>

<p>1.4: In order to enhance protection for investors placing their money in private equity funds, the UCITS directive should be amended so that it also covers these players and obliges them to be more transparent. Although the promise of high returns may be a factor in attracting investment, the final investor may be unaware of the risks involved.</p>	<p>The UCITS Directive allows funds to be offered to retail investors throughout the EU, subject, among other controls, to strict investment limits and capital and disclosure requirements. Investors in hedge and private equity funds, by contrast, are typically sophisticated and institutional investors, who do not require the protections offered by UCITS. The Commission considers that there may be important risks and dangers in allowing retail investors to invest in private equity from an investor protection perspective, and believes that care is needed before widening UCITS to accommodate private equity investment. The inclusion of private equity would also not be consistent with the structure or investment policies of these firms.</p>
<p>1.5: The Commission should encourage and pursue, together with the interested parties, (including banks, consumers' associations, the public authorities and service providers) initiatives aimed at raising the awareness of consumers of financial services, who generally do not possess the requisite financial background and knowledge and are therefore unaware of the risks involved</p>	<p>In recent years, the Commission has done a lot to raise awareness among EU citizens/consumers about financial services policy related issues, e.g. setting up permanent dialogues with consumer organisation representatives, issuing a consumer newsletter on financial services (Finfocus) as well as ensuring consumer retail investor involvement in sector-specific expert groups. The Commission has set out its opinion on financial education in its Communication.</p>
<p>1.6: Listed companies which have been bought out but whose turnover or number of employees exceeds a given threshold should always be required to publish a minimum amount of information when they are withdrawn from the Stock Exchange and are no longer subject to the inherent reporting requirements.</p>	<p>Leveraged buy-out transactions resulting in major public companies being de-listed from the stock exchange and taken private is a relatively recent phenomenon. The European Commission is following market developments in this area, however no action has been envisaged in the short-term regarding increased disclosure of such companies. The Commission is also closely monitoring regulatory initiatives which aim to raise the level of transparency in this area (e.g. guidelines of the Walker Working Group in the UK).</p>
<p>1.8: The American subprime crisis has spread to other sectors of the financial market and to the EU. In the event of a</p>	<p>An efficient and effective supervisory framework that promotes financial stability is an important prerequisite for the creation of a Single Market in</p>

<p>European banking crisis, it is likely that the costs incurred would be substantial because of the fragmentation of supervision, which would slow down any appropriate reaction. Under the subsidiarity principle, the major banks should be subject to supervision at European level. The Committee invites these banks, along with the Commission and the Committee of European Banking Supervisors (CEBS) to confer in order to spell out the conditions and define the criteria for identifying the banks concerned.</p>	<p>financial services. The Commission's view is that the Lamfalussy structure provides the right approach for delivering this, but that more can and should be done to strengthen the process. In a recent Communication, the Commission suggests how this could be done; e.g. by strengthening the political accountability of Level 3 Committees in relation to the EU institutions, by encouraging them to take decisions by qualified majority voting and by reviewing their legal basis. Moreover, we are suggesting a wider use of colleges of supervisors for cross-border groups.</p>
<p>1.9: In the case of delegated management, which permits diversification of management risk, extending the length of management mandates would encourage a more long-term approach and limit speculation that goes beyond arbitrage, in order to limit the bias towards the short-term and the race for profits fuelled by the speculative attitudes of management service providers.</p>	<p>The length of the management mandate in the case of delegated management is not regulated at Community level, and to the knowledge of the Commission services, it is generally not regulated in Member States either. Furthermore, the Commission services are not convinced that any extension of the length of the management mandate would be an appropriate means to change the length of the investment period in particular companies or would result in a general shift in the approach of investment funds towards longer-term investments. Furthermore, at present, there does not seem to be comprehensive economic evidence on the need to pursue a policy aiming at lengthening the investment period of investment institutions.</p>
<p>1.10: Financial rating agencies – which are both judge and defendant here, in the sense that they help investment banks to design, value and place derivatives – should be subject to greater transparency</p>	<p>The October ECOFIN invited the Commission to complete a roadmap of work to follow up the financial crisis, and report back before the end of 2008. One of the indicated areas for work was market functioning, which includes the role of credit rating agencies. The Commission has asked the CESR and a group of securities market experts to look into the concerns that have been expressed related to credit rating agencies.</p>

<p>1.11: The use of tax incentives might encourage pension funds, which adopt a more long-term strategy, to integrate quality and social responsibility into their financial investment policies; socially responsible investments currently represent only a limited proportion of the total</p>	<p>The Commission has tried to eliminate as many investment restrictions as possible when it successfully proposed the IORP-Directive, thus putting into effect the "prudent person principle". Whilst it is a legitimate objective to strive for socially responsible investment, it ought to be borne in mind that in particular the introduction of tax incentives at EU-level i.a. requires unanimity in Council.</p>
<p>1.12: The Commission and the Member States must ensure that corporate social responsibility applies to all the stakeholders, including investment funds, which have an influence on the companies which they are involved with, and sometimes manage. In this connection, the EESC raises the issue of the application of the directive on information and consultation of workers to holding companies and, if they are not covered by this directive, asks that it be reviewed.</p>	<p>The Commission supports information and consultation of workers, and would expect that any company (whether covered by the Directive or not) would take the Directive seriously if they were acting in a socially-responsible way.</p>
<p>1.13: To complement this, the Directive on Safeguarding employees' rights in the event of transfers of undertakings should be brought up to date to guarantee that transfers of undertakings resulting from operations to transfer these shares are also covered, thereby ensuring due respect for workers' rights to information and consultation.</p>	<p>In its report on Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses (COM (2007) 334), the Commission has considered (point 2.2.1) that a revision of the Directive, extending the definition of "transfer" to include a change of control is not justified at this stage. The Commission has taken into account that although a change of control can lead to changes in the undertaking, the employees' legal position <i>vis-à-vis</i> the employer is unchanged. In any case, in the Commission's view, Directive 2002/14/EC establishing a general framework for informing and consulting employees in the European Community makes such changes subject to appropriate information and consultation procedures</p>

<p>1.14: Statistics on wages (and perhaps incomes) should be broken down into at least quintiles, in order to gauge the impact of wage policy on price stability more clearly.</p>	<p>The Commission takes the view that currently available statistics on labour costs and earnings allow an appropriate assessment of the impact of wage developments on price stability. The four-yearly Structure of Earnings Survey provides earnings details by quintiles or deciles of earnings.</p>
<p>1.15: Services of general economic interest are an essential pillar of the European social model. They are also a prime target for private equity funds, which opt for leveraged buy-outs, as SGIs generate significant cash-flow, are in a position of (near-) monopoly, have low debts and high operating costs. In order to prevent problems for consumers and citizens or any damage being caused to cohesion, "[t]he EESC reiterates its call for the common basic principles to which all SGIs must adhere to be defined at Community level. These should be set out in a framework directive and, if necessary, in individual sector-specific directives"</p>	<p>The Commission has long recognised the importance of services of general interest. Its recent Communication on services of general interest⁶ of 20 November sets out the Commission's approach. It highlights that the Commission considers the Protocol on services of general interest annexed to the Lisbon Treaty to be a significant step forward. The Protocol provides a coherent framework that will guide EU action and serve as a reference for all levels of governance, taking into account the diversity of the services concerned and of the different situations in and between the Member States.</p> <p>The consultation and debate with stakeholders has shown that most of the difficulties experienced in the application of EU rules are not caused by the rules themselves but rather by the lack of knowledge and information about them. The Commission, therefore, considers that priority should be given to clarifying the rules applicable to these services.</p> <p>The Communication also confirms the Commission's commitment to use its competencies to help ensure clarity, coherence and publicity of EU rules so that services of general interest can fulfil their missions and contribute to a better life for European citizens.</p>
<p>1.16: As some countries have already done or are about to do (Denmark, Germany and the United Kingdom), consideration should be given – with due respect for the principle of subsidiarity – to rules</p>	<p>The Commission underlines that, given direct taxation falls within the competences of Member States provided this competence is exercised consistently with Community law, it is up to Member States to decide whether it is opportune to</p>

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<p>restricting the tax deductibility of interest payments on debt in the event of a company buyout.</p>	<p>take measures addressing this issue.</p>
<p>1.17: Further to the work already undertaken by the OECD and the moves to combat unfair competition from tax havens, consideration should be given to the possibility of changing the tax rules so that the place where the manager actually operates from determines the tax base for hedge funds, given that these places are usually major cities in the OECD countries. Accordingly, the applicable tax rate should be the rate for normal income rather than the rate for capital gain.</p>	<p>The Commission underlines that, given direct taxation falls within the competences of Member States provided this competence is exercised consistently with Community law, it is up to Member States to decide whether it is opportune to take measures addressing this issue.</p> <p>However, several EU initiatives (e.g. the Code of conduct for business taxation, the savings income directive, and further efforts directed towards third countries to improve governance of tax systems and cooperation with Member States) aim at tackling harmful tax competition on as broad a geographical basis as possible and aim at better enabling Member States to apply their tax rules to activities performed in their jurisdiction, in line with internationally recognised principles in particular those of the OECD.</p>
<p>1.18: Since a great many very short-term investment decisions are taken in offshore tax havens, the Committee urges the Council, the Commission and the ECB to think about the possibility of action based on Article 59 of the Treaty</p>	<p>EU policy towards off-shore financial centres (OFCs) are regularly monitored by the Council, in cooperation with the Commission, ECB and level 3 committees. EU financial services policy, development cooperation and supervisory initiatives at the level of Member States contribute to reducing the risks originating from the OFCs. At the international level, the IMF has set up a special off-shore centre program, which serves to assess the compliance of off-shore centres with international standards.</p>
<p>1.19: The Committee highlights the importance of coordinating fiscal policy more closely, setting minimum requirements, especially for the various forms of capital taxation. This policy can be justified on the grounds of both fairness and economic efficiency.</p>	<p>The Commission has launched in 2006 an initiative to improve the coordination of national direct tax systems and the compliance of national rules with the Treaty requirements, so as to remove double taxation, discrimination, and double non-taxation. Member States have not yet expressed interest to further consider the issue of capital taxation in this context.</p>

<p>8. Communication from the Commission to the European Parliament and the Council – A competitive Automotive Regulatory Framework for the 21st Century – Commission’s position on the CARS 21 High Level Group Final Report – A contribution to the EU’s Growth and Jobs Strategy COM(2007) 22 final – EESC 1239/2007 – September 2007 Rapporteur : Mr DAVOUST (Empl./FR) DG ENTR – Mr VERHEUGEN</p>	
Main points of the EESC Opinion	Commission Position
<p>1. Overall, the opinion is positive with the EESC welcoming most of the actions proposed by the Commission in different policy areas. In particular the opinion welcomes the Commission’s commitment to better regulation principles, the adoption of an integrated approach to environmental and safety issues as well as the Commission’s approach to trade and R&D issues.</p>	<p>The Commission welcomes the support of the EESC and takes note of the Committee’s comments on the policy areas concerned and in particular welcomes its support for the integrated approach.</p>
<p>2. The opinion suggests that the Communication focused too much on vehicle manufacturing and could have adopted a broader approach to both road transport and the automotive value chain. Consequently, the EESC suggested that in the future a broader pool of stakeholders should be involved in the work of the High Level Group.</p>	<p>The Commission notes the EESC’s comments on this issue and would draw attention to the fact that the composition of the HLG necessarily needs to strike a balance between representation and workability. It would also draw attention to the fact that the membership of the HLG included representatives of the Commission, the European Parliament, Member States, the automotive industry, its suppliers, representatives of the aftermarket, the oil industry, consumers, trade unions etc. and that the membership of the group sought to strike a balance between the considerations referred to above.</p>
<p>3. The opinion suggests that effects on product pricing and fleet renewal could have been considered in more detail as well as the up- and downstream segments of the automotive value chain (e.g. maintenance and spare parts)</p>	<p>The Commission once again notes this comment and would stress that many of the proposals contained in the Communication result from consensus among stakeholders, including those on whom product pricing and fleet renewal have the greatest impact (i.e. industry and consumers). The Commission also</p>

	<p>notes that the Communication included 39 different actions from various policy areas and that under its better regulation principles, the Commission is committed to conducting impact assessments (incl. product pricing effects) for all new proposals. Consequently, the Commission considers that the approach adopted in its Communication represents a good balance between providing industry with planning certainty whilst ensuring that all new initiatives are subject to in-depth impact assessment scrutiny.</p>
<p>4. While the opinion strongly welcomes the concept of the integrated approach to environment and road safety, it also suggests that it could have been broader in scope and included consumer and demand side aspects.</p>	<p>The Commission considers that consumers and the demand side were represented in both integrated approaches and specific recommendations were made with regard to the demand side (mainly addressed to those stakeholders who can have a direct impact – e.g. Member States through fiscal measures). In this context, the Commission would also draw attention to the different competences of different stakeholders and stress that there are areas in which it is easier for the Commission to take direct action while in other areas responsibility lay with other actors.</p>
<p>5. The opinion suggests that industry stakeholders be given time to fully develop the technologies needed to meet more stringent requirements without products becoming significantly more expensive.</p>	<p>The Commission welcomes the suggestion concerning appropriate lead times and agrees with it.</p>
<p>6. The opinion suggests that the EESC itself should be more directly involved in the future.</p>	<p>The Commission takes note of this comment and would once again underline its comments under point 2.</p>

15. Créer une productivité durable du travail en Europe Avis d'initiative – CESE 591/2007 - Septembre 2007 Rapporteur : Mme KURKI (Trav./FI) DG EMPL – M. SPIDLA	
Points de l'avis du CESE estimés essentiels	Position de la Commission
<p>1. Le Comité estime que l'accroissement de la productivité durable est une composante essentielle de la stratégie de Lisbonne et doit constituer un élément de l'évaluation et de la réforme des lignes directrices pour l'économie et l'emploi.</p>	<p>Depuis que le développement de la productivité et l'amélioration de la qualité du travail font partie des objectifs essentiels de la SEE, ces aspects sont inclus dans les évaluations conduites par la Commission. C'est le cas notamment des évaluations de la SEE effectuées en 2002 et 2005. Par ailleurs, un examen des progrès accomplis par les Etats membres en matière d'amélioration de la qualité du travail et de la productivité a été effectué par la Commission de la Communication. COM(2003)728.</p>
<p>2. Le Comité propose de développer un index européen de la qualité du travail qui se composerait de différents critères définissant un "bon travail". Cet index serait régulièrement mesuré et publié.</p>	<p>Cette proposition mériterait un examen approfondi de la part de la Commission.</p> <p>L'évaluation de la qualité du travail conduit jusqu'ici par la Commission a été effectuée sur la base des indicateurs sur la qualité, définis par la Commission et approuvés par le Conseil, et des statistiques d'Eurostat. Ces indicateurs couvrent non seulement la qualité intrinsèque du travail mais également des aspects relatifs au contexte du marché du travail.</p> <p>L'élaboration d'un index de la qualité du travail impliquerait principalement :</p> <p>1) redéfinir de manière précise les critères définissant le concept de "bon travail";</p> <p>2) résoudre les problèmes techniques liés notamment à la pondération des différents</p>

	<p>critères;</p> <p>3) disposer de statistiques comparables sur les différents critères dans l'ensemble des Etats membres.</p>
<p>Le Comité invite la Commission à commander des études sur la qualité de la vie professionnelle et la productivité et en particulier des facteurs favorisant la productivité durable et dans ce contexte tenir compte des analyses effectuées par la Fondation européenne pour l'amélioration des conditions de vie et travail (Dublin) et par l'Agence européenne pour la sécurité et la santé au travail (Bilbao).</p>	<p>La Commission réserve un accueil favorable à cette proposition. Les services concernés examineront la possibilité d'inclure des études sur la qualité de la vie professionnelle et de la productivité – et le cas échéant sur la faisabilité de l'index de qualité mentionné au point 2 - dans leurs prochains appels d'offres. Ils chercheront, dans ce cadre, la coopération de la Fondation de Dublin et de l'Agence de Bilbao</p>

<p>17. Communication de la Commission au Parlement européen, au Conseil, au Comité économique et social européen et au Comité des régions "GALILEO à la croisée des chemins: la mise en œuvre des programmes européens de GNSS" COM(2007) 261 final - CESE 993/2007 – Juillet 2007 Rapporteur: M. CONFALONIERI (Act. Div./IT) DG TREN – M. BARROT</p>	
<p>Points de l'avis du CESE estimés essentiels</p>	<p>Position de la Commission</p>
<p>Paragraphe 1.2 à 1.6: Le Comité approuve pleinement qu'un terme soit mis aux négociations d'un contrat de concession et considère qu'il est primordial de poursuivre le projet Galileo. Il souligne par ailleurs que le scénario proposé par la Commission constitue une proposition intéressante et réaliste pour la poursuite du programme.</p>	<p>La Commission ne peut que se réjouir de la position du Comité.</p>
<p>Paragraphe 1.7: Le Comité insiste sur la nécessité de réfléchir sans a priori sur la possibilité d'un usage militaire de Galileo.</p>	<p>La Commission considère que cette question est avant tout de nature politique et devra être examinée en temps utile.</p>
<p>Paragraphe 1.8: Le Comité recommande de clarifier au plus vite les conditions et le mode de mise en concession du système EGNOS.</p>	<p>La Commission partage les préoccupations du Comité sur ce point, EGNOS devant être pleinement opérationnel en mars 2009. Elle collabore étroitement, sur cette question, avec l'Autorité européenne de surveillance GNSS.</p>
<p>Paragraphes 1.9 et 1.10: Le Comité approuve le choix de faire de l'Agence spatiale européenne le maître d'œuvre et l'adjudicataire du projet, tout en mettant en garde contre le principe du "juste retour".</p>	<p>La Commission partage pleinement la position du Comité. Elle veillera à ce que les principes du droit communautaire soient respectés pour les marchés publics qui seront passés par l'Agence spatiale européenne.</p>

<p>18. Proposition de directive du Parlement européen et du Conseil relative au transport intérieur des marchandises dangereuses COM(2006) 852 final - CESE 988/2007 - Juillet 2007 Rapporteur: M. OSTROWSKI (Empl./PL) DG TREN – M. BARROT</p>	
<p>Points de l'avis du CESE estimés essentiels</p>	<p>Position de la Commission</p>
<p>3.1 Le Comité regrette que la proposition ne donne pas d'indications sur la manière dont il faut entendre la notion même de "marchandises dangereuses".</p>	<p>La Commission tient à préciser que la définition de la notion "marchandises dangereuses" figure bel et bien dans les annexes I.1, II.1 et III.1 (ADR, RID, ADN) du projet de la directive. Si cela n'a pas été repris à l'article 2 du projet de directive, c'est pour éviter des conflits à l'avenir au cas où la définition dans les annexes évolue.</p>
<p>3.2 Le projet de directive donne aux États membres le droit de réglementer ou d'interdire, pour des raisons <i>exclusivement</i> autres que sa sécurité, le transport de marchandises dangereuses sur leur territoire. Bien qu'il conçoive les motifs qui ont conduit à accorder aux États membres ce droit de réglementation, voire d'interdiction, le Comité ne comprend pas sur quelles bases s'appuie la proposition pour leur donner le droit d'agir "pour des raisons autres que la sécurité du transport uniquement". Par ailleurs, le Comité ne voit pas clairement de quelle manière on pourrait assurer la coordination de ces interdictions concernant le transport transfrontalier, dans le cas où les États membres adopteraient des types différents d'interdictions.</p>	<p>La Commission précise que le but de la directive proposée est bien de renforcer la sécurité du transport des marchandises dangereuses.</p> <p>Le projet de directive reconnaît cependant le droit des États membres à régulariser ou interdire sur leur territoire le transport " pour des raisons exclusivement autres que la sécurité" car les États membres pourraient être tenus à de telles interdictions en vertu d'autres législations que celle du transport, par exemple la sûreté ou protection des travailleurs.</p>
<p>3.2 .Les points III.2 et III.3 de la troisième annexe (transport par voie navigable), ne comportent aucune information concernant les dispositions transitoires supplémentaires et les dispositions nationales supplémentaires qui sont prévues. De ce fait, le Comité demande qu'il soit précisé s'il n'est réellement prévu</p>	<p>A la suite des négociations interinstitutionnelles, deux dispositions transitoires ont été identifiées et ajoutées (transport de substances contenant des dioxines, validité des certificats prévus au chapitre 8.1 visés à l'annexe III, section III, 1).</p>

aucune mesure de ce genre ou si elles sont simplement en cours d'élaboration.

Par contre, il n'y a pas besoin pour le moment de dérogations nationales sous l'annexe III.3 mais il se peut que ce soit le cas à l'avenir, c'est pourquoi la ladite section est prévue.

<p>20. Livre Vert sur les Applications de la navigation par satellite COM(2006) 769 final - CESE 989/2007 – Juillet 2007 Rapporteur : M. BUFFETAUT (Empl./FR) DG TREN – M. BARROT</p>	
<p>Points de l'avis du CESE estimés essentiels</p>	<p>Position de la Commission</p>
<p>Paragraphe 3.2: Le Comité souligne la nécessité de mettre en place un accord avec la Suisse et la Norvège avant leur éventuel accès au PRS</p>	<p>La Commission indique qu'elle poursuit ses efforts pour parvenir à un accord avec ces deux pays dans les meilleurs délais. Le problème du service PRS est plus global et ses modalités d'accès y compris pour les Etats Membres seront définies en 2008.</p>
<p>Paragraphe 3.5 à 3.10: le Comité souligne la difficile question de la responsabilité des pouvoirs publics et de l'opérateur GALILEO en cas de catastrophe résultant d'une mauvaise qualité du signal</p>	<p>La Commission rappelle que la responsabilité première repose sur le fournisseur du service d'application qui utilise le signal GALILEO. Dans le domaine aérien par exemple, l'information de positionnement fournie par le signal GALILEO ne saurait être utilisée sans être corrélée avec d'autres sources d'informations (par exemple l'altimètre) pour garantir une navigation et des manœuvres sécurisées.</p> <p>La question de la responsabilité sera toutefois étudiée en détail dans le nouveau cadre du programme GNSS européen. Elle figurera dans le plan d'action que la Commission publiera en 2008 pour le développement des applications de GALILEO et EGNOS, plan d'action qui fera suite au Livre Vert.</p>
<p>Paragraphe 4.1: Le Comité indique la nécessité de compléter le Livre Vert sur des questions très importantes comme la propriété intellectuelle, la certification ou la responsabilité</p>	<p>La Commission indique que ces questions, ainsi que d'autres relatives au marketing du "produit" GALILEO seront répertoriées au sein du Plan d'Action et seront traitées dans le nouveau cadre du programme GALILEO.</p>

<p>21. Communication from the Commission to the Council and the European Parliament – Nuclear Illustrative Programme (PINC), presented under Article 40 of the Euratom Treaty for the opinion of the European Economic and Social Committee COM(2006) 844 final – EESC 990/2007 - July 2007 Rapporteur: Mrs SIRKEINEN (Empl./FI) DG TREN – Mr PIEBALGS</p>	
Main points of the EESC Opinion	Commission Position
<p>The new threat of terrorism is not mentioned in the PINC.</p> <p>The Commission should start initiatives, in collaboration with responsible authorities and operators, to ensure that appropriate measures of terrorism prevention are in operation at each nuclear plant. (Paragraph 4.17)</p>	<p>The physical protection of nuclear plants is ensured by the national authorities.</p> <p>The Euratom Community – as well as all Member States – is about to become contracting party in the new Convention on the Physical Protection of Nuclear Materials. The amended Convention is extended to improve the protection of all nuclear facilities and material in peaceful domestic use, storage and transport.</p> <p>The Commission has also already taken initiatives with respect to protection of critical infrastructure.</p> <p>In order to improve the protection of such infrastructure, including nuclear installations, and to prevent their destruction or disruption, the Commission is putting forward a European Programme for Critical Infrastructure Protection (EPCIP). A call for proposals closed in April 2007 (O.J. C 026 of 06.02.2007).</p>
<p>The question of ageing power stations in Europe was not covered in depth in the material prepared by the Commission and there is a need for more information on the subject. (Paragraph 4.5)</p>	<p>On the 12th of December 2007, the Commission adopted a Communication to the European Parliament and the Council, COM(2007) 794 final, providing a Second Report on the use of financial resources earmarked for the decommissioning of nuclear installations, spent fuel and radioactive waste.</p>

<p>As availability of fuel is important to security of supply of energy, the Commission should provide more detailed information on nuclear fuel availability. (Paragraph 4.7)</p>	<p>The Euratom Supply Agency provides an annual report on its activities; including availability of nuclear fuel supplies.</p> <p>New investments must be made and are being undertaken by the industry. For the "transformation" parts of the fuel cycle – conversion, enrichment, and fabrication – there are technological and financial considerations, but eventually the needed capacities will be built. Increasing natural uranium production takes more time, but over the next 5–10 years production is expected to increase significantly, bringing prices to a lower level.</p>
<p>A High level Group on Nuclear Safety and Security, consisting of representatives of competent national authorities, could add to the harmonisation process and help to improve links with international nuclear safety conventions. There is also an urgent need for Member States utilising nuclear power to put in place national plans for management of spent nuclear fuels and radioactive waste. (Paragraph 5.1.2 and 5.13)</p>	<p>The Commission created in July 2007 a High Level Group of national regulators and safety organisations to cross-fertilise and prepare the ground for the establishment of an improved Community framework for nuclear safety and radioactive waste management, building on the extensive experience of the Member States' authorities.</p> <p>The Commission is confident that the Group, which met for the first time on 12 October 2007, with high level representation from all EU Member States, will swiftly identify relevant safety issues, ensure coherent action by the Member States' authorities and make recommendations on what course of action should be taken at EU level.</p>

<p>Technology platforms have proven to be very successful instruments in creating public-private partnerships for developing European Strategic Research Agendas. The EESC supports the Commission's idea of using this instrument in the area of sustainable nuclear fission and geological disposal. This could be a much needed instrument to attract young scientist to this industry. (Paragraph 5.1.4)</p>	<p>On 21 September 2007 the Commission launched the Sustainable Nuclear Energy Technology Platform (SNE-TP). Its scope includes nuclear installation safety and nuclear systems including partitioning and transmutation and the fuel cycle, related research infrastructures and human resources. It is intended to be the key technical nuclear forum in Europe, maintaining the EU's status as world-leader in nuclear technology, an essential complement to the Commission's Strategic Energy Technology Plan initiative, which was unveiled in November 2007.</p>
<p>A harmonised liability scheme, including a mechanism to ensure the availability of funds in the event of damage caused by a nuclear accident without calling on public funds, is in the view of the EESC also essential for greater acceptability of nuclear power. The current system (liability insurance of \$ 700 million) is inadequate for this purpose. The insurance problem of an extremely low probability of an accident combined with potentially very serious and costly damages needs to be addressed in an open, constructive and practical way. One possibility could be an insurance pool scheme. (Paragraph 5.1.8)</p>	<p>Third party liability for nuclear damage does also fall within the scope of the Euratom Treaty.</p> <p>In its early days, the Community chose to rely on the OECD's Paris Convention on nuclear liability. Since the 2004 enlargement, many new Member States rely on the IAEA's Vienna Convention for their nuclear liability regimes. The co-existence of two major third party nuclear liability regimes with several sub-regimes does not guarantee the same level of compensation for nuclear damage everywhere within the Community.</p> <p>Therefore the Commission has started an impact assessment to explore the range of possible solutions and – if appropriate – prepare a proposal to the Council.</p>

<p>22. Communication de la Commission au Parlement européen, au Conseil, au Comité économique et social européen et au Comité des régions "GALILEO à la croisée des chemins: la mise en œuvre des programmes européens de GNSS" COM(2007) 261 final - CESE 993/2007 – Juillet 2007 Rapporteur : M. BUFFETAUT (Empl./FR) DG TREN – M. BARROT</p>	
<p>Points de l'avis du CESE estimés essentiels</p>	<p>Position de la Commission</p>
<p>Paragraphe 1.2 à 1.6: Le Comité approuve pleinement qu'un terme soit mis aux négociations d'un contrat de concession et considère qu'il est primordial de poursuivre le projet Galileo. Il souligne par ailleurs que le scénario proposé par la Commission constitue une proposition intéressante et réaliste pour la poursuite du programme.</p>	<p>La Commission ne peut que se réjouir de la position du Comité.</p>
<p>Paragraphe 1.7: Le Comité insiste sur la nécessité de réfléchir sans a priori sur la possibilité d'un usage militaire de Galileo.</p>	<p>La Commission considère que cette question est avant tout de nature politique et devra être examinée en temps utile.</p>
<p>Paragraphe 1.8: Le Comité recommande de clarifier au plus vite les conditions et le mode de mise en concession du système EGNOS.</p>	<p>La Commission partage les préoccupations du Comité sur ce point, EGNOS devant être pleinement opérationnel en mars 2009. Elle collabore étroitement, sur cette question, avec l'Autorité européenne de surveillance GNSS.</p>
<p>Paragraphes 1.9 et 1.10: Le Comité approuve le choix de faire de l'Agence spatiale européenne le maître d'œuvre et l'adjudicataire du projet, tout en mettant en garde contre le principe du "juste retour".</p>	<p>La Commission partage pleinement la position du Comité. Elle veillera à ce que les principes du droit communautaire soient respectés pour les marchés publics qui seront passés par l'Agence spatiale européenne.</p>

<p>27. Proposal for a directive on the protection of the environment through criminal law COM (2007) 51 final – EESC 1248/2007 – September 2007 Rapporteur: Mr RETUREAU (Work./FR) DG ENV- Mr DIMAS/ - DG JLS – Mr FRATTINI</p>	
Main points of the EESC Opinion	Commission Position
<p>(1.1) The Committee welcomes the fact that serious environmental offences may be subject to criminal sanctions and restates the view that the Commission should have the power to compel Member States to apply proportionate and dissuasive criminal sanctions when necessary in order to ensure the application of Community policies, especially in the field of protecting the environment: such sanctions should be applied as part of the criminal justice system of each member State. Lastly, the Commission should have the power to supervise the effectiveness of the criminal law applied in the field.</p>	<p>The Commission takes note of the EESC's support for the principal aims of the proposed directive.</p>
<p>(1.2) The proposal for a directive targets for example offences committed in the framework of criminal organisations (which it views as aggravating circumstance). The Committee is convinced that such actions should be subject to sanctions, including an approximation of the criminal rules in the Member States, but the Treaty and case law are quite clear regarding the repression of acts committed in the framework of criminal organisations: approximation of the Member States' rules of criminal law can in principle only take place under the provisions on police and judicial cooperation in criminal matters as laid down in Title VI of the Treaty on European Union (TEU), and not under the EC Treaty (TEC) as proposed by the Commission.</p>	<p>The Commission's proposal does not regulate criminal organisations. It only makes reference to criminal organisations as defined in the Framework Decision adopted under the provisions of Title VI of the EU Treaty. The commission of an environmental offence in the framework of a criminal organisation would constitute an aggravating factor.</p>

(1.3) –(1.5) The Committee also wonders if the stipulation that certain offences are to be punished by imprisonment does not exceed the powers under the first pillar, constituting interference in the choice of the most appropriate sanctions which should in principle remain.

It is of the view that Community competence should be restricted to defining obligations and stipulating that criminal sanctions are to apply. A framework decision based on Title VI of the TEU would be needed would be needed in order to go further and lay down a system of penalties.

By the same token the Committee would question if Community law can extend to imposing a maximum level of sanctions.

With its ruling of 23 October 2007 in case C-440/05 the European Court of Justice stated that the Community's competence does not extend to the definition of the types and levels of criminal sanctions to be imposed by Member States.

The Commission will take into account the interpretation given by the Court and draw the necessary conclusions in the co-decision procedure.

<p>29. Euroregio Own-initiative Opinion – EESC 656/2007 – July 2007 Rapporteur: Mr ZUFIAUR NARVAIZA (Work./ES) DG REGIO – Ms HÜBNER</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission position</p>
<p>The EESC considers that the adoption of the regulation on the European Grouping of territorial cooperation (EGTC) and the inclusion of a new objective of "European Territorial Co-operation" enable new possibilities of actions for Euroregions.</p>	<p>The Commission agrees with the Committee. However, the EGTC is primarily designed for the implementation of territorial co-operation programmes or projects co-financed by the Structural Funds and only in an additional way EGTCs may carry out other specific actions of territorial co-operation in pursuit of the aim of strengthening economic and social cohesion (Article 7(2) of the EGTC-Regulation).</p> <p>The Commission respects the different involvement of Euroregions in the implementation of programmes or projects under the new "European Territorial Co-operation" Objective according to the decision of the Member States concerned. As in the past, Euroregions may be entitled to take up responsibility on programme level as Managing authority (e.g. Euregio Meuse-Rhine) or being responsible for a regional sub-programme (e.g. Dutch-German or Dutch-Flemish Euroregions). In other cases they may be responsible for certain types of projects (e.g. people-to people projects on many borders in Central Europe) or they may simply lodge applications for projects as any other applicant.</p> <p>Against this background, the Commission does not suggest that programme management or project selection should show any preference in favour of Euroregions, without opposing in cases programmes would do so.</p>
<p>The Committee considers that territorial cooperation promoted by Euroregions is a key factor in promoting European integration, reducing economic, social and cultural</p>	<p>The Commission agrees that Euroregions can contribute - according to their specific role in a specific co-operation programme - to achieve</p>

<p>fragmentation generated by national borders and developing economic, social and cultural cohesion.</p>	<p>these objectives.</p>
<p>The EESC asks the Commission to underline the territorial cooperation of Euroregions at the time of the debate on the final adoption of the European Constitutional Treaty.</p>	<p>The Commission pays particular attention to cross-border regions, involving all potential actors in the form of Euroregions or others.</p>
<p>Wishes that the EGTC ensure more the direct management of cross-border projects. 2.</p>	<p>The Commission will do its utmost to ensure that the EGTC as a legal instrument is promoted and will develop to a privileged legal form for the direct management of cross-border projects.</p>
<p>Urge to a better participation of private companies in the cross-border development initiatives. 3.</p>	<p>Concerning a better participation of private companies in cross-border development initiatives, the Commission signals that the contribution from the Funds can co-finance public expenditure or total expenditure (including public and private expenditure.) However, private companies may not become members of an EGTC (Article 3(1) of the EGTC-Regulation). Finally, Euroregions are normally set up by local and regional authorities and do normally not include private companies.</p>
<p>Request to involve the organisations representative of civil society in territorial cooperation projects. 4.</p>	<p>Under the Structural Funds, partnership covering preparation, implementation, monitoring and evaluation of programmes shall involve all relevant partners, including bodies representing civil society (Article 11 of Regulation (EC) No 1083/2006). The categories of potential beneficiaries to implement projects are defined at the level of each programme.</p>
<p>EESC believes that EURES network should become a European instrument exercising a central role of intermediary between the offer and the job application. And wish a really cross-border management of the network which exercises beyond its function of mediator in the labour market a role of facilitator of the social dialogue in the national areas bordering.</p>	<p>The Commission will strive for better synergy between the EURES network and aspects of a genuine cross-border labour market supported by programmes under the three Cohesion objectives.</p>

<p>The EESC asks that Euroregions and the actions that they can perform be incorporated into the neighbourhood and pre-accession policies of the EU.</p>	<p>Euroregions will play their appropriate role according to the regulatory framework established for Community support for the pre-accession and neighbourhood policies of the EU.</p>
<p>Considering the experiments carried out within the framework of cross-border activities and the ignorance of these from one region to another, the EESC asks the Commission to work out a guide of good practices.</p>	<p>In the framework of the INTERACT programme under the 2000-2006 programming period, a whole range of initiatives, seminars and tools concerning the exchange of experience have been successfully been implemented. Almost all Member States the Commission's supported suggestion to set up a similar programme for the 2007-2013 programming period. This programme called "INTERACT II" has been prepared under the responsibility of Austria and will cover at least 26 Member States. The Commission is not planning to work out a guide of good practices in parallel to the actions covered by the abovementioned programme.</p>

<p>30. Global trade integration and outsourcing: how to cope with the new challenges Own-initiative opinion – EESC 762/2007 - September 2007 Rapporteur: Mr. ZÖHRER (Work./AT) DG TRADE – Mr MANDELSON</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The EESC considers that offshore outsourcing increases trade, which increases prosperity overall. However, the Committee is also aware that there are losers as well as winners in this game, and that the losers are usually easier to identify, as the impact is immediate (for example workers who lose their jobs). Given that these developments in trade in intermediate products are on balance positive for the EU, the latter would be well advised to adopt a positive and proactive attitude towards free but fair worldwide trade and an active globalisation strategy. That said, particular care must be taken within the EU to ensure that the benefits that arise are shared out.</p>	<p>The Commission shares the EESC analysis of the impact of offshore outsourcing bringing both benefits and structural adjustments for the EU. There is a strong need for anticipating and accompanying better structural changes linked to changes in trade and production patterns. This is clearly expressed in the communications from the Commission on "Restructuring and employment; Anticipating and accompanying restructuring in order to develop employment: the role of the European Union" (31 March 2005) and "Global Europe: competing in the world" (4 October 2006). The creation of the European Globalisation Adjustment Fund and the efforts to better anticipate and accompany change through structural funds are two examples of proactive policy the EU can develop.</p> <p>In addition, the Commission agrees the Lisbon strategy is the right framework to answer to the challenges raised by globalisation. This is an issue both for internal and external policies. This was specifically addressed in the Global Europe communication mentioned above.</p>
<p>The EESC considers that detailed analysis of the development of offshore outsourcing is urgently needed. The EESC recommends that the Commission launch such analyses, which should include possible scenarios in the short and medium term, and that it involves the relevant stakeholders in the process.</p>	<p>A detailed analysis of the development of offshore outsourcing is provided in the Commission's document on "Global Trade Integration and Outsourcing: How Well is the EU Coping with the New Challenges ?" (Economic papers, n°259, October 2006).</p>

<p>34. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 96/22/EC concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyreostatic action and of beta-agonists COM(2007) 292 final - EESC 1168//2007 - September 2007 Rapporteur: M. JIROVEC (Var. Int./CZ) DG SANCO - Mr KYPRIANOU</p>	
<p>Main points of the EESC opinion</p>	<p>Commission Position</p>
<p>The Committee welcomes the simplification and clarification of this legislation and that only limited changes are proposed on the basis of the most recent scientific data and expert opinions.</p> <p>Further suffering of pet animals affected by hyperthyroidism can now be prevented by offering possible availability of appropriate treatment, whilst ensuring a high level of protection of human health.</p>	<p>The Commission entirely shares these points of interest of the EESC. Simplification, clarification and sound scientific basis are important factors in the development of legislation.</p> <p>Animal welfare for pet animals will be guaranteed without lowering the high level of protection of human health.</p>
<p>4.6. New authorisations must, however, consider potential misuse and products that are likely to be misused could, therefore, be rejected.</p>	<p>Detailed rules for marketing authorisations for veterinary medicinal products are laid down in Directive 2001/82/EC. When marketing authorisation is granted, the authorisation specifies the dosage, pharmaceutical form, route of administration, as well as contra-indications, special warnings or special precautions for use (Art 14, summary of product characteristics; Art 58, leaflet). In such a way the marketing authorisation can be limited to certain presentations which do not lend themselves to abuse.</p>

<p>35. Patients' rights Own initiative opinion – EESC 113/2007 - September 2007 Rapporteur : Mr BOUIS (Var. Int./FR) DG SANCO - Mr KYPRIANOU</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>In the light of the European Charter of Fundamental Rights, the communication from the Commission concerning the Consultation regarding Community action on health services, the Statement of common values and principles in EU health systems adopted by the Health Council in June 2006, the case law of the European Court of Justice in the field of patient mobility, the European Parliament report on patient mobility and healthcare developments in the European Union and the European Parliament resolution of 15 March 2007, the EESC calls on the European Commission to take initiatives enabling the implementation of health policy which respects patients' rights.</p>	<p>The Commission is already taking action in order to implement EU health policy which respects patient rights. The Commission has adopted the Proposal for a Directive on cross-border healthcare patient rights. Moreover, in 2008 the Commission plans to launch a specific initiative focusing on patient safety.</p> <p>The Commission also ensures that a high level of human health protection, including respect for patient rights, is guaranteed in the definition and implementation of all Community policies and activities. The White Paper "Together for Health: A Strategic Approach for the EU 2008-2013" (COM(2007) 630) adopted in October 2007 is an important step in this effort.</p>
<p>This requires:</p> <ul style="list-style-type: none"> – the gathering and analysis of comparative data on the regulatory and ethical obligations in force in each EU country; – the devising, in the most appropriate form, of a Community course of action applicable to issues in this field; – the planned evaluation of the application of the texts promulgated and policies decided; – the dissemination of the results of this work to the relevant national authorities and representatives of the various socio-professional and user groups concerned; – the establishment of a European Patients' Rights Day. 	<p>The Commission has already supported research projects related to patient rights and EU healthcare systems, from both, the Public Health Programme and the Research Framework Programmes.</p> <p>The outcomes of these research projects have been published and used for the Commission policy initiatives, for example in the preparatory works on the Proposal for a Directive on cross-border healthcare patient rights.</p>

<p>The EESC welcomes and acknowledges the European Charter of Patients' Rights drawn up in 2002 by the NGO Active Citizenship Network.</p>	<p>The Commission is aware of this initiative and the outcomes of this project have been also taken into account in developing the Proposal for a Directive on cross-border healthcare patient rights.</p>
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<p>36. Towards a more effective use of tax incentives in favour of R&D COM (2006) 728 final - EESC 1260/2007 – September 2007 Rapporteur : M. Morgan (Empl./ UK) DG TAXUD et RTD –MM. Kovács et Potočník</p>	
<p>Points de l’avis du CESE estimés essentiels</p>	<p>Position de la Commission</p>
<p>§1.5 and 1.6 - The EESC recommends that the Communication be expanded to include capital formation, and to cover patents and licensing.</p>	<p>DG Research of the European Commission is currently setting up an expert group, as a follow-up of COM (2006)728, which will support the systematic and consistent evaluation of the impact of R&D tax incentives. The outcome of this expert group will provide a starting point for further reflection on these issues.</p>
<p>§1.7.4 - The EESC considers that the cross border mobility of researchers should be encouraged by Member States 'agreements to prevent double taxation on short term assignments.</p>	<p>As a follow-up to the Green paper on the European Research Area and within the 3rd cycle of the Lisbon strategy, the Commission will take actions to ensure the "fifth" freedom, the freedom of circulation of researchers and research. As part of this activity, a communication on the "researchers' passport" is planned for mid this year, which will address obstacles to the cross border mobility of researchers, including the issue addressed in point 1.7.4.</p>
<p>§1.7.7 - EU wide definition of R&D and innovation</p>	<p>The EU State Aid Framework already provides for definitions of research and innovations</p>

**37. The EU Economy : 2006 Review – Strengthening the euro area: key policy priorities
COM(2006) 714 final – EESC 698/2007 - September 2007
Rapporteur : Mr BURANI (Empl./IT) Co-rapporteur : M. DERRUINE (Act. Div./BE)
DG ECFIN – Mr ALMUNIA**

Globale Position of the Commission

The opinion has been requested as a follow-up to the publication of the November 2006 Communication from the Commission *'The EU Economy: 2006 Review – Strengthening the euro area: key policy priorities (COM(2006) 714 final – SEC(2006) 1490'*, which was related to the Commission services "EU Economy: 2006 Review" (*"Adjustment dynamics in the euro area – Experiences and challenges"*). From March to September 2007 the ECO section of the EESC worked on a draft opinion with DG ECFIN staff attending ECO meetings and providing comments. On 4 September 2007 the ECO adopted the draft opinion by 47 votes to 12, with 4 abstentions. At the Plenary session on 26 September 2007 the EESC adopted the opinion by 133 votes to two, with five abstentions.

The key conclusion of the Commission analyses is that, over the medium term, the adjustment process in the euro area dynamically stable, because changes in competitiveness dominate the process of adjustment following country-specific shocks. But this channel can operate slowly, and it is not exempt from some overshooting. The review finds that pro-cyclical changes in real interest rates are somewhat less important than previously thought in explaining divergences in growth and inflation. By contrast, country-specific shocks – including developments in risk premiums, credit constraints, and productivity in traded and non-traded goods – are powerful explanatory factors. The review suggests that policies may need to help ensure that overshooting is dampened and problematic spillover effects are contained, including by avoiding a pro-cyclical fiscal stance or rapidly addressing undue developments at the sectoral or microeconomic level. In particular, further structural reforms are needed to increase the responsiveness of domestic prices to shocks. Even though the gap with the United States has narrowed, euro area product markets remain highly regulated.

The Commission highlighted that the experience of the last eight years shows that many euro-area countries have not yet fully adapted to life in the monetary union with a single monetary policy and currency. Therefore, more needs to be done to improve growth performance and cement cohesion within the euro area in order to make the benefits of a single currency clearer to its citizens. The creation of a more integrated and competitive internal market, particularly in services, should help ensure that prices adjust more rapidly to changing supply and demand conditions. A more effective implementation of agreed reform measures and a more ambitious reform programme are therefore essential to speed up the process of price adjustment in product markets. Similar action is required in labour markets, where progress with reforms has been steady but slow. Last but not least, better governance of the euro area is needed, both to ensure closer coordination of national budgets and mutually enhancing reforms, and to give the euro area a stronger and clearer voice in the world.

Main points of the EESC Opinion	Commission Position
<p>Call for convergence of policies and for joint meetings of the Eurogroup and the Employment Council. The EESC calls for the "<i>convergence among economic, monetary and employment policies</i>" (section 1.5 of the opinion).</p> <p>In that regard the EESC says that joint meetings between the Eurogroup and the Employment and Social Affairs Council are "<i>becoming a necessity rather than simply useful</i>" (4.4.4). While section 1.5 argues in favour of such joint meetings, section 2.5.1 argues in favour of such meetings "<i>involving Eurogroup ministers only</i>".</p>	<p>Convergence of economies is one important element of EU economic policies. This can be achieved through the coordination of policies, particularly in the budgetary field, to pursue the objectives of growth and employment within a stable macroeconomic context. Monetary policy contributes by pursuing its primary objective of price stability. The Commission respects the independence of the ECB in pursuing its objective.</p> <p>Meetings related to the members of the euro area are only envisaged in the format of the Eurogroup which is attended by Ministers of Finance only.</p>
<p>Commission is not doing justice to the political dimension of the euro. While the EESC "<i>broadly supports the Commission document</i>" (1.1) and "<i>finds the Commission report acceptable</i>", the opinion argues that "<i>it fails to do justice to the importance of the political dimension of the single currency</i>" (1.10). The Commission "<i>should not address EMU from a purely economic angle</i>" (5.2), but stress its political dimension. Without progress towards integration the EESC sees the risk of implosion.</p>	<p>Sound economic analysis in the report backs the statements in the Communication, which also addresses the political dimension although not very explicitly. The Communication from the Commission is based on sound economic analyses. The considerations and the recommendations in the Communication are addressed taking account of the "political dimension" of the euro. The Commission is fully aware of the political dimension of the single currency and it has emphasised this aspect at many occasions.</p>
<p>Political constraints are important for budgetary policy. As regards the long-term sustainability of budgetary policy, the EESC points to political constraints associated with changes in government in democracies (4.1.4). The EESC warns that "<i>the Commission's 'way ahead' ... is therefore fraught with difficulties and will be highly susceptible to political trends</i>" (4.1.6).</p>	<p>Indeed, they are relevant in the choice of policies to be undertaken by Member States in order to respect the Treaty provisions on budgetary surveillance. Sometimes they may be perceived as leading to a contradiction with these requirements. The Commission is aware of such difficulties and political trends, but is determined to lead Member States to policy action which is consistent with the Treaty provisions, notably through the implementation of the procedures of budgetary</p>

	surveillance.
<p>Commission accuses social partners of conducting "irrational" wage policy. The EESC is "<i>surprised by the Commission's suggestion that the social partners do not have 'the necessary information concerning the challenges and the implications of different lines of action', and that they therefore are conducting an irrational wage policy.</i>" (4.4.1).</p>	<p>The Commission has never accused social partners of irrational behaviour. The EESC quotes the Commission document incorrectly. The Communication said that "<i>it is important to ensure that the actors in the wage bargaining process have the necessary information concerning the challenges and the implications of different lines of action.</i>"</p> <p>The Commission does not say that social partners are conducting an irrational wage policy. Its text rather indicates that, with the emergence of a euro area economy, considerations for wage setting at national level have to take account of the euro area dimension and of the interaction which this entails with the national economy. The information about such interactions is still scant, and even that not always available to or considered by social partners. It is nevertheless crucial to properly assess the effects of wage setting on competitiveness. This explains the call by the Commission. Not-properly-informed decision-making is not at all the same as irrational decision-making.</p> <p>The EESC has refused the Commission staff's call for quoting the Communication correctly. The co-rapporteur argued that the "quote" in the opinion captures the spirit of the Commission document better than the text does.</p>

<p>38. Coordination of direct taxation COM (2006) 823 final, COM (2006) 824 final and COM (2006) 825 final – EESC 853/2007 - September 2007 Rapporteur: Mr Nyberg (Work./ SE) DG TAXUD- Mr KOVACS</p>	
<p>Main Point of the EESC Opinion</p>	<p>Commission Position</p>
<p>1.4 The Commission takes the view that while it is not ideal to apply domestic loss relief systems to cross-border situations, it does constitute an improvement. It is, however, extremely dubious both legally and socio-economically, as what it involves in practice is using a foreign firm to apply the national rules of that firm's country in another country's territory. The different legal and economic problems involved in loss relief for firms with cross-border activity could, in the long term, be solved via a common consolidated corporate tax base (CCCTB). Given that the Commission is currently dealing with this issue in a special working group with the Member States, it should focus the group's efforts on finding a rapid solution and use these communications more as a means of addressing the general problems.</p>	<p>The taking into account of losses of an establishment in another Member State in the same way as losses of a corresponding domestic establishment serves to ensure equal treatment of domestic and cross-border situations, in accordance with the principles laid down in the EC Treaty.</p> <p>Similarly, recalculation of foreign losses pursuant to the rules of the Member State to which they are transferred, means that they are treated in an equal manner to losses incurred in that Member State.</p> <p>The Commission agrees that a CCCTB will provide a comprehensive long-term solution. However, where the CCCTB will not cover certain situations, the cross-border relief of losses, as set out in the Communication, still is of the highest importance.</p>
<p>1.5 The Commission is attempting to solve a problem without providing – at least in this communication – any assessment of its scale, or of the actual implications of introducing the right to transfer losses across borders. Moreover, the Commission's argument does not take sufficient account of the fact that losses can be carried forward. In most cases there is not always a need to transfer losses across borders.</p>	<p>In its Communication (2006)824 on Cross-Border Loss Relief the Commission highlights the urgency of cross-border loss relief in particular for SMEs by making reference to the Communication "Towards an Internal Market without Tax Obstacles" COM(2001) 582 and "Outline of a possible Home State Taxation Pilot Scheme" (COM(2005) 722). The latter Communications and their accompanying Commission Staff Working Papers contain detailed information on the scope and cost of such lack of cross-border loss relief.</p> <p>The issue of loss carry-forward and the importance of timing are addressed under point 1.2 of the Cross-Border Loss Communication (2006)824 and in Annex I of the accompanying</p>

	<p>Commission Staff Working Document SEC(2006) 1690. As developed there, an immediate taking into account of losses abroad ("cross-border loss relief") avoids the cash-flow disadvantage that would be incurred if the foreign loss would instead have to be carried-forward and could only be set off against future profits in the same location.</p>
<p>1.6 The treatment of transfers of corporate unrealised gains between Member States can hardly be exclusively based on a case involving transfers for private individuals. The rule that exit tax may not be levied on unrealised gains makes considerable demands in terms of information. Cooperation between the tax authorities should be sufficient to ensure that both countries get their rightful share of the tax revenue when it is eventually paid. Some transferred assets, such as intangibles, are never disposed of, or simply expire. The Commission's description of such cases is unclear.</p>	<p>The Commission builds its Exit Tax Communication (2006)825 on the principles of i.a. the "De Lasteyrie" case. Even if this particular case concerns an individual transferring his residence from one Member State to another, the Commission would underline that for the interpretation of the Treaty Freedoms the same principles apply to companies as to individuals. The Commission acknowledges that specific questions arising from the business activities of capital companies do demand closer co-operation between Member States and more information exchange than in the "simple" situation of an individual moving to another State. This is particularly the case for assets such as intangibles. But it is this specific challenge which is the underlying reason for the Commission to promote the exit taxation issue as a case for co-ordination between Member States. The difficulties and varieties of the national tax systems in the corporate tax area (identification of transferred assets, valuation problems, deferral of the collection of assessed taxable gains) were the reasons to invite the Member States to discuss and agree on practical and pragmatic solutions: solutions with a minimal impact on the national tax systems, avoiding double taxation as well as double non-taxation, not overly burdensome in regard to compliance cost for companies, etc. And of course, such solutions have to be agreed with the representatives of Member States in a joint effort. It is for this reason that the Commission is promoting the principle but does not list technical details of possible approaches for exit taxation.</p>

<p>40. Proposition de directive du Parlement européen et du Conseil relative aux mesures pénales visant à assurer le respect des droits de propriété intellectuelle COM(2005) 276 final – CESE 580/2007 - Juillet 2007</p> <p>Rapporteur : M. RETUREAU (Trav./FR)</p> <p>DG JLS – M. FRATTINI</p>	
Points de l'avis du CESE estimés essentiels	Position de la Commission
<p>1.2 Concentrer les efforts de répression et de coopération pénale et douanière sur les entreprises de contrefaçon massive, et sur les contrefaçons commises par des organisations criminelles ou quand l'infraction implique un risque pour la santé ou la sécurité des personnes.</p>	<p>La proposition de la Commission vise en son article 3 les violations commises à l'échelle commerciale, ce qui exclu les comportements individuels pour un usage personnel.</p> <p>Les sanctions proposées visent la criminalité organisée et les atteintes à la santé et à la sécurité (article 5).</p>
<p>1.3 Ne pas exclure les brevets.</p>	<p>La proposition modifiée de la Commission couvre en l'état les brevets. Toutefois la Commission a fait savoir lors du vote au Parlement Européen en première lecture qu'elle acceptait de retirer les brevets. En effet le Conseil et le Parlement Européen ne veulent couvrir que le Droit Communautaire et pas le droit national. En l'absence de Brevet Communautaire, il n'y a pas de raison à les couvrir. De plus une opposition très forte sur l'exclusion des brevets fait que ceux-ci deviennent un obstacle aux discussions.</p>
<p>1.4 Le CESE souligne l'imprécision du concept juridique d'"échelle commerciale" des infractions.</p>	<p>La notion d'échelle commerciale est une notion reprise des accords de l'OMC sur les droits de propriété intellectuelle (ADPIC). Les Etats membres signataires, dont tous ceux de l'UE appliquent déjà cette notion. La Commission estime qu'il n'y a pas lieu dans le cadre d'un texte qui de surcroît porte sur des mesures pénales, à intervenir à ce niveau. De manière générale, cette position a été aussi adoptée dans le cadre de la directive 2004/48</p>

	relative aux mesures civiles et administratives
2.5. recours à un instrument du 1er pilier pour des mesures pénales en soulignant les risques d'une interprétation de l'arrêt de la Cour de Justice trop extensive.	La Cour de Justice a tranché dans son arrêt du 23 octobre 2007 dit "pollution maritime". La Commission peut définir des violations pénales mais n'est pas compétente pour définir des types et des niveaux de sanction pénale.

<p>41. Livre vert sur l'amélioration de l'exécution des décisions de justice au sein de l'UE: la saisie des avoirs bancaires COM(2006) 618 final – EESC 572/2007 – Septembre 2007 Rapporteur : M. PEGADO LIZ (Act. Div./PT) DG JLS – M. FRATINI</p>	
Points de l'avis du CES estimés essentiels	Position de la Commission
<p>Le Comité relève que l'initiative de la Commission s'inscrit à bon escient dans un ensemble de mesures ayant pour but de créer un espace judiciaire européen. Il partage les préoccupations de la Commission et notamment ses observations empiriques pertinentes quant aux difficultés d'exécution des décisions judiciaires résultant d'un manque d'harmonisation des procédures.</p>	<p>La Commission remercie le CESE pour son soutien.</p>
<p>Le Comité est d'avis que la Commission n'assortit pas son initiative d'une prise en considération indispensable des principes de subsidiarité et de proportionnalité; notamment il n'est pas démontré qu'un résultat similaire ne puisse être obtenu à travers une simple modification des articles 31 et 47 du règlement "Bruxelles I".</p>	<p>La Commission tiendra compte de cette suggestion dans le cadre des discussions ultérieures avec les autres institutions.</p>
<p>Le Comité suggère que la future évaluation d'impact préliminaire prenne en compte tous les Etats membres et s'accompagne d'un examen approprié des mesures relatives à une transparence accrue du patrimoine des débiteurs.</p>	<p>Acceptation des observations. La Commission lancera une étude d'impact dont le champ portera sur tous les Etats membres de l'UE. Par ailleurs la Commission présentera au début de l'année 2008 un livre vert sur l'exécution effective des jugements dans l'UE: la transparence des avoirs du débiteur</p>
<p>Le Comité s'interroge sur la limitation du champ d'application de la mesure conservatoire aux "comptes bancaires".</p>	<p>La Commission réserve sa position. La saisie des comptes bancaires a été retenue comme une première étape sur la voie de l'amélioration de l'exécution des décisions. La justification présentée dans une communication de la Commission de 1998 est que la saisie bancaire est un instrument</p>

	efficace qui existe déjà dans tous les Etats membres.
Le Comité considère que la limitation du champ d'application de l'instrument à la saisie "conservatoire" ne paraît pas justifiée.	La Commission réserve sa position dans l'attente des négociations ultérieures avec les autres institutions.
Le Comité considère qu'une mesure conservatoire de ce type doit pouvoir être demandée à n'importe quelle étape de la procédure judiciaire, notamment avant le début de l'action judiciaire principale.	La Commission tiendra compte de cette suggestion dans le cadre des discussions ultérieures avec les autres institutions.
Le Comité suggère que le tribunal compétent pour décréter la mesure conservatoire est celui compétent au fond ou celui du lieu où se trouve le compte bancaire.	La Commission tiendra compte de cette suggestion dans le cadre des discussions ultérieures avec les autres institutions.
Le Comité propose certaines conditions pour décréter la mesure, la constitution d'une garantie limitée au montant de la créance, un régime des frais bancaire défini au niveau national, une exemption délimitée au niveau communautaire, l'exclusion des comptes de tiers, des obligations d'information à la charge du créancier et de la banque, des moyens de défense et voies de recours pour le débiteur.	La Commission tiendra compte de l'ensemble de ces suggestions relatives aux modalités pratiques de la mesure dans le cadre des discussions ultérieures avec les autres institutions.
Le Comité est d'avis que l'instrument choisi devra se présenter sous la forme d'un règlement et que la procédure sera facultative et s'appliquera exclusivement aux affaires transfrontalières.	La Commission tiendra compte de ces suggestions dans le cadre des discussions ultérieures avec les autres institutions.

42. Négociations en vue d'un Accord d'Association entre l'UE et l'Amérique Centrale Avis d'initiative – CESE 542/2007 - Juillet 2007 Rapporteur: M. SOARES (Trav./PT) DG RELEX - Mme FERRERO-WALDNER	
Points de l'avis du CESE estimés essentiels	Position de la Commission
L'accord d'association entre l'UE et les pays d'Amérique centrale doit être une priorité politique de l'Union en raison de son caractère stratégique pour l'action birégionale de l'UE avec d'autres partenaires d'Amérique latine. <i>(Recommandation 6.1)</i>	La Commission européenne partage cette approche, qui a fait l'objet d'un accord entre les Chefs d'Etat et de Gouvernement de l'UE, de l'Amérique Latine et des Caraïbes lors des Sommets de Guadalajara (2004) et de Vienne (2006).
Il doit englober, sur un pied d'égalité, tous les volets concernés: politique, commercial et de coopération. <i>(Recommandation 6.2)</i>	La Commission européenne considère essentiel que les trois volets du futur accord soient traités sur un même pied d'égalité.
L'accord doit contribuer de manière décisive au renforcement de la cohésion sociale dans la région, les bénéfices devant par conséquent être visibles pour tous et non seulement pour certains secteurs, déjà bien lotis. <i>(Recommandation 6.5)</i>	La Commission européenne a fait du renforcement de la cohésion sociale en Amérique Latine la priorité de son action dans la région. Il s'agit d'un des éléments principaux des directives de négociations d'un Accord d'Association entre la Communauté européenne et ses États membres, d'une part, et l'Amérique centrale, d'autre part.
Il doit comprendre une dimension socioprofessionnelle eu égard surtout aux normes de l'OIT (...). <i>(Recommandation 6.6)</i>	La Commission prendra en compte cet objectif lors des négociations.
Il doit prêter attention aux secteurs les plus vulnérables de la population tels que les femmes, les indigènes et les afro-descendants. <i>(Recommandation 6.8)</i>	Il s'agit d'une recommandation pertinente que la Commission prendra aussi en compte lors des négociations.
(...) Dans cette optique, il y a lieu de renforcer les aides aux organismes de consultation de la société civile organisée, et plus particulièrement au CC-SICA, organe institutionnel du processus d'intégration de la région d'Amérique centrale, de manière à ce qu'ils puissent disposer des moyens humains, logistiques et financiers nécessaires à l'accomplissement de leur mission. <i>(Recommandation 6.10)</i>	La Commission européenne entend donner suite à cette recommandation dans le cadre de sa stratégie de coopération régionale pour la période 2007-2013.

<p>Il convient également d'instaurer d'ores et déjà le Comité conjoint de suivi des négociations, composé de membres du CESE et du CC-SICA, auxquels pourront se joindre, d'un commun accord entre les parties, d'autres organisations dont la présence serait jugée nécessaire et pertinente pour l'analyse du processus de négociation. (<i>Recommandation 6.11</i>)</p>	<p>La Commission européenne attache une grande importance au dialogue avec la société civile. Elle est prête à dialoguer avec le Comité conjoint de suivi des négociations, qui devrait être le plus représentatif possible tout en gardant un caractère restreint.</p>
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<p>43. “Promotion of Women’s Entrepreneurship in the Euro-Med Region Own-initiative opinion – EESC 571/2007 - July 2007 Rapporteur: Ms. ATTARD (Var. Int./MT) DG RELEX - Ms. FERRERO-WALDNER</p>	
<p>Main points of the EESC points</p>	<p>Commission Position</p>
<p>4.1 The EESC urges that the review mechanisms of the Conclusions of the first Euro-Mediterranean Ministerial Conference on "Strengthening the Role of Women in Society" ensure that the development of women entrepreneurship is closely monitored and evaluated, and that measures are taken to enhance its development.</p>	<p>Until now, in the framework of the review mechanism, an ad hoc experts working group has been organised. The EESC attended (represented by Ms. Attard).</p> <p>More follow up meetings will be organised during 2008. Concrete themes have not been decided yet but, of course, as included in the Ministerial declaration, development of women entrepreneurship, will be monitored.</p>
<p>4.2 The EESC urges the Euro-Med stakeholders to organise a conference on the theme of women entrepreneurs in the Euro-Med region.</p>	<p>Concrete themes for the Gender ad hoc working groups have not yet been decided. The EC will propose this one to all Euro-Med partners for discussion.</p>
<p>The EESC notes that there is a variety of observatories looking at entrepreneurship within the Euro-Med region, but would recommend a Platform for better communicating the findings to policy makers and for the collection and dissemination of material to micro, small and medium enterprises in the Euro-Med region.</p>	<p>The European Commission considers that the follow up of the implementation of the Ministerial conclusions on “Strengthening the role of women in society” will help all partners to better monitor all aspects of women’s life in the euro-med region;</p>
<p>4.3 The EESC recommends that special attention is given to the influence of mass media, particularly TV, on entrepreneurship and women.</p>	<p>The EC has included gender as a priority theme in its programme on Media in the MED region.</p>
<p>4.4 The European Commission should ensure an impact assessment of the ENP policies, including the MEDA programs and systematically include</p>	<p>The European Commission includes impact assessments and monitoring of its cooperation as an integral part of the programmes or projects that the EC finances.</p>

<p>gender considerations.</p>	
<p>4.5 Measures to ensure consultation with relevant civil society representatives, including women's NGOs in all phases of the projects: programming, implementation, evaluation and follow-up, should be established in order to ensure that the set objectives are achieved.</p>	<p>Civil society is consulted in all phases of the co-operation through the existing foreseen channels.</p>
<p>The EESC urges that in the European Neighbourhood Policy (ENP) specific measures and targets to address the promotion of women's entrepreneurship are included in the National Action Plans.</p>	<p>Women's rights are included in all dialogues within the Euro-med partners. Action Plans include also measures to empower and promote women in all spheres of life.</p>
<p>The EESC recommends that in the ENP more funds are allocated to the development of women entrepreneurship and technical assistance to start-ups for women.</p>	<p>In the South strategy of the ENPI for 2007-2013, 5 m€ programme will be allocated to a gender programme, plus 3m€ to a civil society programme which will also include a gender pillar.</p> <p>Moreover, gender is mainstreamed in all bilateral co-operation mainly in programmes concerning education, training and health and in regional programmes such as MEDSTAT, ETE, MEDA JAI and migrations, Information and Communication and programmes promoting investment.</p> <p>Economic Life" (EOWEL) has as a key objective the promotion of women in all spheres of economic and political life and aims at strengthening the cooperation of governments and civil society in this field between the 10 Mediterranean partner countries (Algeria, Palestinian Authority, Egypt, Jordan, Israel, Lebanon, Morocco, Syria, Tunisia, Turkey) and the EU Member States.</p> <p>The actual programme "Role of Women in Gender projects are also financed through thematic programmes such as European Instrument for Democracy and Human Rights and « Investing in people".</p>

4.6	In addition to regional funds, bilateral co-operation include gender programmes in Egypt, Jordan and Syria.
4.7 It is important that women's rights are not treated as an isolated issue separate from women's role in economic development.	The Istanbul Ministerial conclusions state that the Euro-Mediterranean partners will embrace a holistic approach based on the following interdependent and interlinked priorities: - Women's political and civil rights; - Women's social and economic rights and sustainable development; - Women's rights in the cultural sphere and the role of communications and the mass media.

44. Statistiques sur les produits phytopharmaceutiques COM(2006) 778 final – CESE 995/2007 - Juillet 2007 Rapporteur: M. VAN OORSCHOT (Empl./NL) DG ESTAT – M. le Président BARROSO	
Points de l'avis du CESE estimés essentiels	Position de la Commission
5.1. Accueil favorable.	La Commission prend bonne note de l'avis favorable du CESE.
<i>4.7.1 6.1.4. Il est demandé d'élargir la collecte aux données sur leur emploi à des fins professionnelles non agricoles.</i>	La Commission considérera cette suggestion dans le cadre des négociations avec les autres Institutions. Cependant, la Commission ne dispose pas au stade actuel d'une évaluation de l'impact de cette requête.
6.2.3. Il est demandé de mentionner explicitement l'utilisation des statistiques sur les rendements des cultures.	La Commission considérera cette suggestion dans le cadre des négociations avec les autres Institutions.

PARTIE C: avis faisant l'objet d'un autre type de réponse

a) Accord entre la Commission et le CESE

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| <p>7. Proposal for a Regulation of the European Parliament and of the Council laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, and repealing Regulation (EEC) No 2377/90
COM(2007) 194 final – CESE 1251/2007– September 2007
Rapporteur: Mr COUPEAU (Act. Div./FR)
DG ENTR – M. VERHEUGEN</p> |
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La Commission estime qu'il n'est pas approprié de donner une suite à cet avis, notamment en raison du plein accord entre les deux Institutions sur les objectifs et les principales mesures du règlement concerné.

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| <p>33. Proposition de règlement du Parlement européen et du Conseil modifiant le règlement (CE) n° 1924/2006 concernant les allégations nutritionnelles et de santé portant sur les denrées alimentaires
COM(2007) 368 final – CESE 1088/2007 - Septembre 2007
DG SANCO – M. KYPRIANOU</p> |
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Plein accord entre le CESE et la Commission.

b) Avis pour lesquels la Commission formule certaines remarques

<p>4.8 4. Business potential, especially of SMEs (Lisbon Strategy) Own initiative opinion – EESC 982/2007 – July 2007 Rapporteur: Ms. FAES (Act. Div./BE) DG ENTR – Mr VERHEUGEN</p>	
<p>4.9 Main points of the EESC opinion</p>	<p>Commission Position</p>
<p>4.10 2.4 At the occasion of the next revision of the integrated guidelines for growth and jobs for the years 2008-2010, the EESC calls for better targeted and streamlined integrated guidelines on SMEs, especially for the chapter on micro-economic reforms.</p>	<p>The integrated guidelines for growth and jobs are an important instrument for closer economic policy co-ordination. They are fulfilling their role by offering a general policy framework within which Member States at very different stages of economic development can pursue their own national reform agendas. They are sufficiently broad to allow for policy adjustments in the light of changes to the policy environment although they are not conceived to be the vehicle for specific actions. Hence, the Commission will propose to the Spring European Council 2008 to extend the current guidelines for the next cycle, whilst updating the explanatory notes within which they should be read.</p>
<p>2.4 In order to implement them at large in the process, the EESC urges the Council to give the Charter for Small Enterprises a legal basis –as requested by the Parliament- in order to strengthen the base for more action.</p>	<p>The Commission shares the will of the Parliament and other actors to make sure that the Charter is fully implemented. However, most Charter areas fall under the competence of the Member States. The Charter itself is part of the “Open Method of Coordination” of Member States’ policies, which responds to a request of the Lisbon European Council.</p>
<p>2.4.1 The EESC urges Commission and Council to make every effort to contribute to making the "think small first" principle a guiding principle in all relevant legislation.</p> <p>4.11</p>	<p>Since the launch of the Modern SME Policy in 2005, the Commission kept on promoting the Think Small First Principle within its activities, as well as in the Member States. In its conclusions from March 2006, the European Council endorsed the principle and asked about its further implementation by the Commission and by the Member States.</p>

Currently all new Commission legislative proposals are subjected to scrutiny of their potential impact on SMEs. Through its SME Envoy, the Commission maintains an active dialogue with the people concerned. As well as soliciting and assessing SMEs' concerns, the Envoy operates as a dedicated 'ambassador' for small business throughout the Commission.

An example of the existing cooperation is the Community State aid legislation which gives many possibilities for Member State to grant aid to SMEs, including investment aid and consultancy support, risk capital, aid for innovatory start-ups and aid for small business start ups in assisted areas, as well as the increased level of support allowed under the de minimis regulation, including public guarantees of up to € 1.5 million. The Commission is also preparing a new General Block exemption which will increase the possibilities to support SMEs without prior notification to the Commission.

Member States are increasingly integrating the "think small first" principle into the policy-making process. For example, while only few have set up a specific body to represent SMEs interests almost all of them consult SMEs representatives. A number of Member States (e.g. BE, DK, ET, MT, NL, SE, FI, UK) evaluates or is planning to evaluate the impact of new legislation on SME.

The Commission has also introduced in the Community State aid legislation many possibilities for Member State to grant aid to SMEs, including investment aid and consultancy support, risk capital, aid for innovatory start-ups and aid for small business start ups in assisted areas, as well as the increased level of support allowed under the de minimis regulation, including public guarantees of up to € 1.5 million. The Commission is also

	<p>preparing a new General Block exemption which will increase the possibilities to support SMEs without prior notification to the Commission.</p>
<p>4.12 2.4.2 The EESC calls for a "Year of the Entrepreneur" in 2009 to emphasise the key role entrepreneurs play for growth and welfare and to stimulate young people and others to consider entrepreneurship as a career.</p>	<p>DG ENTR is planning to organise a European Entrepreneurship and SME week in 2009. It is a European campaign to foster entrepreneurial mindsets and to promote EU and national activities in favour of SMEs.</p> <p>The European Week will enable those already organising SME weeks or days in the Member States to position their activities within a European framework – to bring their events under the logo of the European Week.</p>
<p>2.4.3 The EESC calls for endeavours to assure an effective Competitiveness and Innovation Programme, providing efficient support and easy access to SMEs, and a 7th Research and Development Framework Programme and Structural Funds facilitating access to SMEs. The effectiveness and accessibility of these programmes as well as JEREMIE should be closely monitored.</p>	<p>The two main projects of CIP's first pillar - the Entrepreneurship and Innovation Programme, are the new business and innovation support network to be launched in 2008 and the implementation in cooperation with the EIF of the Financial Instruments.</p> <p>The Financial Instruments aim at improving SMEs' access to finance. More than €1 billion has been earmarked for the period 2007-2013. This amount will enable financial institutions to provide about €30 billion of new finance to the two main projects of CIP's first pillar - the Entrepreneurship and Innovation Programme, are the new business and innovation support network to be launched in 2008 and the implementation in cooperation with the EIF of the Financial Instruments.</p> <p>The Financial Instruments aim at improving SMEs' access to finance. More than €1 billion has been earmarked for the period 2007-2013. This amount will enable financial institutions to provide about €30 billion of new finance to SMEs, because each euro spent from the EU budget is complemented by private investor money thus creating a substantial leverage effect. These funds will therefore benefit an</p>

	<p>estimated 400,000 SMEs in the EU, most of these being micro or small enterprises.</p>
<p>4.12.1</p>	<p>A new integrated business and innovation support network will become fully operational in 2008 to assist SMEs in benefiting more from the opportunities of the Single Market. It will promote match-making events between SMEs, technology brokerage and partner searches, organise feed-back from SMEs on EU legislation and standards as well as support the internationalisation of SMEs. This network should reach 2,000,000 SMEs via some 600 European business and innovation support organisations.</p> <p>Compared to its predecessor, FP7 presents several characteristics that are expected to ensure easier SME access the programme. These are the following:</p> <ul style="list-style-type: none"> • Funding for SMEs is expected to reach €6 billion (compared to €2.3 billion in FP6) • dedicated support for SMEs to outsource their research requirements • Simplification of the administration procedures • Funding rate increase for SME participants from 50% in FP6 to 75% • Special rules on intellectual property rights (IPR) • Participant Guarantee Fund (PGF) <p>JEREMIE will start being implemented from 2008 and its implementation will be followed by the Commission.</p>
<p>2.4.5 The EESC calls for the Commission to make an analysis of SME involvement in community programmes. If the participation is not deemed sufficient, a minimum percentage should be obligatory.</p>	<p>The Commission is currently reflecting on this possibility.</p>

<p>2.4.6 Public procurement is an important instrument in helping SMEs to develop their activities. SME involvement should be closely monitored, and measures to facilitate their access to P.P. should be developed. Exchange of best practices should be encouraged.</p>	<p>A 2007 study performed on behalf of the Commission demonstrated that SMEs obtained 42% of the value of public procurement contracts above the Community thresholds. There is also an ongoing reflection together with the Member States on the application of the Public Procurement Directives in view of facilitating SMEs' access to public procurement coordinated by DG Internal Market and Industry. This point will be one of the important elements of the SBA for Europe. SMEs' access to public procurement in the Member States is also one of the points monitored by the Commission within the framework of the Lisbon process.</p>
<p>4.12.2 2.4.7 <i>On the level of the Commission a coordinating structure should be created for a real, efficient and effective SME policy in all programmes, actions and legislative measures.</i></p>	<p>This function is ensured by the Commission SME Envoy and its support team.</p>
<p>4.12.3 2.4.8 <i>It is necessary to design special actions to promote and use best practices in the SMEs field and regarding the competitively growth, especially in those regions with a low degree of European development. This type of actions should be implemented through SMEs organisations.</i></p>	<p>Actions like the Charter for Small Businesses, The network of Innovative Regions in Europe or the European Enterprises awards allow for the sharing of knowledge and exchange of good practices in the SME field. The regions with a low degree of European development are the first beneficiaries of these actions.</p>
<p>4.12.4 4.1.2 <i>In order to improve the monitoring of the economic performances of SMEs the EESC calls on the European Commission for relaunching the activities of the European Observatory for SMEs.</i></p>	<p>The re-launch of the activities of the European Observatory for SMEs, is included in the already adopted EIP Work Programme for 2009 under the name SME Performance Review.</p>

<p>5. Innovation: impact on industrial change and the role of the EIB Own-initiative opinion – EESC 996/2007 - July 2007 Rapporteur : Mr TOTH (Var. Int./HU) DG ENTR - Mr VERHEUGEN</p>	
Main points of the EESC Opinion	Commission position
<p>Innovation must above all build on the basis of broad education and training in line with the criterion of lifelong learning; this should make use of equal access to an open-sourced, open-content knowledge base.</p>	<p>The Commission policy is outlined in the Communication COM(2006)208 “<i>Delivering on the modernisation agenda for universities: Education, research and innovation</i>”, which makes recommendation to the Member States, their universities, and outlines Commission actions in this field.</p>
<p>Demand for R&D must be stimulated by reducing entrepreneurial risks, improving conditions for private-sector research, changing the business climate, and promoting cooperation between universities, research institutes, and business.</p>	<p>The Commission policy is outlined in the Communication COM(2007)182 “<i>Improving knowledge transfer between research institutions and industry across Europe: embracing open innovation</i>” that outlines wide-ranging actions based on a partnership between the Member States and the Commission</p> <p>The Commission's proposal of a European Institute of Technology (COM(2006) 604) aims at providing a reference model for a more integrated co-operation between research, education and business.</p> <p>The Commission's proposal of a Lead Market Initiative for Europe (COM(2007)xyz) would make new emerging markets more innovation friendly and thus induce more private R&D investment.</p>
<p>Companies that are engaged in development or in outsourcing development to research organisations could be awarded additional budgetary or private-sector funding, on the basis of expressions of interest.</p>	<p>The Commission has adopted a proposal to participate in the Eurostars Joint Programme (COM(2007) 514) “<i>Proposal for a decision of the European Parliament and of the Council on the participation by the Community in a research and development programme aimed at supporting research and development performing SMEs undertaken by several</i></p>

	<p><i>Member States</i>”. Through this programme, participating countries will pool their national programmes and research funding in favour of SMEs, resulting in better, more efficient use of funds.</p>
<p>It is especially important to integrate information and communication technologies into education, so that e-learning pays special attention to training in the management of innovation and on developing the accompanying systems of incentives and organisational conditions.</p>	<p>In its Communication COM(2007) 496 “<i>E-skills for the 21st century: Fostering competitiveness, growth and jobs</i>” the Commission has proposed a long-term e-skills agenda and a set of action lines at EU level. These actions will complement and enrich significant efforts already under way in Europe.</p>
<p>Providing businesses with the requisite conditions for innovation with high-quality content and at relatively low cost is increasingly essential for technology transfer bodies to operate in integrated networks with R&D centres, investors, entrepreneurship organisations, so that, by the use of information and communication technologies, they are able to perform logistical tasks. The Commission needs to consider various approaches to developing such structures, with particular emphasis on promoting the development of science and technology (competitiveness) poles and knowledge centres.</p>	<p>Besides the Communication COM(2006)208 (see above), the commission has set up a High Level Advisory Group on clusters under the Europe INNOVA initiative. Further, the European Cluster Alliance brings together a number of cluster initiatives is supported under the PRO INNO Europe and Europe INNOVA initiatives. The Commission is committed to issuing a document on clusters in the next months. The role of the EIB through the EIF could have a major impact in supporting innovation in clusters. Furthermore the EIB and the EIF could also make a major contribution to innovation policy development measures taken by the Europe INNOVA and PRO INNO Europe initiatives, the MS and the Regions, in the field of knowledge intensive services, eco-innovation and the lead market initiative, in possible coordination with the European Business Support network managed by the EAACI executive agency. Measures such as Jeremy, supported by a strong local strategy, integrated in a common framework with INTERREG, Regions of Knowledge and Europe INNOVA would be able to develop strong synergies.</p>
<p>The European Economic and Social Committee agrees that it is particularly important to: (i) build a leading role for Europe in strategic technologies of</p>	<p>The Commission is constantly seeking to improve the general conditions for business and innovation, including enhancing the</p>

the future, (ii) act effectively to forge much stronger links between academic, research and business circles, and (iii) improve general conditions.

In terms of improving general conditions, special attention should be paid to the following aspects: (i) the single market, (ii) financing innovation, and (iii) intellectual property rights in the 21st century and (iv) helping EU business to develop foreign trade and economic links, and to secure access to markets in third countries.

leading role of Europe in technology and its commercialisation. Recent policy documents that outline Commission actions include: Communication COM(2007) 165 “*Enhancing the patent system in Europe*”; the upcoming Communication COM(2008) “A lead Market Initiative for Europe”; the Communication COM(2006)502, ‘Putting knowledge into practice: A broad-based innovation strategy for the EU’, stressing the importance of access to finance and market readiness as two of the most important factors allowing for a more innovative and competitive Europe; the Communication COM(2007) YYY “*Removing obstacles to cross-border investments by venture capital funds*”; the new “*Community framework for state aid for research and development and innovation*” (OJ C 323, 30.12.2006);

Other Commission research on these issues include the report by an IPR Expert Group from June 2007 “*A memorandum on removing barriers for a better use of IPR by SMEs*”; the study “*Effects of counterfeiting on EU SMEs and a review of various public and private IPR enforcement initiatives and resources*”. The Commission is also committed to presenting an updated IPR strategy in the coming months.

<p>9. Economic policies that contribute to the European industrial strategy Own Initiative Opinion - EESC 1263/2007 – September 2007 Rapporteur: Ms FLORIO (Work./IT) DG ENTR – Mr VERHEUGEN</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>The BEPG, though an economic policy guidance and coordination tool, should be tied in more closely with the Lisbon Agenda initiatives and provide for investment in innovation and new technologies in the industry sector</p>	<p>The Spring Council in 2005 renewed the Lisbon Strategy and placed its focus on growth and jobs. The BEPG⁷ were adopted specifically to implement the Lisbon Strategy. The Guidelines are therefore an integral and indispensable element of the Lisbon Agenda and its initiatives. The competitiveness council⁸ in response to the Mid Term Review of Industrial Policy⁹ stressed that the link between policy actions fostering industrial competitiveness at both national and European levels is crucial and should be strengthened by integrating those actions into the Lisbon Agenda.</p>
<p>The main aim of the policy choices made by the ECB is to control inflation and to ensure price stability. The process of achieving these aims can sometimes act as a brake on investment. Whilst bearing in mind its priorities, the ECB could, wherever possible, adopt a more flexible monetary policy in order to boost investment.</p>	<p>The primary objective of the ECB is price stability¹⁰, as laid down in the Treaty. The ECB should thus be evaluated against attaining price stability and not against any other variable. Moreover, there is no evidence that the ECB has used interest rates too readily and asymmetrically. Finally, there is a practically universal consensus amongst economists that the ECB has done a very good job so far.</p>
<p>4.5 The ECB is responsible for maintaining monetary stability and keeping inflation in check. These policies can however turn out to</p>	<p>As for putting obstacles to economic growth, the common view is that price stability contributes to achieving high levels of</p>

⁷ A set of integrated guidelines based on Article 99 and 128 of the Treaty.

⁸ 2832nd COMPETITIVENESS (Internal market, Industry and Research) Council meeting Brussels, 22 and 23 November 2007.

⁹ COM(2007) 374.

¹⁰ "The primary objective of the ESCB shall be to maintain price stability. Without prejudice to the objective of price stability, the ESCB shall support the general economic policies in the Community with a view to contributing to the achievement of the objectives of the Community as laid down in Article 2."

<p>be obstacles to economic growth in the euro countries, and therefore also act as a brake on the other 15 "converging" countries. That is why the ECB's policies need to be coordinated more effectively with the EU's macroeconomic policies. Clearly, the ECB's decisions must give due consideration to the fact that although a strong currency has a positive effect on imports, making them cheaper, it penalises exports.</p>	<p>economic activity and employment by improving the transparency of the price mechanism. Under price stability people can recognise changes in relative prices, without being confused by changes in the overall price level. This allows them to make well-informed consumption and investment decisions and to allocate resources more efficiently. Furthermore, by reducing inflation risk premia in interest rates, real interest rates are lower than they otherwise would be and thus increases incentives to invest. In addition, price stability prevents an arbitrary redistribution of wealth and income as a result of unexpected inflation or deflation.</p>
<p>The European Investment Bank must make a significant contribution to economic and social cohesion and bolster industrial development through incentives for research and development.</p>	<p>The European Investment Bank launched the Innovation 2010 Initiative (i2i) in response to the Lisbon agenda. From 2000-2006, loans advanced under i2i had reached close to € 45 billion. The EIB engages in lending and guarantee schemes. Its role is not to provide other incentives for research and development.</p>
<p>In the sphere of fiscal policy, there is a need to cut red tape, particularly for SMEs. Furthermore, tax incentives should be used to encourage companies to invest in research and development.</p>	<p>The Competitiveness council stressed that simplifying and improving the regulatory environment and reducing the administrative burden on enterprises will remain a top priority for the Commission^{11, 12}. A high level expert group on Administrative Burdens has been launched on 19/11/2007.¹³ Also, The Commission recently revised its rules for state aid for R&D.¹⁴</p>
<p>Excessive focus by companies on financial activities and the ever increasing incidence of purely speculative investment in industry is endangering the industrial fabric, often hitting</p>	<p>The Community needs to create more favourable conditions for the financing of innovation to facilitate the more widespread emergence of highly innovative SMEs and</p>

11 COM (2007)374.

12 2832nd COMPETITIVENESS (Internal market, Industry and Research) Council meeting Brussels, 22 and 23 November 2007.

13 MEMO/07/471.

14 OJ C 323 of 30.12.2006, p. 1.

<p>production, employment and social cohesion: There is a need to adopt measures to effectively regulate the involvement of the financial world in company life.</p>	<p>facilitate the development of new technologies such as low carbon technologies. The Community must work closely with Member States to remove existing regulatory and tax obstacles to cross-border investments by venture capital funds. It must also help to bridge the equity gap in terms of early stage risk-based financing.</p>
<p>One way of combating the decline in manufacturing and company relocation would be to relaunch the European industrial model, featuring successful districts and sectors of economic activity. In any case, the industrial fabric requires both hard and soft infrastructure. It is in the interests of the EU as a whole to finance these projects.</p>	<p>The main role of industrial policy at EU level is to proactively provide the right framework conditions for enterprise development and innovation in order to make the EU an attractive place for industrial investment and job creation.¹⁵ It needs to be emphasised that the EC's industrial policy is strictly non interventionist. Recent economic developments as well as experiences and feedback on the key pillars of the 2005 Industrial Policy¹⁶ indicate that there is no need for a fundamental change of the EC's industrial policy.¹⁷</p>
<p>Given that services play a central role in the European economy, they must interact with the business world; they are in fact its life-blood, especially those that support production. These services to companies would soon fail if the industry sector lost its dynamism.</p>	<p>One of the main structural changes has been the shift in employment towards services in highly developed economies. This should not be equated with de-industrialisation. It reflects the deepening international division of labour and a disaggregation of previously integrated vertical value chains. As a consequence, industry and services are inextricably linked.¹⁸ A detailed screening and competitiveness analysis of the service sectors and their impact on industrial competitiveness is being undertaken.</p>

15 COM(2007)374.

16 COM(2005) 474 final.

17 COM(2007)374.

18 COM(2007)374.

<p>It is clear that there is a need to improve results and investment in research and development, as they are currently far from the Lisbon Agenda targets. Once again, the EU must step up its financial commitment. Investment in research, under a new industrial strategy, should take into account the EU's new targets regarding CO₂ emissions. The protection of intellectual property rights is also important for the competitiveness and innovative capacity of European industry and should be ensured by appropriate EU instruments.</p>	<p>The European Commission is launching several initiatives to move towards the Lisbon Agenda Targets such as lead-markets, clusters and the European Research Area. In the Single Market Review¹⁹ a number of new initiatives were announced to protect intellectual property rights. A strategy for Industrial Property Rights will be presented in 2008.</p>
<p>The importance of mutual dependence/linkages between business and education cannot be over-emphasised. Schools, universities and third-level institutions must be aware of the need to equip students with qualifications that are relevant to business. Business itself needs to communicate its requirements to these institutions. One way to improve links is to develop Business Parks on university campuses; another would be to bolster the role of European centres of excellence and, in other respects, the role of the European Technology Institute.</p>	<p>Skill shortages are identified as a key challenge in a wide range of different industries.²⁰ The Commission has already begun to address skill shortage issues through a number of policies, such as the Education and Training 2010 work programme, including the European Qualification Framework (EQF) and the EIT which should be set up by Community legislation in Spring 2008, with a budget of 309 million for the period 2008-2013. Its goal is to reinforce Europe's capacity to transform education and research results into business opportunities.</p>
<p>Identifying synergies and involving all the stakeholders in achieving structural change can help make industrial change socially acceptable, if the social partners are systematically involved in anticipating and managing that change, and if the dual objective of making businesses competitive and reducing negative social impact is consistently pursued. In cross-border regions, industrial changes could be facilitated, by setting up the optional transnational framework for collective negotiation as announced in the 2005-2010</p>	<p>Industry's competitiveness depends on its ability to undertake structural change in response to the challenges of globalisation and technological advances. To address the consequences the EU has developed legislation dealing with restructuring²² and provides financial assistance through the structural funds and the European Globalisation Adjustment Fund. A first annual Restructuring Report will be published in mid-2008. The 2005 Communication on Restructuring and Employment²³ will be reviewed with the aim</p>

¹⁹ COM (2007) 724 final.

²⁰ COM(2005) 474 final.

<p>social agenda. European Works Councils can also contribute: steps must be taken to strengthen the competencies of those involved in their work, so that these councils can execute their role as a key player in the consultation and dialogue process²¹.</p>	<p>of encouraging a large partnership at European level. The Commission will evaluate whether to revise its State Aid guidelines on rescue and restructuring by 2009.</p>
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21 *Social dialogue and employee participation, essential for anticipating and managing industrial change* and *Implementing the Community Lisbon Programme: A policy framework to strengthen EU manufacturing - towards a more integrated approach for industrial policy*, OJ C 24, 31.1.2006; *Cohesion Policy in Support of Growth and Jobs: Community Strategic Guidelines, 2007-2013*, OJ C 185, 8.8.2006.

22 Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees, Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies, and Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community.

23 COM(2005)120.

<p>13. Employment of priority categories (Lisbon Strategy) Own-initiative opinion – EESC 997/2007 - July 2007 Rapporteur : Mr GREIF (Work./AT) DG EMPL – Mr SPIDLA</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>Recognises that in quantitative terms the ambitious Lisbon employment objectives have been achieved only to a limited extent and with clear differences between countries.</p>	<p>Although the employment targets have not yet been met, the Commission finds that recent economic developments have shown that reforms pay off and that the Lisbon Strategy works. 2006 saw employment-intensive growth for the first time in almost a decade. Recent progress in employment has been widespread but was in particular driven by a handful of Member States. It is now time to put emphasis on the implementation of the Lisbon strategies.</p>
<p>On flexicurity, stresses that any general definition and measures designed to increase adaptability of firms and workers should always be associated with a high degree of social security, ALMP and education and training.</p>	<p>The Commission Communication on flexicurity exactly contains the right balance between flexibility and security. A balanced flexicurity approach does exactly assume that any measures to influence one of the four components of flexicurity are counterbalanced by adequate measures on the other three components.</p>
<p>Calls for greater prominence to be given to priorities addressing various vulnerable and excluded groups</p>	<p>The issue is already part of the existing Integrated Guidelines. The Commission intends to reinforce this further also by recognising that vulnerable and excluded groups represent an important future economic and labour force potential.</p>
<p>Calls for renewed and reinforced efforts accompanied by appropriate budgetary funding to realise the national Lisbon priorities.</p>	<p>The Commission is already focused on this issues and the availability of appropriate budgetary funding to realise the National Lisbon priorities forms an essential parameter in assessing the policy response of Member States. The issue also forms a part of the annual progress report where the governance and the implementation set-up is assessed.</p>

<p>Calls for measures to address the sometimes weak economic incentives to work and the resulting "unemployment traps" without however endangering social security systems.</p>	<p>The issue is also part of the existing Integrated Guidelines. There is evidence showing that the extent of unemployment traps is being reduced. Long-term unemployment and structural unemployment has decreased recently and a growing number of Member States have tighten the eligibility rules for unemployment benefits.</p>
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<p>19. Conférences maritimes – Convention des Nations unies "Proposition de règlement du Parlement européen et du Conseil abrogeant le règlement (CEE) n° 954/79 du Conseil concernant la ratification par les États membres de la convention des Nations unies relative à un code de conduite des conférences maritimes ou l'adhésion de ces États à la convention" COM(2006) 869 final – CESE 692/2007 – Juillet 2007 Rapporteur : Mme BREDIMA SAVOPOULOU (Empl./EL) DG TREN – M. BARROT</p>	
Points de l'avis du CESE estimés essentiels	Position de la Commission
<p>4.13 1.3: Le CESE recommande en particulier à la Commission de clarifier ce que sera le statut juridique international des opérateurs maritimes de l'UE après l'abrogation du règlement 954/79. Il convient en outre de bien prendre en considération ses conséquences, tant à l'échelon européen qu'international (...) Le CESE estime qu'elle ne tient pas compte (...) de la compétitivité des opérateurs communautaires de services de ligne, notamment celle des opérateurs maritimes à courte distance (conformément à la stratégie de Lisbonne renouvelée).</p>	<p>4.14 La possibilité pour les opérateurs maritimes de l'UE de faire partie des conférences maritimes n'est pas liée au règlement 954/79 mais au règlement 1419/2006. En vertu de ce dernier, après la période transitoire, les opérateurs maritimes communautaires ne pourront plus participer à des conférences desservant des ports des États membres ou ayant un impact sur le commerce entre États membres. Ils pourront en revanche continuer à opérer dans le cadre de conférences desservant d'autres routes. La Commission observe que le rôle des conférences maritimes dans les routes à courte distance est minimal voir inexistant.</p>

<p>23. La définition d'une politique énergétique pour l'Europe (stratégie de Lisbonne) Avis d'initiative - CESE 986/2007 – Juillet 2007 Rapporteur: Mme SIRKEINEN (Empl./FI) DG TREN - M. PIEBALGS</p>	
<p>Points de l'avis du CESE estimés essentiels</p>	<p>Position de la Commission</p>
<p>Le Comité souligne que l'énergie est devenue une question politique centrale fortement liée à la stratégie de Lisbonne pour la croissance et l'emploi.</p> <p>Il préconise :</p> <p>d'examiner les politiques énergétiques comme les autres conditions-cadres pouvant entrer en ligne de compte à la lumière de l'objectif que s'est fixé l'UE de devenir une économie à haut rendement et à faible émission de CO₂ (paragraphe 1.3);</p>	<p>La Commission partage la plupart des préoccupations du rapport de Mme Sirkeinen. L'avis est substantiellement en accord avec la position de la Commission et avec les orientations politiques du Conseil européen de mars 2007.</p> <p>Le Plan d'action 2007-2009 adopté par le Conseil devrait répondre à ces préoccupations et permettre de relever ces défis.</p>
<p>d'accélérer le rythme de l'innovation, en vue de mener à bien les transformations qui s'imposent d'urgence dans le secteur de l'énergie (paragraphe 1.4);</p>	<p>Le 22 novembre 2007 la Commission a présenté la Communication: "Un Plan Stratégique pour les technologies énergétiques (Plan SET)" COM(2007) 723</p>
<p>de réaliser un effort de recherche et de développement public qui soit suffisant et atteigne un niveau comparable à celui des principaux concurrents de l'UE et de stimuler la croissance de la part du financement privé de la recherche et du développement (paragraphe 2.24);</p>	<p>Le plan SET se propose d'aboutir aux résultats suivants:</p> <p>i) une nouvelle planification stratégique commune, ii) une mise en œuvre plus efficace, iii) une augmentation des ressources, et</p>
<p>de développer la coopération internationale dans le domaine des technologies énergétiques, notamment avec d'autres acteurs importants, et de suivre systématiquement les politiques et mesures adoptées par les principaux concurrents et partenaires en matière de technologies énergétiques (paragraphe 1.3);</p>	<p>iv) une approche nouvelle et renforcée en matière de coopération internationale.</p> <p>L'UE est ouverte à la coopération avec les pays développés, avec les pays en voie de développement comme avec les économies émergentes.</p>

<p>de pouvoir compter sur une main-d'œuvre qualifiée et motivée, grâce à un système d'enseignement de grande qualité (paragraphe 3.12);</p>	<p>En plus des bourses Marie Curie du programme-cadre de recherche, le plan SET préconise de nouvelles possibilités d'études et de formation par des actions telles que les initiatives industrielles européennes et l'alliance européenne pour la recherche dans le domaine de l'énergie, grâce à un environnement de travail attrayant pour les chercheurs.</p>
<p>de s'assurer de la disponibilité de financements par capital-risque pour le développement et de lancement de l'activité des PME, ainsi que pour les investissements en matière de nouvelles technologies; de supprimer les obstacles qui entravent les investissements indispensables pour favoriser l'utilisation des nouvelles technologies et réduire les risques qu'elles présentent (paragraphe 3.12);</p>	<p>L'augmentation des budgets des septièmes programmes-cadres, ainsi que du programme "Énergie intelligente-Europe", sont un pas dans la bonne direction.</p> <p>La Commission a l'intention de présenter une communication sur le financement des technologies à faible intensité carbonique à la fin 2008.</p>
<p>de favoriser une concurrence saine et ouverte sur les marchés de l'énergie en vue de forcer les entreprises à innover. Dans le cas des énergies renouvelables, l'accès aux réseaux peut s'avérer essentiel pour permettre à l'innovation d'être couronnée de succès (paragraphe 3.12);</p>	<p>L'ouverture du marché devrait favoriser l'accès des producteurs d'électricité à partir de sources renouvelables. Le mécanisme d'échange d'émission, avec un prix "de marché" attribué à la tonne de CO₂ devrait contribuer à stimuler l'innovation.</p>
<p>de s'assurer de conditions de marché équitables au niveau mondial, au moyen par exemple de la fixation d'un prix pour le CO₂ à l'échelle mondiale, tout en veillant à ce qu'il ne devienne pas une marchandise comme les autres puisque sa réduction réelle conditionne la survie de la planète (paragraphe 3.12.2);</p>	<p>La reconnaissance mutuelle des quotas entre le système communautaire et d'autres systèmes d'échange de droits d'émission de gaz à effet de serre, est possible, après accord conclu avec les pays tiers visés à l'annexe B du protocole de Kyoto et ayant ratifié ce protocole (Art. 25 de la Directive 2003/87/EC).</p>

<p>des objectifs ambitieux, pour contribuer à développer une position de force de l'UE sur les marchés mondiaux en matière de technologies favorisant l'efficacité énergétique et les énergies renouvelables. Les objectifs et leurs échéances doivent néanmoins être fixés avec prudence, afin de s'assurer qu'il existe des chances réelles de les atteindre (paragraphe 3.12.3).</p>	<p>Les objectifs du "paquet énergie-changement climatique" du 10.1.2007 sont ambitieux mais réalistes, à condition d'y mettre les ressources et la volonté nécessaires.</p>
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<p>24. Proposition de directive du Parlement européen et du Conseil sur redevances aeroportuaires COM(2006) 820 - EESC 1244/2007 – September 2007 Rapporteur : Mr McDonogh (Empl./IE) DG TREN – Mr Barrot</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>Paragraphe 1.2: The State should pay for security at airports. This is national security problem.</p>	<p>The proposal is based on three general principles endorsed by Member States in the International Civil Aviation Organization: non-discrimination, transparency and consultation. These principles concentrate on the procedure for levying airport charges.</p>
<p>Paragraphe 3.9: Security changes and other costs reflected should be paid for by the state as is the case of other transport like rail. These should be closely monitored as the installation of sophisticated equipment can be costly for small and medium sized airports. It may not be economically justifiable.</p>	<p>On the financing of airport infrastructure, the Commission does not want to impose a particular method as Member States and airports are better placed to take such decisions.</p> <p>Nevertheless, the proposal aims at increasing the transparency of security charges. This will allow airport users to compare security costs with level of security charges.</p>
<p>Paragraphe 1.1: The Commission should lay down design criteria for various types of airport to ensure that they are practical, functional and can be commercially justified where costs are recovered through airport charges.</p>	<p>The proposal suggests that airports and airport users shall enter into agreements on the quality of the service. The Commission thinks that the individual airports and the users are well placed to decide on the exact content of such agreements.</p>

<p>25. Communication from the Commission – Action Plan for Energy Efficiency: Realising the Potential COM(2006) 545 final - EESC 1243/2007 – September 2007 Rapporteur: Mr IOZIA (Work./IT) DG TREN – Mr PIEBALGS</p>	
Main points of the EESC Opinion	Commission position
<p>4.15 The EESC suggests that a further priority action should be added, to introduce district heating and cooling networks, which would avoid 33% of primary energy being lost in the transformation stage. (Paragraph 1.4)</p>	<p>The Commission has recognised the potential benefits that quality district heating and cooling (DHC) could provide and therefore has already included two priority actions in the Action Plan for Energy Efficiency (hereafter EEAP). One will cover the development of a European standard to determine the actual efficiency and primary energy savings in a DHC network, the other one will be a study leading to a legal initiative regarding minimum efficiency standards for the sector. DHC can benefit from support for Combined heat and power production (CHP) and for the use of biomass, and in addition the possibility of support for DHC is included in the new environmental state aid guidelines adopted as part of the Energy and Climate package in January 2008. Therefore no additional actions are deemed necessary to promote quality district heating and cooling.</p>
<p>4.16 More Commission staff will be required to implement the 75 measures laid down in the Action Plan, monitoring and assessing the effectiveness of the raft of instruments proposed. They will have to monitor the development of these activities. The EESC recommends that a thorough analysis of needs be carried out and that sufficient human and financial resources be assigned. (Paragraph 1.6)</p>	<p>The Commission services working on energy efficiency are being significantly reinforced.</p>
<p>4.17 The EESC condemns the failure to coordinate transport and energy</p>	<p>The Action Plan aims among other things to coordinate these policies and this process is</p>

<p>policies adequately; together with environment and industrial policies, these address technical and industrial needs and concerns which are of necessity complementary. It is justifiably concerned that, thanks to this lack of coordination, the Commission document will be not nearly as effective as it could have been. (Paragraph 1.9)</p>	<p>ongoing. A Green Paper on clean urban mobility was adopted on 25 September 2007 and further initiatives are planned for 2008.</p>
<p>4.18 The EESC endorses the Commission's goal of increasing development of CHP plants, although it feels that the adoption of standard regulations for measuring the efficiency of these plants needs to be speeded up. The EESC believes it would be useful to invest in programmes disseminating trigeneration, which could be fuelled by biomass. Microgeneration units (Directive 2004/8/EC – units with an installed capacity below 50 kW) should be encouraged: they should be included in programmes providing incentives for saving energy and reducing impact on the environment, and integrated more easily into national grids as part of distributed generation development. However, support should be provided for businesses to cover the additional costs of changing current transmission grids entailed by the system. (Paragraph 1.16)</p>	<p>The Commission is doing its utmost to conclude the technologically complex final stage of the legislative framework with the Member States in the CHP Committee.</p> <p>The Commission has recognised the potential of polygeneration and therefore there have been grants dealing with trigeneration and polygeneration in the context of the FP 6 and 7 research programmes and in the Intelligent Energy Europe programme.</p> <p>Microgeneration is to be included in the studies on the national potential that Member States have to submit under the CHP Directive. The Commission will check this issue when reviewing the reports. Because of the potential importance of micro-cogeneration, it is also included in two priority actions in the EEAP. As for DHC, it is important that micro-cogeneration will really lead to primary energy savings. Therefore a CEN mandate and a study on minimum efficiency requirements will be launched.</p>
<p>4.19 The EESC supports the creation of the "Covenant of Mayors" but feels that the goal of bringing together Europe's 20 most important cities is not ambitious enough. The target should be much higher and local expertise more effectively harnessed.</p>	<p>The aim of the Covenant of Mayors will be to bring together as many cities as possible, not only the biggest ones. It is likely that most of the cities having an active participation in the Covenant will have a size allowing for the allocation of resources to that activity.</p>

<p>4.20 One excellent way of connecting local administrators who are responsible for urban transport policy with those responsible for neighbourhood activities which have a direct impact on the public, would be to set up a portal or other means of communication for the exchange of expertise between the EU's towns and cities, where over 80% of the EU's population live. (Paragraph 1.22)</p>	<p>However it is intended to shape information in a way that will allow for large dissemination and replication even for smaller sized cities. The ManagEnergy portal (http://www.managenergy.net) could be used. Further details on this project should be announced at the 2008 Sustainable Energy Week.</p>
<p><i>4.20.1 Labelling is a good practice, which should be encouraged and adopted for as many products as possible and extended to the automotive and construction sectors without delay. The EESC supports the proposal and urges the Commission to make the 14 products mentioned subject to minimum energy performance standards, paying particular attention to the specific market segments, to avoid a new regulatory system distorting competition. Other end-use products which should be made subject to minimum standards must also be identified. The priority given to reducing energy-use in "stand-by" and "sleep" modes is endorsed by the EESC, which sees this action as very important as it could help to reduce consumption in these modes up to 70% by phasing out appliances in use. The EESC feels that the Energy Star agreement should make registration mandatory in the EU (as it is in the US) for open tenders for the purchase of office equipment and "expects the Commission itself to set an example"²⁴. An agreement of this kind should also be negotiated with other major producers from East Asia, which now account for a considerable chunk of the electronic appliances market. (Paragraph 4.2.1)</i></p>	<p>The minimum efficiency requirements under Directive 2005/32/EC will be combined with labelling requirements where appropriate.</p> <p>In 2008 the Commission will identify additional product groups for which Implementing Measures under directive 2005/32/EC should be developed.</p> <p>The newly amended (December 2007) Regulation implementing the EU-US Agreement on the Energy Star programme will require the central authorities of the Member States to use efficiency criteria at least as performing as the Energy Star criteria in their public procurement of office equipment.</p>

4.20.1.1 In the Impact Assessment Report SEC(2006) 1175, the Commission expects that savings of 140 Mtoe could be made by amending the Energy Performance of Buildings Directive (2002/91/EC), lowering the current threshold from 1000 m² for minimum requirements (strengthening them for public buildings) and by applying the white certificates scheme more widely. The EESC is concerned that this target may be too ambitious for the short term²⁵. The EESC believes that Member States should adopt uniform instruments to measure the impact of the regulations (e.g. quality of heat insulation) and that it should be mandatory for them to adopt proper monitoring measures. (See the discrepancies between, for example, France, where there is little monitoring, and Flanders, where monitoring is very stringent.) The Council and Parliament should assess whether there are legal bases for authorising the Commission to issue a regulation on the subject instead of the new directive, simply repealing Directive 2002/91 after 2009. (Paragraph 4.2.4.2)

Two important projects under the Intelligent Energy-Europe Programme (ODYSSEE and ASIEPI) are looking at developing tools that could facilitate the monitoring of the implementation of the Energy Performance of Buildings Directive.

However the difficulty of monitoring the Directive is no excuse - at the contrary - not to strengthen the Directive, especially when considering the huge additional potential it could realize as described in the Commission's Energy Efficiency Action Plan of October 2006 and in several other studies.

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Article 15(2) of the Directive in question provides for a standstill period of three years before it has to be fully applied, in cases where the Member State can prove that there is a lack of qualified and accredited experts. This gives Member States the option not only of postponing the introduction of white certificates, but also of deferring checks on boilers and air conditioning plant. It is thus unlikely that the Council will be willing to reopen the matter before 2009 (and the Commission itself confirms this); before the measures which are expected to bring the hoped-for results can become effective, more years will have to pass for a new directive to be adopted on the matter.

<p>26. Communication from the Commission to the Council and the European Parliament: Sustainable power generation from fossil fuels: aiming for near-zero emission from coal after 2020 COM(2006) 843 final – EESC 1246/2007 – September 2007 Rapporteur: Mr ZBORIL (Empl./CZ) DG TREN - Mr PIEBALGS</p>	
Main points of the EESC Opinion	Commission Position
<p>Coal-based technology has the potential to make significant CO2 emission reductions but requires stable policy framework including the definition of the "Capture-ready" concept, as well as market and regulatory frameworks. The EESC calls on the Commission to focus on measures allowing for 10-12 CCS demonstration plants to be operational by 2015, but disapproves of binding measures. (Paragraphs 1.3, 1.11, 4.5, 5.2, 5.7)</p>	<p>The Commission adopted several documents related to sustainable fossil fuels in January 2008 (as parts of the Energy and Climate package):</p> <ul style="list-style-type: none"> -a Communication on supporting early demonstration of CCS in power generation - proposal for a Directive on geological storage of CO2 -a proposal for Emission Trading Scheme (ETS) post-2012. <p>In addition, the Commission adopted the Strategic Energy Technology Plan (SET-Plan) in November 2007.</p>
<p>The EESC supports and urges energy efficiency measures for power plants to fill in the interim period until CCS is broadly applied. (Paragraphs 1.7, 1.11, 4.5, 4.7, 5.2.6, 5.7)</p>	<p>The technology for wide-scale application of CCS in power plants can be commercially feasible in 10-15 years only. The Commission, however, encourages and will assess that the most energy-efficient technologies are used in both replacements and new investments and that new plants are prepared for later addition of CCS technologies.</p>
<p>The EESC draws attention to the major role coal will have to play in meeting future energy needs assisting in transition towards hydrogen economy, yet the Commission draft does not cover important segments of present and future use of coal. (Paragraph 5.3)</p>	<p>The SET Plan identifies several key directions in which European research and development in energy should be concentrated in the interest of achieving a low-carbon energy supply. The SET-Plan will be followed by a Communication on financial support to reach the objectives in the SET-Plan by the end of 2008.</p>

<p>28. Proposal for a Council Regulation concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy COM(2007) 196 final - EESC 1252/2007 – September 2007 Rapporteur : Mr SARRÓ IPARRAGUIRRE (Var. Int./ES) DG FISH – Mr BORG</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>4.21 The EESC harbours doubts as to whether the proposed regulation genuinely represents a "simplification" of the regulation currently in force that could help to reduce the administrative burden, both for Member States and the parties concerned.</p>	<p>After adoption of the new legal text, national programmes will be multi-annual and therefore less burdensome and more effective.</p> <p>The new data collection framework will contain a single programme instead of the minimum and extended programmes.</p>
<p>The Committee considers that the European Commission's definition of "end-users" is vague, because it could potentially apply to any individual. The EESC therefore suggests that the Commission amend this definition, making it much more precise.</p>	<p>The definition of end users is being discussed in the Council Working Parties. The Commission is trying to find a definition which would not compromise the main objectives of the Regulation.</p>
<p>4.22 The EESC considers that environmental data should be collected primarily by means of surveys-at-sea carried out by the Member States, as part of scientific fisheries programmes.</p>	<p>It is also the Commission's intention that most environmental data will be collected from research surveys at sea. Additional information could also be collected from monitoring at sea (observers on board of commercial fishing vessels to estimate discards).</p>
<p>4.23 The Committee considers that the Commission should further clarify the grounds for non-compliance leading to penalties being imposed on the Member States and should amend the financial corrections.</p>	<p>It is the Commission's intention to specify the rules for establishing the penalty system in the implementing Regulation. The sanctions will be proportionate to the degree of non-compliance with a maximum of 25% reduction.</p>
<p>4.24 The EESC believes that the Commission should expressly provide for Member State funding of observer-at-sea</p>	<p>The Commission shares the views of the EESC. Self-sampling will be carried out only in a few cases when there are no other possibilities (when</p>

<p>schemes and that self-sampling programmes, which would be carried out by crew members, are kept to the absolute minimum, because they could result in an excessively heavy workload.</p>	<p>it is not possible to accept scientific observers on board because of an obvious lack of space on the vessel or for safety reasons in accordance with national legislation). In any case, the final decision on establishing self-sampling programmes rests with the Member States.</p>
<p>4.25 With regard to assessing the impact of fishing activity on the environment, the Committee considers that the European Commission should spell out what data it will need and who will collect it.</p>	<p>The Commission has undertaken a wide consultation process with the scientific Community with the aim of establishing clear environmental indicators and the type of data that are related to these indicators. All these details will be included in the relevant implementing Regulation.</p>
<p>4.26 With regard to the management and use of the primary data that is collected, the Committee wishes to emphasise the importance of everyone with access to these data under the proposed regulation treating them as confidential.</p>	<p>The Commission has provided for a set of obligations for end-users, so that confidentiality is properly assured. In addition, Regulations and Directives on data protection and data use will apply to these primary data collected and used under the data collection framework.</p>

<p>32. Green Paper on the Review of the Consumer Acquis COM(2006) 744 final – EESC 668/2007 – July 2007 Rapporteur : Mr ADAMS (Var. Int./UK) DG SANCO - Ms KUNEVA</p>	
<p>Main points of the EESC Opinion</p>	<p>Commission Position</p>
<p>Consumer policy is considered by the EESC not only as an integral part of the EU internal market strategy but also as an important and affirming element of citizenship. The EESC supports implementation of the better regulation principles in consumer legislation. Any proposals for harmonised rules in this field should be backed by a proper impact assessment, and pursue simplification and clarification of existing rules. (1.4)</p> <p>The main priority should be in making good the deficits in the existing Directives and co-ordinating them with each other. (5.2)</p>	<p>The Commission welcomes the EESC's support of the broad objectives of European consumer policy. Indeed, the Commission aims at achieving a real internal market for European citizens striking the right balance between a high level of consumer protection and the competitiveness of enterprises.</p> <p>The forthcoming Framework Directive on Consumer Contractual Rights (i.e. the legislative follow-up to the Green Paper), could incorporate at least 4 existing Directives into one coherent and simplified legislative instrument, in line with the principles of better regulation. The contents of the Framework Directive will be subject to thorough impact assessment. This process has already started and will continue in 2008. In the course of the exercise, the Commission is looking at the impacts of the different options raised in the Green Paper.</p>
<p>The EESC would particularly welcome the application of the principles of the acquis to the rapidly growing and poorly regulated digital environment. (1.3)</p>	<p>The Commission acknowledges the need for protecting consumers in the digital environment. The forthcoming revision will ensure that the existing Directives, in particular the Distance Selling Directive, will be adapted to recent developments in e-commerce.</p> <p>However, it has emerged from the responses to the Green Paper that the issue of consumer protection in respect of digital content services requires further analysis and data-gathering because of its</p>

	<p>complexity. This issue will therefore be dealt with separately and at a later stage than the Framework Directive.</p>
<p>Better enforcement measures and strengthening or introducing clear and simple processes for achieving redress should be emphasised as a priority. (1.5)</p>	<p>The aim of the Review of the consumer acquis is to achieve better legislation. Enforcement and redress are priority issues in the Consumer Policy Strategy 2007-2013. The Consumer Protection Cooperation Regulation (CPC) has established a network of public authorities responsible for the enforcement of consumer protection law which became fully operational in 2007. It is expected to facilitate cross-border enforcement considerably.</p>
<p>Harmonisation of consumer legislation across the EU must take, as a guiding principle, the adoption of the best and highest level of consumer protection to be found in the Member States. Any "horizontal instrument" should be based on the highest standards while necessary "vertical integration" would concentrate on clarifying technical issues. A horizontal instrument could however contain fully harmonised rules in specific fields, such as the right of withdrawal and the definition of consumer as well as abusive clauses, delivery or consumers' right of redress, whereas minimum harmonisation would apply elsewhere. It is to be hoped that this would be a preferred approach, both by the Commission and all Member States. (1.7)</p> <p>"Minimum harmonisation" combined with a positive approach by Member States to adopt consistently higher standards on consumer protection is likely to form the basis for the major part of the consumer acquis for the foreseeable future. For various (and varying) social and economic reasons Member States will either wish to retain the level of consumer protection they already enjoy or move in a measured way, at a pace of their</p>	<p>The forthcoming Framework Directive on Consumer Contractual Rights (the horizontal instrument) will be based on a high level of consumer protection. However, consumer protection rules must achieve an appropriate balance between the interests of consumers and traders. This may lead to the result that certain rules in the Member States are considered to impose disproportionate burdens on traders.</p> <p>Minimum harmonisation has led to regulatory fragmentation between the Member States. Consumers cannot be sure that the level of protection they enjoy at home will apply when they shop cross-border, and businesses are faced with internal market barriers resulting from diverging regulations. There is therefore a need for full harmonisation of those issues which constitute internal market barriers ("targeted full harmonisation").</p> <p>The Commission welcomes the EESC's support for full harmonisation of issues such as the right of withdrawal and delivery. The impact assessment process</p>

<p>own choosing, towards a different level of protection. This position respects and is much easier to reconcile with the principle of subsidiarity. Nevertheless, it also recognises the view that various categories of consumers throughout the EU are disadvantaged in their current level of protection or capacity to seek redress and action is needed at both EU and Member State level. (5.3)</p>	<p>will finally determine which issues should be subject to full harmonisation.</p>
<p>Over many years the EESC has supported, through its work and Opinions, the primary objective of the EU's consumer policy – that a high, uniform and consistent level of protection is available to all. The EESC also supports the secondary objective of enabling consumers to be informed and to make an informed choice in a barrier-free marketplace. The structure of the Green Paper makes it inevitable that the underlying tensions in fully achieving these two objectives are brought to the surface. (4.1)</p>	<p>The Commission shares the EESC's opinion that EU consumer policy should aim at empowering consumers in the internal market by ensuring a uniform level of consumer protection and by removing remaining barriers to the retail internal market through a simpler, more coherent and harmonised legal framework.</p> <p>The Commission considers that striking the right balance between a high level of consumer protection and the competitiveness of enterprises, is a precondition for achieving a real internal market for consumers. Businesses, not least SMEs, should benefit from a more predictable regulatory environment and simpler EU rules in order to decrease their compliance costs and more generally to allow them to trade more easily across the EU.</p>
<p>The EESC welcomes the Review of the Consumer Acquis and supports the Commission in its stated aims of reducing internal market barriers whilst maintaining a high level of consumer protection. The Committee considers, however, that such efforts should not be confined solely to the eight directives currently under consideration; they should instead cover, in the future, at least the 22 directives set out on the list drawn up by the Commission in May 2003. (4.4)</p>	<p>The Commission takes note of the Committee's call to review further directives. However, there is a particular need to address the inconsistencies and internal market problems which arise in relation to the Directives in the area of consumer contract law, which are subject to the present review.</p>

c) **Avis pour lesquels, en l'état, la Commission n'est pas en mesure de formuler des remarques**

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| <p>31. Règles communes pour l'accès au marché des services de transport par autocars et autobus (refonte)
COM(2007) 264 final - CESE 1073/2007 – Septembre 2007
Rapporteur: M. ALLEN (Act. Div./IE)
DG TREN – M. BARROT</p> |
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Suivi reporté au trimestre suivant.
