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**SUITE AUX AVIS**

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du troisième trimestre 2009

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Relevé trimestriel présenté  
par la Commission européenne

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**ACTION TAKEN ON OPINIONS**

adopted by the European Economic and Social Committee  
at its plenary sessions  
in the third quarter of 2009

Quarterly review presented  
by the European Commission

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**SUIVI ACCORDÉ PAR LA COMMISSION AUX AVIS DU**  
**COMITÉ ÉCONOMIQUE ET SOCIAL EUROPÉEN**  
**RENDUS AU COURS DU 3<sup>e</sup> TRIMESTRE 2009**

**(juillet et septembre 2009)**

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**PARTIE A: Avis exploratoires**

<p><b>5. The competitiveness of the European glass and ceramics industry, with particular reference to the EU climate and energy package. EESC 1205/2009 - July 2009 Rapporteur: Mr ZBOŘIL (Empl./CZ) DG ENTR - Mr VERHEUGEN</b></p>	
Main Points of the EESC Opinion	Commission Position
<p>Point 1.5: The EESC considers it important to address the key aspects which affect the competitiveness of the glass and ceramics sectors and to make the business environment in the EU more supportive.</p>	<p>At the end of 2007, the Commission commissioned two studies on the competitiveness of the glass and ceramics sectors. These studies were carried out in 2008 and published in October of that year. They considered all aspects affecting the overall competitiveness of the two sectors, and put forward key fields for strategic responses for industry as well as EU policy makers, such as the need to continue to seek product leadership, increase efficiency and flexibility in production, and to strive for a level playing field.</p>
<p>Point 1.9: Given the environmental performance of the glass and ceramics sectors and their expected contribution to mitigating climate change, the EESC considers that their inclusion in the EU ETS should ultimately be established in a fair manner (i.e. "<i>exempted for the entire trading period up to 2020 from the auctions of allowances</i>").</p>	<p>Both energy-intensive sectors undertake activities explicitly mentioned in the revised ETS Directive 2003/87/EC of the European Parliament and the Council. Therefore, they cannot be excluded from its scope. The ETS Directive does not allow for exemption from auctioning of allowances for industrial sectors.</p> <p>However, the Directive includes provisions for policy instruments (free allocations based on community wide implementing measures - CIM) in order to avoid carbon leakage. Provisions are put in place if after quantitative and qualitative assessments of individual sectors as defined in NACE nomenclature at 4-digit level the sector is deemed at significant risk of carbon leakage. Furthermore, some sectors not found to be exposed at the NACE 4-level were disaggregated and a number of corresponding subsectors, such as continuous glass fibres, for which certain characteristics led to a significantly different impact from the rest of the sector, were assessed.</p>

	<p>The result of the assessments was that all glass production, except fibres for insulation applications, and all ceramics production except bricks and roof tiles, are deemed to be at risk of carbon leakage. Therefore they will receive 100% free allocations based on the aforementioned CIM, until end of 2014 when the assessment will be undertaken again.</p> <p>The adoption process of the Decision to establish the list of sectors at risk of carbon leakage made explicit that the bricks sector will be reassessed and – subject to the outcome of the analysis – may be added to the list.</p> <p>All this notwithstanding the revision of the risk of carbon leakage that has to be done in the light of the outcome of the Copenhagen Climate Summit.</p>
<p>Point 1.13: The EESC states that further political support and joint EU action could be helpful in terms of:</p> <ul style="list-style-type: none"><li>- removing imports barriers in non-EU markets;</li>          <li>- improving access to proper market information for SMEs;</li></ul>	<p>Each year, the Commission organises meetings with a large number of representatives from both the glass and the ceramics industries. The issue of trade barriers usually features prominently, and officials from other DGs, including the Trade DG, are in attendance. Beyond more general efforts towards trade liberalisation (such as within the WTO-Doha Development Agenda), the Commission conducts far-reaching bi-lateral dialogues with a large number of non-EU countries, in particular on the subject of trade barriers.</p> <p>Support and enhance market access for SMEs is one of the guiding principle of the "Small Business Act" for Europe and one of the priority areas for action identified in the SBA Action Plan endorsed by the European Council in December 2008. Several actions have been launched or are planned in this area such as the establishment of European Business Centres in selected third countries or the extension of the "Gateways to Japan" programme to other countries.</p>

<p>- removing trade barriers to raw materials from China;</p> <p>- promoting closed loop recycling of glass packaging in the EU.</p>	<p>For some of the crucial raw materials for this sector (e.g. magnesium) China has a monopoly position in the supply of these materials. Distorting trade barriers are therefore to be identified and eliminated via WTO consultations.</p> <p>Glass packaging falls within the scope of Directive 94/62/EC, which has been effectively encouraging closed loop recycling of glass packaging in the EU since 1994. It was amended by Directive 2004/12/EC. One of the main provisions of this amendment was a change from the original target of 50-65% recycling five years after national transposition for all packaging materials together, to a rate differentiated by different types of packaging material. The rate for glass was one of the highest, at a minimum 60% to be achieved by 31 December 2008.</p>
<p><b>12. Le lien entre l'égalité des sexes, la croissance économique et le taux d'emploi</b>  <b>CESE 1472/2009 – Septembre 2009</b>  <b>Rapporteur: M<sup>me</sup> OUIN (Trav./FR)</b>  <b>DG EMPL – M. SPIDLA</b></p>	
<p><b>Points de l'avis du CESE estimés essentiels</b></p>	<p><b>Position de la Commission</b></p>
<p>Demande à la Commission de contrôler et évaluer les efforts des États membres dans la mise en place de la Feuille de route pour l'égalité entre hommes et femmes et de devenir une plateforme d'échange de bonnes pratiques et d'expériences.</p>	<p>La Feuille de route pour l'égalité entre les hommes et les femmes 2006-2010 est une stratégie qui met en avant les engagements de la Commission et ne prévoit pas d'obligation envers les États membres. Néanmoins, la Commission analyse les politiques des États membres, notamment du point de vue: 1) de la législation sur l'égalité de traitement, 2) de l'intégration transversale des questions d'égalité dans leurs politiques d'emploi et d'inclusion sociale. 3) du suivi de la mise en œuvre des programmes des Fonds structurels. De plus, la Commission encourage l'échange de bonnes pratiques entre États membres à travers: 1) un programme spécifique existant depuis 2007, 2) des publications thématiques (traitant de la situation et des politiques dans l'ensemble des États</p>

	membres) et 3) des conférences.
S'attaquer à la ségrégation des emplois.	<p>La Commission reconnaît que la ségrégation des emplois reste un obstacle à l'égalité entre les hommes et les femmes, ainsi qu'un des facteurs clés liés aux écarts de rémunération entre les hommes et les femmes. Cette question est couverte par les Lignes directrices Emploi actuelles et sera également prise en compte dans la préparation de la future stratégie européenne de l'emploi post-2010. La ségrégation des emplois a été traitée dans le cadre de la communication "De nouvelles compétences pour de nouveaux emplois" (COM(2008)868 final). Enfin, les services de la Commission ont récemment publié un rapport sur la ségrégation hommes-femmes sur le marché du travail, réalisé par le réseau d'experts sur les questions d'emploi et d'égalité, voir : <a href="http://ec.europa.eu/social/BlobServlet?docId=3799&amp;langId=en">http://ec.europa.eu/social/BlobServlet?docId=3799&amp;langId=en</a></p>
Qualifier et professionnaliser les emplois de services à la personne.	<p>La Commission reconnaît que la valorisation des emplois des services à la personne est une question clé, notamment pour améliorer la qualité des emplois dominés par les femmes, l'écart de rémunération, et répondre au vieillissement de la population. Ces aspects seront pris en compte dans la future stratégie de la Commission en matière d'égalité entre les hommes et les femmes (qui succédera à l'actuelle Feuille de route pour l'égalité entre les hommes et les femmes 2006-2010).</p>
Développer l'offre de services.	<p>L'augmentation de l'offre des services aux enfants et autres personnes dépendantes fait partie intégrante des politiques de conciliation vie professionnelle-vie familiale prônées par la Commission (voir notamment la Communication adopté en octobre 2008 COM(2008) 635final et le rapport de suivi sur les objectifs de Barcelone (COM(2008) 638 final). Cette question fait partie aussi des Lignes directrices emploi actuelles et sera également prise en compte dans la préparation de la future stratégie européenne de l'emploi post-2010.</p>

<p>Mieux répartir les responsabilités familiales.</p>	<p>Le partage des responsabilités familiales fait partie intégrante des politiques de conciliation vie professionnelle-vie familiale prônées par la Commission. En juillet 2009, la Commission a proposé (voir COM(2009) 410 final), sur base de l'accord des partenaires sociaux européens, de réviser la directive de 1996 relative au congé parental, notamment en vue de rendre une partie de ce congé transférable entre les hommes et les femmes.</p>
<p>Prévoir un crédit "temps".</p>	<p>Ceci relève essentiellement de la compétence des Etats membres et des partenaires sociaux. Néanmoins, la Commission a consulté en 2006 les partenaires sociaux sur la nécessité de prendre des actions dans le domaine du "congé filial" et a inclus cette question dans l'étude d'impact concernant la révision du congé de maternité (SEC(2008) 2526/2). La Commission estime qu'il est nécessaire de commencer par établir une vue d'ensemble des dispositifs existants dans les Etats membres. Sur cette base elle envisage la suite à donner au niveau européen.</p>
<p>Soutien des femmes en tant qu'entrepreneuses.</p>	<p>La Commission développe des actions spécifiques pour le soutien de l'entrepreneuriat féminin, notamment à travers la mise en réseau des autorités responsables dans les Etats membres et l'établissement d'un réseau européen d'ambassadeurs pour la promotion de l'entrepreneuriat féminin. C'est également une priorité du Fonds social européen.</p>
<p>Augmenter le nombre de femmes aux fonctions dirigeantes</p>	<p>Améliorer la participation des femmes à la prise de décision économique et politique est des priorités actuelle de la Commission (Feuille de route 2006-2010) et le restera dans le futur. La Commission soutient l'action des Etats membres par la collecte, l'analyse et la diffusion de données comparables, la promotion de réseaux entre les parties prenantes, ainsi que par l'échange d'expériences et de bonnes pratiques au niveau européen.</p>

<p><b>15. Flexicurity and Restructuring: 'How flexicurity could be used for restructuring against the backdrop of global development'</b>  <b>EESC 1470/2009 – October 2009</b>  <b>Rapporteur: Mr SALVATORE (Work./ IT)</b>  <b>DG EMPL – Mr ŠPIDLA</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The four dimensions of flexicurity and its principles as defined by the European Commission could effectively contribute to reducing unemployment. Flexicurity should play an important role in the post-Lisbon process with the principles further integrated into it.</p>	<p>The Commission fully agrees and is currently working on further integrating the common principles of flexicurity into the post-Lisbon process under the European Employment Strategy.</p>
<p>In the current times of crisis flexicurity must not be regarded as a means to facilitate the dismissal of workers or to undermine social protection. Measures enhancing the security side (in the broadest sense) of flexicurity must currently be the top priority. Member States should ensure that the number of insecure jobs offering more flexibility than security, which has steadily increased over the past few years, does not increase further.</p>	<p>Flexicurity is clearly not a policy to facilitate firing of workers or to undermine social protection. On the contrary, the main aim of flexicurity is precisely to increase employment security. Flexicurity aims at striking the right balance between security and flexibility: both of these components are essential. It is important, especially in the context of the current crisis, that sufficient contractual flexibility is accompanied by secure transitions from job to job, and support to European citizens to remain in employment or rapidly re-enter employment.</p>
<p>Employers and employees must work together in the context of the social dialogue to ensure that as many workers as possible are retained in the labour market. It is proposed to the Swedish EU-Presidency and to the Commission to establish a web based platform to foster the exchange of experience with regard to the initiatives of social partners.</p>	<p>The Commission believes that social dialogue is of crucial importance in limiting the social and employment impact of the crisis and in ensuring a sustainable recovery long term. The establishment of a web-based platform to foster the exchange of experience is an interesting idea and the Commission is open to discuss it further with the EESC.</p>
<p>For the workers affected by the crisis, it is of crucial importance to get back into employment as quick as possible. To this end, there is a need to provide them with rapid and high quality assistance; therefore Member States should seriously consider increasing the quantity and the quality of staff in the employment agencies.</p>	<p>The Commission agrees with the EESC, however, increasing quantity and quality of staff might not always be enough or feasible. Spending on labour market policies within a flexicurity strategy must strike an appropriate balance between passive and active measures with a view to maximising effectiveness. This</p>

	requires careful planning, including prioritisation, targeting and sequencing.
There is a strong link between new skills and the creation of new jobs. It is in the companies' interest to invest in the continuous training of their staff, while it is the employees' responsibility to undergo such training. Lisbon post-2010 should provide solutions to these problems.	Being one of the issues highlighted by the President's political guidelines for the next Commission, skills (upgrading) features high at the Commission's agenda for the post-2010 period. In this context, the Commission's 'New Skills for New Jobs' initiative has increased relevance.
The Commission should carry out periodical evaluations of how the principles of flexicurity are being applied in legislation and regulatory provisions relating to the labour market and focus its analysis more on the options of internal flexibility.	In the context of the assessment of the National Reform Programmes (and their progress reports) and the preparation of the Joint Employment Report the Commission carries out an evaluation every year on the implementation of the flexicurity principles. This covers the application of the principles in labour market legislation and regulatory provisions. While the Commission's assessment covers several aspects of flexicurity, this year, due to the crisis, internal flexibility will be covered to a greater extent.

<p><b>21. Integrating Transport and Land-use policies for More Sustainable City Transport</b>  <b>EESC 1196/2009 – July 2009</b>  <b>Rapporteur: Mr OSBORN (Var. Int./UK)</b>  <b>DG TREN – Mr TAJANI</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The EESC believes that there is a growing need for public authorities at all levels to establish more sustainable patterns of transport in urban areas which will meet peoples' travel needs while minimising the adverse impacts. The growing threat of climate change and the fact that the contribution of transport to the Europe's overall greenhouse gas emissions keeps increasing provides a new urgency.</p>	<p>The Commission agrees that there is a need for action to address the challenge of sustainable urban mobility. It has therefore adopted an Action Plan on Urban Mobility with twenty short- and medium-term actions.</p>
<p>The EESC calls for action at all levels. The key role at local level has to be played by the local planning authorities working together with the local transport and highways authorities and other public bodies. National and regional government has a key role to play in encouraging and enabling the right kind of action at local level.</p>	<p>The Commission agrees that the responsibility for urban mobility policies lies primarily with local, regional and national authorities. It sees its role, while respecting the principle of subsidiarity, in providing a framework at EU level and encouraging and supporting the development of sustainable urban mobility policies.</p>
<p>The EESC indicates that that sustainable patterns of transport in urban areas only be successfully achieved if policy is developed in a well-integrated way, linking transport, land-use and other policies to reinforce one another, and developing them in an open, transparent and democratic way so as to secure sufficient political and popular support for them at all levels of government.</p>	<p>The Commission agrees that only an integrated approach can best deal with the complexity of urban transport systems and related policies, including land use planning, governance issues such as the transparent policy making processes, and the establishment of appropriate planning organisations.</p>
<p>The EESC proposes the Commission to support a major new research effort in the area of urban land use - transport interactions.</p>	<p>The Commission will take this recommendation into account for the implementation of the Action Plan on Urban Mobility. As indicated, it will, in addition to its ongoing activities, consider new targeted RTD activities.</p>

<p>The EESC proposes the Commission to develop an agreed set of indicators demonstrating how far an urban area has progressed in the direction of sustainable transport.</p>	<p>The Commission will take this recommendation into account for the implementation of the Action Plan on Urban Mobility. As indicated, it will study how to improve collection of data and statistics, and provide a platform for sharing them.</p>
<p>The EESC proposes the Commission to initiate a Europe-wide review of current practice on urban transport and land use.</p>	<p>The Commission will take this recommendation into account for the implementation of the Action Plan on Urban Mobility. As indicated, it will set up a database with information on a wide range of solutions and practices.</p>
<p>The EESC proposes the Commission to develop a European Framework for sustainable urban transport and land use.</p>	<p>The Commission will take this recommendation into account for the implementation of the Action Plan on Urban Mobility. As indicated, it will support the take up of sustainable urban mobility plans. These plans should follow an integrated approach and also look at links with land use planning. In the longer term the Commission could consider taking further steps.</p>
<p>The EESC proposes the Commission to undertake a review of European legislation and spending programmes that affect transport and land use by introducing a systemic assessment of carbon impacts.</p>	<p>The Commission will take this recommendation into account in the implementation of the Action Plan on Urban Mobility. The Commission is systematically assessing the environmental impact of new legislative proposals and of spending programmes, and the carbon aspect is central to these analyses. In the future, the Commission will also increase its activity of ex-post evaluation of policies and in this context it will take this recommendation further into account.</p>

**35. Coopération macro-régionale – Étendre la stratégie pour la mer Baltique à d'autres macrorégions en Europe**  
**CESE 1475/2009 – Septembre 2009**  
**Rapporteur: M. SMYTH (Act. Div./UK)**  
**DG REGIO – M. SAMECKI**

La Commission attend, pour donner sa position, que le CESE présente un nouvel avis, qui devrait être approuvé à sa plénière de février. Cela permettra à la Commission de donner une réponse d'ensemble.

<p><b>39. How to make the EU strategy on alcohol related harm sustainable, long-term and multisectoral</b>  <b>EESC 1473/2009 - September 2009</b>  <b>Rapporteur: Mrs VAN TURNHOUT (Var. Int./IE)</b>  <b>DG SANCO - Mrs VASSILIOU</b></p>	
Main points of the EESC Opinion	Commission Position
	The Commission is grateful for the Committee's further strong support for its approach on alcohol and health, as set out in the 2006 Alcohol Strategy.
3.4 The EESC urges the Commission and the Member States to take account of national and local patterns of alcohol consumption when defining policies	The Commission agrees; this has been the point of the departure of the EU Alcohol Strategy.
3.6 The EESC urges employers, trade unions, local authorities and other relevant organisations to closely cooperate and to undertake joint actions to reduce alcohol-related harm in the workplace.	The Commission agrees, as the workplace has been identified as a setting for reducing alcohol-related harm in the Strategy. The Commission will continue its efforts to involve organisations of employers and trade unions in the European Alcohol and Health Forum.
4.1 The EESC urges the Commission to acknowledge the WHO European Charter on Alcohol (1995), in particular regarding the ethical principle that youth has the right to grow up in an environment protected from the negative consequences of alcohol consumption and, to the extent possible, from promotion of alcoholic beverages.	These principles underlie the relevant EU legislation and current activities of the Commission when implementing the EU Alcohol Strategy.

<p>4.8 The EESC believes that the Audiovisual Media Services Directive alone is not sufficient to fully protect children from alcohol marketing.</p>	<p>Member States may adopt stricter rules than the ones contained in the AVMS Directive provided that such provisions are otherwise compatible with Community law. Many Member States have done so. An overview can be found in the first Progress Report on the Implementation of the EU Alcohol Strategy (presented in September 2009).</p>
<p>4.9 The EESC urges that a reduction in the exposure of children to alcohol products, advertising and promotions be stated as a specific objective by the Commission, and that tighter regulation in this area be introduced.</p>	<p>Reduction of exposure of children to alcohol promotion is already an objective in the activities of the European Alcohol and Health Forum..</p>
<p>5.7 The EESC believes that pricing policy should be considered when developing strategies to address alcohol-related harm in a long-term, sustainable and multi-sectoral way.</p>	<p>A study on affordability of alcoholic beverages in the EU, commissioned by the Commission's Health and Consumers DG and mentioned in the EESC's exploratory opinion, is confirming the vast body of scientific literature that pricing is an important policy lever for reducing alcohol-related harm.</p>
<p>6.7 The EESC supports the use of targeted EU and national Government campaigns to raise awareness about the risk of FASD.</p>	<p>The Commission is grateful for the EESC's support.</p>
<p>7.5 The EESC believes that more needs to be done to address the wellbeing of the ageing population in the EU, including information about the effects of harmful alcohol consumption on healthy and dignified ageing at EU level.</p>	<p>The Commission agrees with the attention for the impact of alcohol on elderly people. Via its Health Programme the Commission is already funding work in this area.</p>

<p><b>44. EU-Bosnia and Herzegovina relations: the role of civil society</b>  <b>EESC 1213/2009 - July 2009</b>  <b>Rapporteur: Mr ZOLTVÁNY (Empl./SK)</b>  <b>DG ELARG - Mr REHN</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>To encourage the government of Bosnia and Herzegovina in the elaboration of a strategy for the development of civil society.</p>	<p>The Commission has been emphasising the importance of this issue during its regular dialogue meetings with the authorities of Bosnia and Herzegovina (BiH – i.e. Reform Process Monitoring plenary and sectoral meetings).</p>
<p>To speed up visa free regime negotiations and to actively support compliance with technical and other standards.</p>	<p>The Commission continues to provide expertise and funds to assist BiH authorities to speedily meet the outstanding requirements of the visa roadmap. The Commission has already implemented in BiH 36 projects directly related to visa liberalisation of a total value of more than 49 million EUR.</p>
<p>To participate as an active intermediary in creation of new constitution.</p>	<p>The Commission is active participant in the Butmir talks, of which one of the main objectives is to assist BiH to agree on the constitutional reform. The Commission has earmarked 2 million EUR to support the constitutional reform process.</p>
<p>To insist on the implementation of ratified international texts and of Bosnia and Herzegovina's constitution, and to ensure trade union and employer organisations can register based on a designated legal basis, allowing them to operate effectively</p>	<p>The Commission has emphasised the importance of these issues during its annual progress reports and regular dialogue meetings with the BiH authorities (Reform Process Monitoring plenary and sectoral meetings).</p>
<p>To increase support, also in financial terms, to civil society organisations in Bosnia and Herzegovina in order to maintain their independence from government and ensure the sustainability of the projects they run.</p>	<p>Since 2007, the Commission has allocated 9.5 million EUR to support the development of civil society in Bosnia and Herzegovina which is substantially more than in previous years. This assistance helps capacity building of civil society to actively take part in policy dialogue. Grants will be provided to civil society organisations to support anti-corruption activities, to promote joint activities through civil society</p>

	networks and in the field of environment.
To create more appropriate and efficient financial support schemes in order to shorten long application and decision-making procedures. This applies also to the new facility established by the European Commission (EC) to promote civil society development and dialogue. Support should be available for a broad range of interested organisations and be flexible in terms of responding to their needs.	Under the Civil Society Facility, technical assistance is provided on a country basis to build the capacities of local civil society organisations, e.g. on how to secure funding. With this support it is also possible to address the specific needs of civil society organisations. Furthermore, the grant scheme to support networks of civil society organisations will be open to a broad range of organisations.
To support projects aiming at transferring know-how and experience from the EU Member States to Bosnia and Herzegovina. The contribution of the "new" Member States from Central and Eastern Europe might be of real added value. The importance of "twinning projects" should be given greater recognition and support by the EU institutions. The newly established facility promoting civil society development and dialogue can provide support for such activities.	The twinning approach is already implemented in several sectors in Bosnia and Herzegovina, therefore allowing the transfer of know how from EU Member States.
To enable the representatives of civil society organisations from Bosnia and Herzegovina to visit the EU institutions and participate free of charge in conferences and events organised by the EU.	In particular the "people to people" component of the civil society facility supports the exchange between civil society organisations from Bosnia and Herzegovina together with their partner organisations from the region with EU counterparts and allows the transfer of experience.
To strengthen support to the regional networks of civil society organisations in the Western Balkans and to develop regional programmes.	The component "Partnership Actions" of the Civil Society Facility strengthens regional networks of civil society organisations in the Western Balkans.
To maintain a systematic dialogue with other donors in order to provide civil society organisations in Bosnia and Herzegovina and the Western Balkans as a whole with a well targeted, efficient, effective and well-timed assistance.	The assistance to civil society is coordinated through the regular donor meetings in Bosnia and Herzegovina. In addition, the Commission ensures that other donors and civil society organisations are involved in the programming of assistance at an early stage.

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

<p><b>2. Report of the de Larosière Group Own-initiative opinion - EESC 1476/2009 – September 2009 Rapporteur: Mr NYBERG (Work./SU) DG MARKT – Mr MCCREEVY</b></p>	
<p><b>Main point of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>1.3.1. The de Larosière Group recommends introducing higher capital requirements for banks in "good times" and lower requirements in "bad times". In view of the difficulty of forecasting fluctuations in the economic cycle, this might be a risky proposal. At the same time, the example of Spain shows that a system based on variable capital requirements can work. Therefore the EESC believes that such a measure needs to be studied with regard to timing before it can be implemented.</p>	<p>The Commission agrees with the main thrust of the opinion. Nevertheless, it has to be noted that 'capital buffer' and dynamic provisioning (Spanish system) are not one and the same thing (while capital buffer caters for banks unexpected loss, provisions relate to expected losses). The Commission is currently working on both fronts.</p>
<p>1.3.2. The EESC thinks that higher capital requirements and greater transparency for off-balance sheet operations are absolutely essential. The Spanish authorities had the most stringent rules governing off-balance sheet items and the Spanish banks were the least affected by the crisis.</p>	<p>The Commission agrees with the main thrust of the opinion. The Commission services - together with the Basel Committee - are currently working on the prudential treatment of derivatives to re-calibrate the capital requirements arising from counterparty credit risk.</p>
<p>1.3.3. "Off-balance sheet items" and "Special purpose vehicles" have sometimes been abused. Risky assets have been removed from banks' balance sheets in order to avoid capital requirements and sometimes in order to avoid taxation. Against this background, the EESC thinks that stricter rules are required.</p>	<p>The Commission agrees with the recommendation. Indeed the 'CRD 2' (adopted in May) already requires a retention of 5% of the securitised exposures. One of the ways to help rebuild that trust is to let market participants have the comfort that in respect of future securitizations those who originate the underlying assets for securitization pools retain a share of the risk.</p>
<p>1.3.4 The EESC believes that making the riskiness of bank assets more transparent ought to be one of the main demands in the follow-up to the report. The EESC, like the Group, thinks that banks and financial institutions should always retain a part of the</p>	<p>The Commission agrees with the opinion. 'CRD 2' requires stricter rules with regard to securitised exposures and the transparency and due diligence requirements. As regards new financial instruments, the Commission is not</p>

<p>underlying risk on their books when risky assets are sold on. The risks inherent in financial products must be clearly evident. Transparency of financial products is necessary in order to restore confidence in the financial markets. Here the EESC would again refer to the case of Spain. New instruments should not be used in the financial markets before they have been vetted by a monetary authority. The introduction of such checks should be discussed. It has to be decided whether they should be national checks or whether a common EU-wide system is required. The degree to which financial activities are cross-border in nature argues in favour of a common system.</p>	<p>favourable to such an ex ante authorisation process which would be both costly and cumbersome and very likely to limit financial innovation. Nevertheless, the push for product standardisation, the obligation to use central counterparty clearing and above all the increased price and product transparency which are part of the key measures put forward by the Commission in its Communication of 20 October 2009 on "Ensuring efficient, safe and sound derivatives markets: Future policy actions" to ensure efficient, safe and sound derivatives markets, should contribute to a better regulation of financial markets and a sounder utilisation of financial innovation by market participants.</p>
<p>1.3.5 The "parallel banking system" consists of various forms of unregulated lending. These new forms of financial activity have been able to develop outside the scope of regulation, not even being subject to reserve requirements. The EESC agrees that they should also be brought within the ambit of regulation. The report also calls for common rules for investment funds, definitions of the various products used and stricter supervisory control. It is easy to concur with these recommendations.</p>	<p>The Commission announced in its Communication to the Spring European Council "Driving European Recovery" of 4 March 2009 that it would come forward with measures on responsible lending and borrowing. Preparatory work on these measures is now ongoing, including an analysis of the role and regulation of players that are currently not subject to a legal framework at the EU level, including non-bank lenders and credit intermediaries. Any proposals that may be made under the new Commission will be supported by robust impact assessment.</p>

<p>1.3.6. Stricter requirements concerning bank management and auditing are essential. The EESC does not believe that the solutions put forward by the de Larosière Group pay enough attention to the role of auditors. With effective auditing it would have been possible to reduce the spread of risky instruments. Management of financial firms must be able to rely on auditing in the valuation of assets. The role of auditors and accounting methods should be included in the revision of Basel II .</p>	<p>Regarding the role of auditors, the Commission in principle agrees that auditing may have deserved a greater place in the report. However, there is no proof that effective auditing would have reduced the spread in risky assets. In its Communication of 4 March 2009 on "Driving the European recovery", the Commission committed to produce a report on "Corporate Governance in financial institutions". The main objective will be to identify shortcomings or weaknesses in corporate governance of financial institutions with a view to remedying them.</p>
	<p>The report is now scheduled for early 2010. In this context, role of auditors (in particular as to risk management) will be examined. Basle II deals with role of auditors and accounting standards, but for prudential purposes only. The role of auditors and general accounting rules are part of the company law framework. The 8<sup>th</sup> Company Law Directive 2006/43/EC give a possibility to endorse the International Standards on Auditing for the application in the EU. Currently the public consultation is launched on the adoption of these standards in the EU.</p>

<p>1.3.7. The report makes good recommendations on bonus schemes. They should be set in a multi-year framework and reflect actual performance rather than just being guaranteed in advance. The EESC believes that there is need for a transition from a short-term to a long-term horizon, with bonuses not linked to speculative activities. In this spirit, the EESC supports the idea of a tax on financial transactions, the proceeds from which could be allocated to development aid. Moreover, an additional requirement is that bonuses should not be based on general developments but on whether the bank manages to turn in a performance which is better than the overall trend. It would also be good to establish a ceiling for bonuses in order to avoid excesses and ill-considered risk-taking. An "exit strategy" for the financial crisis should provide for repayment of the vast sums disbursed to financial institutions from government budgets rather than reverting to high profits and bonuses.</p>	<p>Favourable opinion noted</p> <p>Issues linked to taxation or ceilings though are outside the scope of current work at EU/international level as they directly impact on level of pay (but are sometimes suggested/discussed at Member States' level).</p>
<p>1.4. Supervision of financial markets was the main task entrusted to the de Larosière Group. The EESC also thinks that supervision is key to preventing the occurrence of another financial crisis. But supervision requires rules. Therefore the proposals for amending and strengthening rules set out in the first part of the de Larosière report are considered equally important.</p>	<p>Favourable opinion noted.</p>

<p>1.4.1. The de Larosière Group notes that there is a need for a European body to carry out macro-prudential supervision of the financial system and issue macro-prudential risk warnings. It recommends that the ECB/ESCB be given this responsibility and that a special council be entrusted with this task. Whilst linking the council administratively link to the ECB makes sense <i>per se</i>, it is the ESCB which must be formally responsible for conducting supervision. Supervision must definitely cover financial systems in all of the Member States and the ESCH (<i>this should presumably read 'ESCB'</i>) must also appoint the senior management of the new council/board.</p>	<p>The ESRB will assess and prevent potential risks to the stability of the whole EU financial system. It will cover very different areas, from the financial situation of the banks to the potential existence of asset bubbles or the good functioning of the market infrastructure. The ESCB will play a central role since Central Banks hold a unique and privileged position as they are at the heart of the EU monetary system and have a wide ranging expertise in the macro-prudential domain. The 27 Governors of EU Central Banks and the President of the ECB participate in the election of the main bodies of the ESRB, i.e. the Chair, Vice-Chair, and the Steering Committee. They will be also consulted, as members of the General Board, on the appointment of the Head of the Secretariat by the ECB.</p>
<p>1.4.2. The report recommends that the new system of micro-prudential supervision be created in two phases, with different authorities for the supervision of banks, investment funds and securities markets. The second phase would consist of establishing common ground rules for supervision and eliminating differences in national application. During this phase, sanction regimes would also be harmonised. The EESC sees no reason to delay this process and therefore welcomes the fact that in its communication the Commission now recommends that immediate steps be taken to prepare the whole system for micro-level supervision.</p>	<p>Favourable opinion noted.</p>

<p>1.4.3. The EESC believes that <u>colleges</u> made up of supervisors from the relevant national supervisory authorities could be difficult to manage unless accompanied by the necessary harmonisation. Otherwise differences in the rules governing national supervisory authorities would make it necessary in practice for the three new authorities to assume responsibility for part of the supervision of cross-border financial firms.</p>	<p>The new ESFS will help ensuring a single set of harmonized rules and a consistent application of Community rules throughout the EU (common rule book). Colleges will remain at the heart of supervision of cross-border financial groups in Europe. The new ESAs will contribute to promoting the efficient and consistent functioning of colleges of supervisors and monitoring the coherence of the implementation of Community legislation across colleges. They will further facilitate colleges by playing a role in distribution of information, and can participate in colleges themselves as observers.</p>
<p>1.4.4. The <u>boards of the three new authorities</u> should not be composed of only bankers. Trade union organisations, consumers of bank services as well as the EESC, as the representative of civil society, should also be given places on the boards.</p>	<p>The Board of the each Authority (Boards of Supervisors) will be composed by the Chairperson of the respective ESA, the Head of the relevant national supervisory authority in each Member State, one representative of the Commission (non-voting), one representative of the ESRB (non-voting), one representative of each of the other two European Supervisory Authorities (non-voting). A balanced stakeholders group will be established for each Authority. It will include financial institutions, their employees, investors, and end users including SMEs and will enable all these categories of stakeholders to be consulted on all regulatory matters such as technical standards or guidelines developed by the ESAs. The Commission believes that inclusion of the EESC in those consultative groups (30 members) would be not necessary since the composition of groups will largely reflect that of the EESC.</p>

<p>1.5. The Financial Stability Forum set up in 1999 to promote global financial stability was transformed into the Financial Stability Board. The EESC hopes that this body will become more transparent and be endowed with adequate resources, knowledge and the power to act.</p>	<p>In April 2009, G20 Leaders agreed to transform the Financial Stability Forum into the Financial Stability Board, with expanded membership and broadened mandate to regulatory and supervisory policies. The FSB is charged with overseeing the implementation of the</p>
<p>The EESC welcomes the fact that the IMF will be given more resources to help countries facing acute problems but would criticise the demands laid down by the IMF, which bring into question important aspects of the European social model. It is all the more reason why it is essential for the EU to speak with a single voice within the IMF.</p>	<p>G20 commitments and has established itself as a credible and well respected regulatory arm of the G20. The Commission actively participates in the Steering Committee, 3 Standing Committees and various working groups. The FSB comprehensively reported to the Pittsburgh Summit on current regulatory issues ('Improving Financial Regulation' report) and on implementation of the London and Washington commitments ("Overview of Progress in Implementation" report), illustrating international progress and convergence on a number of significant issues. The FSB plays an increasing role in shaping regulatory policies in financial services and monitoring the G20 commitments, serving both as a bridge between the standard setting organisations (BCBS, IAIS, IOSCO, IASB) and the G20.</p>
<p>5.6. As regards accounting rules, the Group recommends that the International Accounting Standard Board (IASB) introduce new rules for the new, complex financial products. The EESC believes that this is an area where there is certainly room for innovation.</p>	<p>The Commission agrees that there is a need to revise the accounting rules on financial instruments. The IASB agreed in April 2009 a project to revise the corresponding standard (IAS 39) in three phases. The IASB is planning to conclude Phase I (Classification and Measurement) in November 2009. Phase II (Impairment Methodology) and Phase III (Hedge Accounting) are planned for conclusion within 2010.</p>

<b>3. Prévention de médicaments falsifiés</b> <b>COM (2008) 668 – CESE 1191/2009 - Juillet 2009</b> <b>Rapporteur: M. MORGAN (Empl./UK)</b> <b>DG ENTR - M. VERHEUGEN</b>	
<b>Points de l'avis du CESE estimés essentiels</b>	<b>Position de la Commission</b>
1.2 (première phrase) Le Comité propose d'intensifier les efforts visant à harmoniser les dénominations et les marques utilisées pour les médicaments au sein de l'UE ainsi que le conditionnement et les codes d'identification des médicaments dans toute l'UE.	Rejet – l'harmonisation des noms des médicaments ne fait pas partie du champ d'application de cette proposition.
1.2 Il conviendrait de mettre en œuvre un standard européen harmonisé d'identification des médicaments de nature à assurer le traçage tout au long de la chaîne de distribution jusque chez le patient. L'harmonisation fera progresser le marché intérieur en ouvrant la voie à la libre circulation sécurisée des médicaments dans l'UE. À terme, il pourrait en résulter une initiative à l'échelle mondiale.	Prise en compte des suggestions dans le cadre des mesures d'application de la directive.
1.3 La technologie peut favoriser une avancée considérable en matière de codes, d'identification et d'authentification des médicaments. L'authentification et le traçage constituent ici les enjeux essentiels.	

<p>1.4 L'attention accordée à la chaîne d'approvisionnement légale n'est pas suffisante. Si le problème lié à l'internet n'est pas traité, la santé publique sera de plus en plus menacée. Il existe une dimension sociale importante étant donné que les médicaments illégaux à bas prix sur internet créent un système de soins de santé à deux vitesses. Le Comité exhorte la Commission à agir.</p> <p>4.14 Le Comité estime que la Commission minimise le problème de traçage et d'identification. "Il est <i>impossible</i> de distinguer facilement des médicaments contrefaits des originaux <i>en l'absence de code d'identification</i>, ce qui engendre des problèmes de traçage."</p>	<p>Rejet – la vente à distance au patient finale n'est pas harmonisée dans l'UE. Il incombe aux Etats Membres de prendre des mesures pour protéger les patients contre des ventes illégales des médicaments. La Commission est cependant ouverte à une discussion, dans le cadre des négociations avec les autres institutions, sur les mesures de transparence nécessaires pour faciliter la distinction entre les médicaments légalement et illégalement distribués.</p>
<p>1.7 À l'instar de l'OMS, le Comité préférerait que la directive parle de produits de "contrefaçon" plutôt que de produits "falsifiés".</p>	<p>Rejet – la notion de « contrefaçon » est, dans l'UE, typiquement réservée aux aspects de violations des droits de PI. Dans la proposition en espèce, le but est de protéger contre des médicaments illicites – indépendamment de la violation des droits de PI.</p>

<p>4.3 Dans la chaîne d'approvisionnement légale, empêcher l'entrée de médicaments falsifiés passe par une collaboration entre des partenaires commerciaux fiables et de confiance. En vue d'une collaboration accrue, tous les participants à la chaîne d'approvisionnement devraient faire l'objet d'une certification obligatoire dont les détails seraient disponibles dans une base de données accessible au public.</p>	<p>Prise en compte des suggestions dans le cadre des négociations avec les autres institutions.</p>
<p>4.6 Le Comité estime qu'un emballage authentique facilement identifiable permettrait de réduire les fraudes. Il invite la Commission à prendre l'initiative de créer une base de données visuelles en matière de conditionnement des médicaments.</p>	<p>Rejet – la base de données n'est pas nécessaire en vue du dispositif de sécurité proposée.</p>
<p>4.16 Une campagne de communication est nécessaire dans chaque État membre afin d'orienter le public vers des pharmacies légitimes sur internet et de le détourner des entreprises criminelles. Cette campagne devrait mettre en lumière le potentiel de menace pour la vie que présentent les produits achetés sur internet à des sources non enregistrées. Des informations devraient être fournies au public dans chaque pharmacie, chaque cabinet médical, chaque hôpital et sur chaque site internet autorisé</p>	<p>Prise en compte des suggestions dans le cadre des négociations avec les autres institutions.</p>

<p><b>4. Les marchés des équipements et les marchés d'aval du secteur automobile</b></p> <p><b>Avis d'initiative - EESC 1204/2009 - July 2009</b>  <b>Rapporteur: Mr ZÖHRER (Work./AT)</b>  <b>DG ENTR – Mr VERHEUGEN</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>1. In light of the importance of the automotive sector (and, in particular, of the components and aftermarket segment), the EESC expresses its concern over the effect of the economic crisis and points to the restructuring that is likely to occur in the coming years.</p>	<p>The Commission largely shares the EESC's view about the economic situation and its consequences as outlined in its Communication on "Responding to the crisis in the European automotive industry" (COM 2009 104).</p>
<p>2. The EESC feels that in light of the likely restructuring in the automotive sector and the aftermarket segment, the Commission should monitor restructuring closely and act to safeguard competition if necessary.</p>	<p>The Commission can confirm that it is regularly monitoring the situation in all parts of the automotive value chain as outlined in COM (2009) 104.</p>
<p>3. The EESC recommends setting up a high level group to follow-up on CARS 21 findings to investigate and outline future areas of action (e.g. competition, Lisbon, skills, innovation, trade, social policy, consumer issues).</p>	<p>The latest step in the CARS 21 process was to conduct a mid-term review in 2008. The Commission is currently deliberating on the best mechanism to follow-up on the CARS 21 process (including in areas suggested by the EESC) and will address this issue during 2010.</p>
<p>4. The EESC feels that in light of the current conditions, revision of EU legislation should contribute to safeguarding free and fair competition.</p>	<p>The Commission agrees that free and fair competition should be safeguarded (at all times and not just in times of crisis) and as a standard takes this need into consideration when developing new regulations.</p>
<p>5. The EESC expresses the need to safeguard employment and calls on all relevant players (and the Commission) to conduct social dialogue at all levels.</p>	<p>The Commission is engaged in facilitating social dialogue in the automotive sector and considers this sector to be a priority in terms of social actions. The Commission plays a major role in the platform "Anticipation of Change in the Automotive Sector", which is currently in the process of implementing the agreed work programme.</p>

<p><b>6. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Safe, Innovative and Accessible Medicines: a Renewed Vision for the Pharmaceutical Sector</b>  <b>COM(2008) 666 final – EESC 1456/2009 – September 2009</b>  <b>Rapporteur: Mr VAN IERSEL</b>  <b>DG ENTR – Mr VERHEUGEN</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission position</b></p>
<p>1.5. A common outlook implies that the current, mainly national competences that make free access to medicines and a Single market, however desirable, still a distant reality must be progressively replaced by convergent practices and common approaches for the benefit of European patients, the industry and the whole health care chain.</p>	<p>The Commission is committed to pursuing further harmonisation in the area of the single market for medicinal products. In this regard, the first section of the Communication (objectives 1 to 12) identifies the concrete objectives and areas to continue progress in the completion of the single market.</p>
<p>1.7. The EESC welcomes the Innovative Medicines Initiative as part of FP7. It endorses strongly the adoption of an EC patent. It advocates a European litigation system. The functioning of the European Patent Office should be further improved.</p>	<p>The Commission has acknowledged and supported the need for the rapid establishment of an EU patent and patent-litigation system in its Communication "Executive Summary of the Pharmaceutical Sector Inquiry Report" of 8 July 2009.</p>
<p>1.9. Free access and affordability of medicines require a renewed discussion on the interconnected issues around huge price differences between drugs across Europe, accessibility, parallel trade and the principle of non-extraterritoriality. This discussion should also address "a proposal containing appropriate measures leading towards the abolition of any remaining barriers or distortion of the free movement of medicinal products".</p>	<p>The Commission fully shares these goals: objectives 1 to 7 of the Communication address the issue of improved access to medicines for patients and market access for pharmaceutical companies.</p>

<p>1.10 For the time being, the EESC is of the opinion that the Open Method of Coordination as well as a monitoring role of the Commission, best practices and transparent data, as is current practice under the Lisbon Strategy, should be introduced to promote more convergence. Worldwide figures and trends, and their impact, should be part of the data package putting challenges and opportunities for the industry in the right perspective.</p>	<p>In areas concerning pharmaceutical policy falling under Member States' responsibility and not subject to harmonisation at Community level, the Commission is actively working with Member States to facilitate cooperation among authorities and dialogue with stakeholders. Objectives 4 and 5 of the Communication aim at continued collaboration in the areas of pricing and reimbursement and health technology assessments. As regards the Commission's monitoring role in those areas where Community harmonised legislation exists, the Commission announced in its Communication "Executive Summary of the Pharmaceutical Sector Inquiry Report" of 8 July 2009 that it will continue to strictly enforce the applicable Community law on pharmaceuticals.</p>
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<p><b>7. The impact of the global crisis on the main European manufacturing and services sectors</b>  <b>Own-initiative Opinion – EESC 1469/2009 - October 2009</b>  <b>Rapporteur: Mr PEZZINI (Empl./IT)</b>  <b>DG ENTR – Mr VERHEUGEN</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>1.1 The EESC is convinced that the consequences of the current financial crisis on the major European manufacturing and services sectors are such that the EU institutions and Member States must undertake a profound review and closer coordination of EU policies and instruments in order to rebuild their values to prioritise the real economy and the needs of businesses, workers and citizens.</p> <p>1.8 The EESC is convinced that the first instrument to be put in place should be a real substantial industrial policy that is not influenced by the choices of financial speculators and aims at sustainable development. Fifty years of concrete experience in industrial policy based on the ECSC Treaty in two key European production sectors should be consulted, updated as necessary, amended to foster a sustainable development, and used as a reference for future action.</p>	<p>The Commission broadly agrees with the conclusions and recommendations of the EESC's opinion and will take them into account in the future development of industrial policy.</p> <p>The Commission fully agrees with the need for closer coordination of policies and instrument in order to enable the real economy – both manufacturing and services – to emerge from the current crisis.</p> <p>In particular, the Commission notes the EESC's opinion that the first instrument to be put in place should be a real substantial industrial policy which takes full account of previous policies to deal with crises and is compatible with sustainable development. The Commission refers to President Barroso's reference, Political Guidelines for the next Commission: "In order to ensure that the EU exploits this potential for change and remains an attractive industrial location in 2020, we need a fresh approach to industrial policy, supporting industry, putting the emphasis on sustainability, innovation and the human skills needed to keep EU industry competitive in world markets."</p>
<p>1.15 State aid to support employment in businesses affected by globalisation and the credit crisis should be based on assurances that:</p> <ul style="list-style-type: none"> <li>• such aid does not have the effect of strengthening protectionism or hampering free competition;</li> </ul>	<p>Member States can only grant State aid in accordance with existing Community guidelines, notably aid in favour of research, innovation, environmental protection, regional development, investment by SMEs and services of general economic interest.</p>

<ul style="list-style-type: none"> <li>• businesses in receipt of funds should, above all, undertake to sustain employment levels;</li> <li>• collective agreements should be respected and the workers' purchasing power maintained;</li> <li>• workers can use periods of reduced production to train for new qualifications and should be supported in this;</li> <li>• public financial support does not become a source of income for shareholders through dividends or other forms of share buy-backs;</li> <li>• as far as possible, support promotes the development of new environment-friendly products and services;</li> <li>• aid must not interfere with competition and must be temporary and degressive;</li> <li>• suitable monitoring mechanisms are in place to protect tax-payers.</li> </ul>	<p>Such categories of aid may have a negative impact on competition, but they also contribute to the common interest and consequently can be declared compatible under certain conditions. The Commission conducts particular in depth assessment for large amount of aid in order to ensure that the aid does not lead to undue distortions of competition. Moreover, State aid can only be declared compatible if it is not contrary to the Treaty, in particular free movement of goods.</p>
<p>1.16 The proposals so far adopted as a social response to the crisis have been inadequate. Insufficient consideration has been given to job creation and the necessary measures to boost demand (e.g. more coordinated fiscal stimulus packages at the EU level and matters of wage policy).</p>	<p>Section 1.16. The EESC's claim that: "The proposals so far adopted as a social response to the crisis have been inadequate", is without substantiation.</p>
<p>6.8 The Small Business Act, on which the Committee issued an opinion<sup>1</sup>, "falls short of what is required, particularly in these difficult economic and financial times", as it is not adequately funded. It is however important to ensure full, timely and systematic application of the Act in the Member States.</p>	<p>There are many Community instruments with substantial funding available, including structural funds which can be, and already are, used to promote entrepreneurship and skills and strengthen SMEs's growth potential. The Competitiveness and Innovation Framework Programme (CIP) which makes use of "CIP Financial Instruments" managed by the European Investment Fund on behalf of the Commission includes a facility of €</p>

<sup>1</sup> See EESC opinion published in OJ C 182, 14.8.2009, p.30.

	1.1 billion which covers venture capital and guarantees for the period 2007-2013. Therefore, additional funding introduced in connection with the Small Business Act is considered to be sufficient.
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<p><b>8. Diverse forms of enterprise</b>  <b>Own-initiative opinion - EESC 1454/2009 – September 2009</b>  <b>Rapporteur: Mr CABRA DE LUNA (Var. Int./ES)</b>  <b>Co-Rapporteur: Mrs ZVOLSKÁ (Empl./CZ)</b>  <b>DG ENTR - Mr VERHEUGEN</b></p>	
Main points of the EESC Opinion	Commission Position
1.7. The EESC requests that the Commission begin work on approving separate European statutes for associations and mutual societies.	In 1993, the Commission proposed two draft Regulations for a European Mutual Society and for a European Association (together with the European Cooperative Statute adopted in 2003). However, it was decided to withdraw these drafts in 2006, in view of the lack of interest shown by a large number of Member States. At the moment, the Commission is not considering any new initiative in the form of legislation, given that there is no evidence of any substantial change in the level of support from Member States.
1.7. The Committee welcomes the simplification of the European Cooperative Society (ECS) regulation, whose complexity is slowing down its development.	The Commission continues to monitor implementation of the European Cooperative Statute, with a view to drafting, by the end of 2011, a report on application of the Regulation, which will be presented to the European Parliament and the Council. A study on the implementation of the Regulation 1435/2003 is in course and the results are expected at the end of 2010.
1.7. It welcomes the start of work on a European Foundations Statute and hopes that this will conclude shortly with the adoption of a statute in this field.  4.2.2. The lack of legislative cover prevents foundations that operate at a European level from working on an equal footing	In order to assess the need for a European Foundation, the Commission carried out a public consultation between 16 February and 15 May 2009. The objective of the consultation was to get feedback on the feasibility study itself and on the need for a European Foundation Statute, and to get more in-

<p>with other corporate legal forms. The EESC therefore welcomes the results of the feasibility study for a European Foundation Statute and calls on the Commission to conclude the impact assessment in early 2010 by presenting a proposal for a regulation that will enable foundations of European scope to operate on a level playing field in the internal market.</p>	<p>depth information on the operational problems that foundations face when operating cross-border. The results of this consultation will soon be available. The policy decision on the follow-up will be taken by the next Commission.</p>
<p>1.10. Economic statistics on cooperatives, mutual societies, associations, foundations and similar enterprises are very limited and heterogeneous, making it difficult to analyse them and to assess their contribution to major macroeconomic objectives.</p> <p>1.10.1. For this reason, the EESC calls on the Commission and the Member States to foster the creation of statistical registers of the above-mentioned forms of enterprise. In particular the preparation of satellite accounts, according to the harmonised criteria of the 1995 European Accounting System (ESA) detailed in the Manual for drawing up the satellite accounts of companies in the Social Economy: Cooperatives and Mutual Societies and in the EESC's Report on the Social Economy in the European Union.</p>	<p>On 18/06/2009 the Commission launched the Call for proposals ENT/CIP/09/B/N10S00 "Satellite Accounts for Cooperatives and Mutuals". The aim is to provide policy-makers and relevant stakeholders for credible, comparable and systematic information and indicators on the role of the cooperatives and mutuals in national economies and to offer usable and practical information to stakeholders for their decision making. Therefore the Commission wishes to encourage national statistical offices in Member States and in other eligible countries under the Competitiveness and Innovation Programme (CIP) to collect this information. Nine proposals have been received. The evaluation will finish soon and the grant agreements have to be signed before the end of 2009.</p>
<p>4.4. Competition law</p> <p>4.4.1 Competition law cannot be based on a single, uniform model of entrepreneurship and must avoid discriminatory behaviour and value good practice at the national level. It is not a matter of establishing privileges but of promoting equitable competition law. The EESC, in consonance with previous opinions<sup>2</sup>, therefore advocates that the competition and tax rules should provide for the differential costs of enterprises that are not bound to inefficient production processes but to the</p>	<p>Existing EC State aid rules already authorise Member States to grant a large number of categories of aid, for instance concerning SME, investment, regional development, environmental protection, research, innovation, risk capital, Services of general interest. A large majority of these categories of aid do not need to be notified to the Commission.</p> <p>Moreover, the "de minimis" regulation authorises Member States to grant per company, up to € 200 000 per period of years, without specific objective and</p>

internalisation social costs to be regulated in a compensatory manner.

4.4.2. Certain competition policy tools are not neutral towards the different types of enterprise, as the EESC has already pointed out: *"the social economy sector needs tailor-made solutions as far as taxation, public procurement and competition rules are concerned"*. For example, public support for private investment in R&D&I to increase the competitiveness of the production system mainly favours large enterprises, which are the ones that mostly conduct these activities. Also, since large enterprises have greater freedom of choice in the location of their production facilities they can take better advantage of public investment in infrastructure for the manufacturing sector. This sometimes generates competitive disadvantages for small enterprises which have few real possibilities of choosing between different business location options.

without notification to the Commission. In the context of the financial crisis, the Commission has also adopted a Temporary framework which enables Member States to grant additional aid, notably a grant up to € 500 000 per company.

The Commission already takes account of certain disadvantages of small enterprises. SME can benefit from all categories of aid and in order to take account of their disadvantages, specific bonuses exist for small enterprises. For instance, as regards industrial research, maximum aid intensity is 50% for large enterprises but 70% for small enterprises. Moreover, certain categories of aid have been introduced only for SME, in particular aid for investment and aid for risk capital. Finally the de minimis aid regulation provides Member States with a flexible instrument particularly well targeted to small enterprises. In the future, the Commission will pay particular attention to the need of small enterprises.

Many Member States provide tax incentives in direct taxation to support R&D activities of private enterprises. Such tax incentives are found to be an efficient means to promote R&D of all forms of enterprises, while direct subsidies tend to favour more large companies. Tax incentives can be designed in such a way that they benefit SMEs in relative terms more than other enterprises. Direct tax incentives belong to the sole competence of the Member States but must comply with the fundamental Treaty freedoms and the non-discrimination principle. The Commission has published a Communication (COM(2006)728) which provides guidance to help the Member States to improve these instruments and find mutually consistent solutions.

<p>3.5. A <i>social enterprise</i> is not always a legal category but includes enterprises of social and economic benefit in very diverse sectors. They are not easy to classify. The essential point should be how to support these entrepreneurs by providing conditions that allow them to develop their capacity for innovation, an ability that is particularly valuable at times of crisis. The EU Commission should seriously consider drawing up a policy for social enterprises.<sup>3</sup></p>	<p>On 6/03/2009 the Commission organized the first European Conference on Social Enterprise in Brussels in order to present the results of the Study on Social Enterprise Sector<sup>4</sup>. The Commission continue to collect information on support programmes for social enterprises at national and regional level, on education and training programmes and on other measures to promote start-ups and growth of social enterprises, in order to disseminate them as good practice.</p>
<p>4.3 Accounting law</p> <p>1.9 The EESC urges the Commission to respect the identity of cooperatives in accounting matters and treat the members' share capital as the cooperatives' shareholders' equity rather than debt as long as the member does not become a creditor by leaving the cooperative.</p>	<p>The Commission has facilitated dialogue between the International Accounting Standards Board (IASB) and the cooperative sector regarding the accounting treatment of cooperatives' capital as own equity or debt<sup>5</sup> and will continue to do so.</p>
<p>1.11 The EESC calls on the Commission to encourage Member States to study the possibility of granting compensatory measures to enterprises on the basis of their confirmed social value or of their proven contribution to regional development .</p>	<p>The enterprises can already benefit from regional aid on the basis of existing rules. Enterprises can also provide social services which are particularly important for society. Most of these services are qualified as services of general economic interest, and providers can benefit from state aid to compensate all the costs directly linked with these services. The Commission will ensure that these enterprises can properly provide their services.</p> <p>In the framework of Structural Funds' interventions, 27 billion euro have already been earmarked for SMEs support within the current period and over 55 billion for business support at</p>

3 EESC Opinion "Entrepreneurship mindsets and the Lisbon Agenda", SOC/267 - CESE 1460/2007, 25 October 2007.

4 [http://ec.europa.eu/enterprise/newsroom/cf/itemshortdetail.cfm?item\\_id=3319](http://ec.europa.eu/enterprise/newsroom/cf/itemshortdetail.cfm?item_id=3319)

5 The European Commission has adopted the opinion of the International Financial Reporting Interpretations Committee - IFRIC 2 on Members' Shares in Co-operative Entities and Similar Instruments for use in Europe following the European Commission Regulation (EC) No. 1073/2005 of 7 July 2005 was published in the Official Journal of the European Union on 8 July 2005.

	<p>large. Therefore Cohesion Policy aid to business which contributes to regional development is already a key objective of our current policy.</p>
<p>Lastly, in cases where they demonstrate their representativeness, the EESC calls for all organisations which are most representative of the diverse forms of enterprise to be involved in the social dialogue.</p>	<p>As for discussions with stakeholders, the Commission continues to actively support the work of the European social dialogue committees, both at interprofessional and sectoral level - many of which have been discussing the impact of the crisis on their sectors and developing joint responses (notably in commerce, chemical industry, construction, shipbuilding, road transport, live performance). Related outcomes can be consulted on the European social dialogue text database website<sup>6</sup>. The 29 October Tripartite Social Summit which took place ahead of the European Council meeting made it possible for social partners to contribute to the debate on exiting the crisis. The Commission used the occasion to confirm the importance it attaches to active involvement by the social partners in the definition of the EU2020 strategy.</p> <p>Finally, Member States and all other relevant stakeholders (business organisations including SMEs representatives, trade unions, consumers organisations etc.) are normally involved in the preparation of the main Commission's initiatives to face the crisis. This is done both formally via the different committees in which they are represented and informally.</p>

<sup>6</sup> <http://ec.europa.eu/social/main.jsp?catId=521&langId=en>

<p>4.5 Tax law</p> <p>4.5.1 Frequently, in some Member States, some enterprises are subjected to situations of competitive inequality for reasons which are unconnected with production processes in themselves but derive from market assignment failures<sup>7</sup>, in other words, situations in which the market itself is inefficient, assigning resources in a non-optimum way. The EESC supports the directive on reduced VAT rates for services supplied locally, which essentially involve SMEs and reiterates its agreement with the principle formulated by the Commission whereby the tax advantages granted to a type of enterprise must be proportionate to the legal limitations or proven public value added that are inherent to that form<sup>8</sup>. The EESC consequently requests the Commission to encourage Member States to study the possibility of granting compensatory measures to enterprises on the basis of their confirmed public value or their proven contribution to regional development<sup>9</sup>. In particular, solutions should be sought to the problem facing not-for-profit organisations arising from the fact that they cannot claim back VAT paid on the acquisition of the goods and services they need to carry out their activities of general interest in those countries where this situation is a problem. The tax regimes applied to NGOs that conduct economic activities unrelated to public benefit purposes should also be mentioned.</p> <p>4.5.2 At present, SMEs have few real opportunities to invest in R&amp;D&amp;I, which is an important element to make production efficient and keep business competitive. This creates a competitive disadvantage that should be balanced through tax benefits</p>	<p>1) [On VAT rates] The Commission appreciates the support from the Committee on the recent directive relating to reduced VAT rates for services supplied locally.</p> <p>2) [On the VAT exemption of activities carried out in the public interest] The Commission is fully aware of the difficulties faced by non-profit making organisations due to irrecoverable VAT on their input. This problem is linked to the more general issue of the VAT exemptions for activities in the public interest. The Commission is currently launching an in-depth study on this issue, in view of assessing the impact of the current rules. This should pave the way for a possible future legislative initiative.</p> <p>As already mentioned under 4.4.2, many Member States provide tax incentives in direct taxation to support R&amp;D activities of private enterprises. Such tax incentives are found to be an efficient means to promote R&amp;D of all forms of enterprises, while direct subsidies tend to favour more large companies. Tax incentives can be designed in such a way that they benefit SMEs in relative terms more than other enterprises. Direct tax incentives belong to the sole competence of the Member States but must comply with the fundamental Treaty freedoms and the non-discrimination principle. The Commission has published a Communication (COM(2006)728) which provides guidance to help the Member States to improve these instruments and find mutually consistent solutions.</p>
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<sup>7</sup> Communication from the Commission COM(2008) 394 final.

<sup>8</sup> COM(2004) 18 final.

<sup>9</sup> OJ C 234, 22.9.2005, EESC opinion on COM(2004) 18 final, point 4.2.3.

<p>rewarding SMEs investing in this field. The recommendations include a broad range of compensatory measures, varying from state to state, of which the following should be mentioned: special tax concessions for making a number of different investments in R&amp;D, repayments should profits not materialise and lower social security contributions. Taking account of the strategically important role SMEs have in the Community's economy, the EESC recommends that each Member State use the best possible combination of compensatory measures to assist the survival and growth of SMEs in their economies. By far the greatest impact that these programmes have is seen in their support for the development of specialist R&amp;D SMEs in their early years.</p>	
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<b>9. Urban areas and youth violence</b> <b>Own-initiative Opinion – EESC 1206/2009 – July 2009</b> <b>Rapporteur: Mr ZUFIAUR NARVAIZA (Work./ES)</b> <b>DG JLS in association with DG REGIO, EAC and EMPL</b> <b>Mr BARROT</b>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
<p>The different preventive and alternative <b>strategies</b> should be promoted through a clear and sustainable European policy based on priorities set at EU level and which help to solve the problems of youth violence in urban areas, obviating where possible the need for judicial measures.</p>	<p>Tackling poverty and social exclusion of children and young people is one of major shared priority of the Commission and Member States in the context of the EU strategy on social protection and social inclusion. Within this context, Member States efforts to support those in vulnerable situations, including children and young in deprived urban neighbourhoods, are support e.g. through the facilitation of mutual learning and networking between stakeholders concerned.</p> <p>In April 2009, the European Commission Communication "An EU Strategy for Youth – Investing and Empowering" (COM (2009) 200 final) proposed concrete fields of action to address youth challenges and opportunities in the years 2010 - 2018.</p> <p>Many of the actions foreseen – such as tackling early school leaving, establishing good quality guidance and counselling services for young people, mobilising stakeholders at local level to detect and help young people at risk, breaking the intergenerational transmission of poverty and social exclusion by mobilising all actors involved in the life of youth – have the potential to directly or indirectly contribute to limiting youth violence in urban and other areas. The Communication also foresees a stronger cross-sectoral cooperation with other policy areas.</p>

	<p>The political framework of action in JHA area include crime prevention among priority fields.</p>
<p><b>Young people's organisations</b> must be given special recognition at both the European and national levels. Many of these institutions, whether private or public, play a major role in young people's lives, in particular by offering activities that keep young people busy and thus prevent them from potentially falling into crime. The role of schools and youth organisations, therefore, warrants particular attention and support in terms of public funding.</p>	<p>The Commission Communication "An EU Strategy for Youth – Investing and Empowering" proposes actions by Member States and the European Commission to further support politically and financially youth organisations as well as national and local youth councils. It recommends developing quality standards on youth participation, information and consultation and to further develop opportunities for debate between European/national institutions and young people.</p>
<p>European and international <b>principles concerning youth violence</b> and delinquency should be harmonised through minimum standards to be respected in national legislation and used as indicators to ensure respect for minors' rights. Given the multidisciplinary nature of the government agencies and bodies involved in managing urban areas in Europe, initiatives must be developed and standards for good practice set - which could be assessed and analysed by a European Youth Justice Monitoring Centre, for example. This will ensure that statistical data on youth violence in urban areas are reliable and comparable.</p>	<p>In its Communication An area of freedom, security and justice serving the citizen (COM 2009 (262), the Commission has proposed to strengthen EU action for the protection of vulnerable persons and to develop an ambitious EU strategy on the rights of the child.</p> <p>The Communication mentions as well the development of standards and models of interventions.</p> <p>The potential of the current EU structures should be used more extensively instead of creating a new organisation. The European Crime Prevention Network, International and European Observatory on Juvenile Justice and European Forum on Urban Safety contribute to the exchange of best practice and standards. The development of indicators and reliable and comparable data should be further developed on the basis of the EU Strategy to measure crime and criminal justice (COM (2006) 437).</p>

<p>The European institutions should encourage <b>urban renewal strategies</b>, in conjunction with sustainable social policies, with a view to improving land-use and planning, in order to prevent exclusion and make it easier for the most vulnerable members of society to integrate into city life.</p>	<p>Urban renewal strategies are encouraged, when appropriate, in the context of the Regional Policy of the European Union. Regulations allow Members States to use the ERDF to support integrated projects for urban and rural regeneration. Following up the URBAN Community initiatives which were inter alia devoted to support integrated projects in deprived neighbourhood, many regional programmes have set up urban priorities, a number of which address areas facing severe social exclusion and disadvantaged youth.</p> <p>Within the EU strategy on social protection and social inclusion, access to affordable, decent housing and tackling housing exclusion and housing deprivation has been selected as the thematic inclusion focus for joint Commission and Member State work in 2009. The Joint Report on Social Protection and Social Inclusion 2010 will summarise the results of a wide range of activities and suggest policy lessons.</p> <p>In line with the Regulation 1081/2006, the European Social Fund supports actions targeted to (young) people living in deprived areas. Examples can be found in France or in Germany (e.g. Soziale Stadt). These actions a complementary to urban renewal projects partly funded by ERDF</p>
<p><b>The appropriate choices and specific training</b>, if possible in line with European benchmarks, of the social, legal and police stakeholders, should be ensured and continually updated on the basis of multi-institutional and multidisciplinary cooperation against a background of exchanges between countries, especially with a view to establishing dialogue and relations between the police and young</p>	<p>The EU financial programme "Prevention and fight against crime" may support concrete, operational initiatives such as trainings for sharing expertise among practitioners, with a multidisciplinary approach.</p> <p>More attention should be given to the exchange of information between cities – as already the case under the URBACT programme – and between</p>

<p>people.</p>	<p>local and regional authorities on the use of existing Community funds for addressing the "disadvantaged youth" issues and better coping with the risks of exclusion.</p>
<p>The European institutions and the Member States should view the 2010 <b>European Year of Combating Poverty and Social Exclusion</b> as an opportunity to show their commitment to making the protection of the rights of young people in trouble with the law and preventing violence in urban areas priorities for combating social exclusion.</p>	<p>The "European Year of Combating Poverty and Social Exclusion" is content-wise linked to the field of action "Social inclusion" proposed by the "EU Strategy for Youth – Investing and Empowering" (COM (2009) 200 final). This field of action aims, among other issues, at</p> <ul style="list-style-type: none"><li>- encouraging youth involvement in inclusion policy and cooperation between policy makers,</li><li>- addressing issues related to teenagers and young adults, in particular those with fewer opportunities, in social protection and inclusion policies,</li><li>- optimising the use of EU Funds and experimental programmes to support social integration of young people.</li></ul> <p>DG EAC is considering to which extent direct cooperation with DG EMPL on the European Year - e.g. as regards awareness raising campaigns and stakeholder involvement - could be envisaged, beyond the existing implicit links between European Year and EU Youth Strategy.</p> <p>The Spanish EU Presidency plans for a Council Resolution on Social Inclusion with a focus on fighting unemployment poverty.</p>

The opinion recommends that measures be coordinated at the local, national and European levels, thus requiring Community responses in the form of **specific programmes in the fields of family and youth policy, education and training, employment, crime prevention and judicial coordination**. These practical responses should strive to complement strategies for urban renewal, improving public services, combating all forms of discrimination and giving a new boost to relations between the State and its citizens.

An effective **territorial cohesion policy** can help prevent the build-up in urban areas of factors that can foster violent attitudes amongst young people.

The European institutions should encourage urban renewal strategies, in conjunction with solid strategies for education, vocational training and access to jobs, without which sustainable improvements will not be achieved

The European institutions should establish a **funding line** to protect young people from **social exclusion** in the most marginalised urban areas in order to support innovative schemes to improve social cohesion in civil society, and thus even boost young people's initiative and entrepreneurship.

The "EU Strategy for Youth – Investing and Empowering" (COM (2009) 200 final) set up orientations to facilitate young people's transitions from school to work e.g. by providing the rights skills for jobs in demand on the labour market and by developing youth work as a resource to support youth employability.

The Youth in Action programme which was established for the period 2007 – 2013 with a budget of 885 million € allows for a wide range of activities (such as youth exchanges or the European Voluntary Service). In 2008 alone, the programme involved about 130 000 young people in 7000 projects. The Youth in Action programme explicitly fosters social cohesion in the EU.

The financial programme PROGRESS (Programme on employment and social solidarity) can fund initiatives aiming to support the social inclusion of children youth in vulnerable situations (such as activities to expand the knowledge base, support exchange of experience, mutual learning and networking)

The creation of a new funding line to protect young people from social exclusion in the most marginalised urban areas could increase the visibility of action in this field. However, the added value of a specific new funding line at EU level is not clear and can be questioned. The coherent use of existing EU funds and programmes ensures more effective and efficient support in this field

Currently, regulations allow members states to use the ESF for supporting actions in favour of young people's employment and social inclusion in deprived areas.

	<p>For the programming period 2007-2013, € 9.9 billion have been earmarked from ESF for the integration and the re-entry into employment of disadvantaged people generally. Disadvantaged young people benefit from this support, as they do from mainstream measures in the education and training field (combating early school leaving, access to employment etc.).</p> <p>In regard to young people initiative and entrepreneurship, the Commission has recently proposed a new financial instrument of micro-credit which aims to support unemployed people or disadvantaged persons who want to create their own micro enterprise. This new scheme can benefit to young people who do not have a job or are marginalised and who live in deprived areas.</p>
<p>Common criteria and <b>good practices</b> should be implemented with a view to preventing young people from committing crime and dealing with those that have and rehabilitating them.</p>	<p>The European Crime Prevention Network (EUCPN) contributes to the exchange of best practice among stakeholders on youth crime which is one of the priority areas of the Network. The Commission intends to strengthen it by an increased financial support.</p>

<p><b>10. Protection des enfants contre les délinquants sexuels itinérants</b>  <b>Avis d'initiative - CESE 1207/2009 - Juillet 2009</b>  <b>Rapporteur: M<sup>me</sup> SHARMA (Empl./UK)</b>  <b>DG JLS – M. BARROT</b></p>	
Points de l'avis du CESE estimés essentiels	Position de la Commission
<p>5.2- Les institutions européennes doivent condamner explicitement l'exploitation sexuelle des enfants dans leur politique de voyage éthique, en le mentionnant sur leurs formulaires de frais de voyage.</p>	<p>S'agissant de la Commission, le statut prévoit que "Le fonctionnaire s'abstient de tout acte et de tout comportement qui puissent porter atteinte à la dignité de sa fonction" (article 12). Cet article a déjà été utilisé pour entamer une procédure disciplinaire concernant l'auteur d'actes fautifs, à priori de nature privée, et notamment sexuels. Expliciter cette interdiction sur les formulaires de frais de missions serait donc redondant et créerait un précédent dangereux qui pourrait conduire rapidement à une multitude d'autres déclarations similaires: limiter les dépenses et économiser le budget, utiliser les vidéos-conférence pour remplacer les missions, choisir des moyens de transport écologiques, etc. Les formulaires seraient vite illisibles.</p>
<p>5.3.1– Contrôle et mécanisme d'interdiction.</p>	<p>La proposition de la Commission de nouvelle décision-cadre dans la matière (COM(2009) 135 final), actuellement en discussion au Conseil, prévoit un dispositif moins invasif permettant d'atteindre le même objectif.</p>
<p>5.3.3 – Lignes d'appel d'urgence et services de signalement par téléphone à l'échelle internationale.</p>	<p>Cette suggestion est prise en compte, dans le cadre de l'étude de faisabilité commandée par la Commission à ce sujet et dans la suite à donner.</p>
<p>5.3.4 – Equipes communes d'enquête et agences nationales d'application de la loi.</p>	<p>Cette recommandation est prise en compte, dans le cadre de la mise en œuvre du programme ISEC (Prévenir et combattre la criminalité).</p>

5.3.5 – Accord en vue d'expulser et de raccompagner les délinquant reconnus coupables.	La Commission prend bonne note de cette recommandation et pourrait en tenir compte dans ces travaux futurs.
5.3.6 – Modèle des dispositifs de protection publique par agences multiples.	La Commission prend bonne note de cette recommandation et pourrait en tenir compte dans ces travaux futurs.
5.3.7 – Utilisation et efficacité des injonctions relatives aux voyages à l'étranger.	La Commission prend bonne note de cette recommandation et pourrait en tenir compte dans ces travaux futurs.

<p><b>11. Work and poverty: towards the necessary holistic approach</b>  <b>Own-initiative opinion - EESC 1471/2009 – September 2009</b>  <b>Rapporteur: Mrs PRUD'HOMME (Work./FR)</b>  <b>DG EMPL – Mr SPIDLA</b></p>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
The opinion stresses the need for a holistic and comprehensive approach to fighting in-work poverty. Quality of jobs should be a core objective. Although a structural issue the crisis makes it even more important.	As indicated in the opinion itself, this is fully in line with the 2009 Joint Report on Social Protection and Social Inclusion, and with the Active Inclusion priority.
This will simultaneously involve employment, welfare/social insurance and family policies; the interaction between services needs to be more effective. Social housing should be used to prevent risk for job losses caused by lack of or poor quality housing.	Both the 2009 and 2008 Joint Reports emphasised the importance of integrated policy design and delivery in order to impact on the situation of those most excluded and at risk of poverty. Addressing housing exclusion and homelessness is one of the prerequisites in order for people to have real chances of participation in society and in the labour market. This is why this issue has been chosen as social inclusion focus within the European strategy for social protection and social inclusion (the Social OMC) in 2009.
New ways of combining social protection and jobs should be introduced in order to secure decent incomes. A new balance between flexibility and security on the labour market needs to be pursued, and impacting on working conditions of poor workers is also vital.	Balanced and comprehensive strategies for flexicurity and active inclusion pay attention to the need to promote the employment security of people in working age, and to protect people in transitions and against social risks. Tackling labour market segmentation is recognised as a key priority both in the

	Social OMC and in the European Employment Strategy.
Initial and lifelong vocational training needs to be ensured for quality jobs and measures taken to avoid young people dropping out. Training especially for less qualified is a prerequisite.	The Commission fully subscribes to the emphasis on this point. In its 3 June 2009 Communication on a Shared Commitment for Employment it proposed a range of priority actions notably aimed at upgrading skills, with special attention to the low-skilled and to the young.
Factors leading to in-work poverty include job insecurity, poor education, low pay, family situation, high cost of transport, housing, healthcare, etc, belonging to certain vulnerable groups, and underemployment.	The Commission broadly shares the analysis. It acknowledges the need to reduce precarious work, tackle labour market segmentation, promote quality work (including decent remuneration), invest in human capital, ensure access to enabling services needed for social and labour market participation and reduce involuntary part-time.
In-work poverty should figure on the agenda of the European social dialogue; promoting fair and decent pay and fighting undeclared work should be part of this dialogue.	European social partners are currently engaged in the negotiation of an autonomous agreement on inclusive labour markets, which will provide a significant input to the Commission's actions on this topic. These negotiations are focused on measures that should support access, but also return and progress on the labour market.  European social partners support the decent work agenda agreed at EU and UN level.
The 2010 European Year is an opportunity to foster awareness and action for addressing in-work poverty. An end should be put to the distress suffered by some workers, and quality jobs be ensured for all.	The Commission expects the year to be of vital importance for raising awareness and for reaffirming commitment to action to tackle poverty. One of the themes that have been identified for the Year is "promoting inclusive labour markets, addressing in-work poverty and the need to make work pay".
Research is needed to refine our understanding, and the process of developing reliable indicators must continue. Specific measurement challenges are highlighted in the Opinion.	There have been major advances in this area at European level within the Social open method of coordination. Progress in recent months include agreement on indicators for material deprivation and

<p>Complementary measures to the regular indicator of relative poverty are needed, including such relating to living conditions. National data is needed beside those based on common EU indicators.</p>	<p>on housing. This work will continue under the Social OMC.</p>
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<p><b>13. Instrument européen de microfinancement en faveur de l'emploi et de l'inclusion (Progress)</b>  <b>COM(2009) 333 final - EESC 1457/2009 – October 2009</b>  <b>Rapporteur: M<sup>me</sup> BISCHOFF (Work./DE)</b>  <b>DG EMPL – Mr SPIDLA</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The EESC recommends ensuring that the reduced interest rates are passed on to borrowers.</p>	<p>The Facility aims at increasing the availability of microfinance for target beneficiaries. Its primary objective is not to bring interest rates down further on the interbanking market. However, the Facility might have an indirect effect on the level of interest rates. However, the European Social Fund (ESF) will play an essential accompanying role. In particular, under the ESF interest rebates can be granted to individuals.</p>
<p>It would also be worth establishing what proportion of the resources should flow through to pass-through banks and microfinance institutions to pay for administration.</p>	<p>Besides the management fee paid to the international financial institution for carrying out the Facility, the Facility will not pay for administration costs incurred by pass-through banks and micro-finance institutions.</p>
<p>It is essential that any experience gained with similar initiatives and programmes (CIP, Jeremie, EIB pilot, Jasmine) should be taken into consideration right from the start.</p>	<p>The proposal for a Decision has been prepared in close cooperation with all Commission services currently involved in micro-finance related activities.</p>
<p>The impact on employment and social policy that the establishment of a European microfinance facility aims to achieve should be evaluated precisely, differentiating between the target groups.</p>	<p>The Commission confirms that the foreseen interim and final evaluation will cover in particular the impact of the Facility on employment and social inclusion for the target beneficiaries.</p>
<p>The two target groups – micro-enterprises in the social economy and individual applicants (unemployed, young or socially</p>	<p>The Commission recognises the need for a differentiated approach with regard to the two target groups in terms of</p>

<p>disadvantaged people) – need different consultancy and support capacities, which also need to be taken into consideration in organisational terms, bearing in mind the intersections with other relevant programmes.</p>	<p>consultancy and support activities. These activities will however not be financed through the Facility, but by other Community instruments, in particular the European Social Fund.</p>
<p>The EESC recommends looking into what other sources of financing – apart from Progress – are available and could fund the new microfinance facility.</p>	<p>In line with the inter-institutional agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management, the Commission has proposed to finance the facility a reallocation of the existing budget. The Commission looks forward to the outcome of the discussions between the EP and the Council on this point</p>
<p>People in the target groups setting up businesses need to have access to microfinance services not only when they are first starting up but also for the first few years afterwards, because they are to a large extent dependent on small lump-sums to fund their projects.</p>	<p>The Commission agrees with the need to provide access to microfinance also for existing micro-enterprises run by people in the target group. It has therefore included the possibility for disadvantaged groups to receive microfinance for the further development of their own micro-enterprise (Article 2 par 1 under b in the proposed Decision).</p>
<p>Both micro-enterprises in the social economy and individuals in Member States and regions where separate micro-credit institutions have already been set up may find it quicker and easier to get access to funds than applicants in countries and regions where such institutions do not exist or are still being developed. The EESC recommends that the programme should ensure that this does not lead, in general, to inequalities in access.</p>	<p>The Commission will ensure that the agreements concluded between the IFI and the microfinance providers promote a comprehensive and balanced coverage between the Member States of the EU.</p>
<p>It does not seem wise to distribute resources solely through small microfinance service providers operating in the public interest that concentrate on people without a fixed income, women, young people, the elderly and migrants: this kind of "niche" banking system would institutionalise the marginalisation of these</p>	<p>The Facility proposed by the Commission is not exclusively aimed at small microfinance providers. Public and private bodies, including commercial banks, which meet the eligibility and additionality criteria will be eligible to receive support from the Facility.</p>

<p>groups in yet another field. Therefore, in order to ensure that the banking sector does take on micro-credit despite the fact that the returns are expected to be small, there will probably be a need for additional market incentives or subsidies for the development of the necessary infrastructure.</p>	
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<p><b>14. Proposition de décision du Parlement européen et du Conseil modifiant la décision n° 1672/2006/CE du Parlement européen et du Conseil établissant un programme communautaire pour l'emploi et la solidarité sociale - PROGRESS COM (2009) 340 final - CESE 1458/2009 – Septembre 2009 Rapporteur: M<sup>me</sup> BISCHOFF (Trav./DE) DG EMPL – M. SPIDLA</b></p>	
<p><b>Points de l'avis du CESE estimés essentiels</b></p>	<p><b>Position de la Commission</b></p>
<p>3.5. À la suite de la crise, l'Europe sera confrontée à la gestion de grands défis, tels qu'une croissance du chômage, une baisse des recettes fiscales, et de lourds déficits budgétaires. À cet égard, PROGRESS doit également apporter d'importantes contributions. C'est pourquoi il convient de veiller à ce qu'il dispose à cet effet de moyens suffisants .</p>	<p>Ce sont tout d'abord les <u>citoyens</u> qui subissent les effets de la récession. Aussi la priorité absolue de l'UE est-elle de lutter contre une forte hausse du chômage, de stimuler la création d'emplois et de préparer le redressement de l'économie en vue d'une reprise et d'une croissance durables.</p> <p>La détérioration des marchés de l'emploi appelle l'adoption de mesures supplémentaires. Dans le cadre du Plan de Relance, la Commission a proposé un nouvel instrument de microfinancement européen en faveur de l'emploi et de l'inclusion sociale. Cet instrument vise à offrir une nouvelle chance aux chômeurs et à rendre l'entrepreneuriat accessible aux groupes les plus défavorisés, y compris aux jeunes.</p> <p>L'Union européenne a besoin d'une combinaison de réponses cohérentes et complémentaires pour combattre la crise. Le programme PROGRESS apporte sa contribution conformément à ses objectifs spécifiques. Bien qu'en substance les mécanismes de mise en œuvre, les</p>

	<p>activités et les bénéficiaires soient complètement différents dans le cas du programme PROGRESS et de la facilité microcrédit, les deux instruments poursuivent le même objectif qui est d'accroître l'inclusion sociale.</p> <p>Le programme PROGRESS, dans le cadre de son programme de travail 2010, visera à répondre aux nouveaux défis liés à la crise économique, en finançant, par exemple, des études visant l'évaluation de l'impact de la crise sur les groupes les plus vulnérables ou sur le travail décent. Il est également question de mettre en place des sessions de peer reviews au sein des comités EMCO et SPC afin de comparer les meilleures pratiques dans le domaine du microfinancement.</p>
<p>1.6. Vu que le Comité craint que la réaffectation des ressources budgétaires n'altère l'efficacité du programme PROGRESS en matière de politique sociale et d'emploi, il demande à la Commission de démontrer, motivation à l'appui, que les fonds destinés à être réaffectés permettront de réaliser les objectifs de PROGRESS bien mieux que ne le ferait la démarche prévue jusqu'à présent.</p>	<p>Une réduction linéaire du budget a été effectuée visant à assurer le respect des seuils entre les 5 volets du programme PROGRESS. Cette réduction a donc des conséquences financières proportionnelles sur tous les volets du programme.</p> <p>En réalité, la réduction du budget du programme PROGRESS serait de l'ordre de 13,45% pour l'ensemble de la durée du programme.</p> <p>De plus cette réduction ne va pas se traduire par des coupes budgétaires pour la période 2010-2013 en comparaison avec le budget réellement exécuté entre 2007 et 2009. La diminution de 100 M€ n'est donc pas une diminution des moyens pour Progress, mais globalement un maintien à un niveau constant en comparaison avec les années 2007-2009.</p>
<p>1.7. Le Comité recommande par ailleurs de préciser comment parvenir à une mise en œuvre plus efficace de PROGRESS, à une planification plus stratégique et à des mesures plus ciblées; d'expliquer dans quels domaines et sur quelles mesures des économies peuvent être réalisées sans pour autant mettre en péril les objectifs et</p>	<p>La priorité est donnée au maintien des activités récurrentes (59% du budget total 2010) et à haute valeur ajoutée, comme par exemple:</p> <ul style="list-style-type: none"> <li>- soutien aux autorités nationales et organisations non-gouvernementales au niveau national. Par ailleurs, <u>le budget</u></li> </ul>

<p>L'orientation stratégique du programme dans sa durée de validité restante.</p> <p>3.6. Il conviendrait d'expliquer plus concrètement quels projets ou produits il y a lieu de supprimer ou de réduire, étant donné que le budget de PROGRESS aura chaque année 25 millions de moins à sa disposition. Cette réduction qui, considérée sur la durée entière de validité du programme (2007-2013), représenterait un peu plus de 13% de son budget, mais correspond en réalité à un pourcentage bien plus élevé, étant donné que la somme de 100 millions d'euros sera prélevée sur le budget restant pour la période 2010-2013 et réaffectée, ne doit pas déboucher sur une restriction correspondante du soutien accordé aux réseaux européens d'organisations non gouvernementales qui bénéficient d'un financement au titre de PROGRESS.</p> <p>3.7. Dans le même temps, le Comité fait remarquer qu'il n'est en aucun cas indiqué de réduire le financement des mesures relatives à l'apprentissage mutuel /l'évaluation par des pairs, pièce maîtresse de la méthode ouverte de coordination. Il conviendrait de développer ces mesures afin de mieux soutenir la gestion de la crise dans les États membres, notamment en y associant davantage les partenaires sociaux et les organisations non gouvernementales concernées.</p>	<p><u>2010 pour les subventions est maintenu à niveau constant par rapport à 2009, c'est-à-dire autour de 25% du budget total annuel.</u></p> <ul style="list-style-type: none"><li>- sessions de peer reviews et d'apprentissage mutuel notamment dans le domaine de l'emploi et de l'inclusion et protection sociale,</li><li>- soutien aux grands réseaux européens de la société civile,</li><li>- conférences des Présidences.</li></ul> <p>Certaines activités seraient reportées à 2011, notamment dans le domaine de la communication ou de la formation; d'autres sont reprogrammées pour une durée couvrant entre 18 et 24 mois. Au final, la Commission propose d'abandonner très peu d'activités (principalement quelques études), en tirant des leçons de son Rapport annuel de la performance 2008 (disponible à l'adresse <a href="http://ec.europa.eu/social/main.jsp?catId=659&amp;langId=fr">http://ec.europa.eu/social/main.jsp?catId=659&amp;langId=fr</a> suivante:</p> <p>Les nouvelles activités programmées pour 2010 sont conçues de manière à répondre aux défis actuels, y compris à ceux liés à l'impact social de la crise ou la mise en œuvre de la future Stratégie de Lisbonne.</p>
<p>1.5. Le Comité émet cependant des doutes quant à la réaffectation des fonds et à la réduction de 25 millions d'euros par an qui y est liée, se demandant si elles n'auront pas un impact considérable sur l'efficacité et la portée du programme PROGRESS au cours de la période 2010-2013, notamment au niveau du développement ultérieur et de l'orientation stratégique du programme. La Commission est dès lors invitée à se pencher de plus près sur ces incidences et à examiner les alternatives envisageables. Il convient par ailleurs de présenter les effets potentiels sur d'autres lignes budgétaires et programmes, en particulier le FSE et les</p>	<p>La Commission fera appel à des sources de financement alternatives pour les activités liées aux restructurations qui sont transférées vers d'autres lignes budgétaires, à savoir: vers la ligne autonome 04.030301 (relations industrielles), vers la ligne autonome 04.030303 (information et consultation) et vers l'assistance technique du FSE (pour couvrir notamment des forums, des conférences et certaines études).</p>

lignes budgétaires autonomes relatives par exemple au dialogue social.	
<p>3.8. Le Comité est convaincu que le fait d'opérer des coupes générales dans les différents domaines de PROGRESS mettrait en péril les objectifs du programme et en altérerait gravement l'impact. Dans le cas où le nouvel instrument de microfinancement serait instauré à l'aide de fonds issus de PROGRESS, il recommande donc de convoquer le comité du programme PROGRESS et de discuter d'un concept de réduction budgétaire, avec la participation de la société civile.</p>	<p>La question de la création de la facilité de microfinancement et de la réallocation correspondante des fonds du programme PROGRESS a été déjà discutée avec le Comité PROGRESS le 9 juillet 2009. La Commission a présenté à cette occasion les objectifs et le fonctionnement de facilité et a discuté avec le Comité de l'impact de la réallocation du budget sur la mise en oeuvre du programme PROGRESS.</p>

<p><b>16. The Future of the Common Agricultural Policy after 2013          Additionnal Opinion - EESC 1464/2009 - September 2009          Rapporteur: Mr KIENLE (Empl./DE)          DG AGRI - Mrs FISCHER BOEL</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The debate over the CAP future has to continue focusing on the model of multifunctional agriculture geared towards the market and at the same time serving societal interests. An adequate CAP budget after 2013 will still be necessary</p>	<p>The European Commission taking into consideration the developments ahead (Lisbon Treaty and the co-decision procedure, the financial review) and in coherence with the process followed during the Health Check Review, will take into account and further reflect on the points put forward by the EESC in its efforts to produce a comprehensive communication on the post-2013 agricultural policy and its subsequent legislative proposals</p>
<p>Direct Payments should be kept but unbalances in their distribution caused by historical differences have to be levelled out. Greater focus should be given to regional differences.</p> <p>The task of compensating for falling prices will be scaled down. The CAP will acquire new responsibilities (safeguarding society and public goods) Provision of compensation to disadvantageous and</p>	<p>Taking note.</p>

upland areas.	
Any further development in the cross compliance should be dealt cautiously.	Taking note.
The "two Pillars" structure should be maintained but must be coordinated more effectively.	Taking note.
Commission must come with some conclusions on how safety nets are to be adapted in the light of economic crisis. Market positions of farmers and POs have to be strengthened. Support to investments to improve quality, food safety and careful use of recourses.	Taking note.
Rural Development measures should focus more to climate protection and demographic problems. Adjustments are needed for the sugar, milk and tobacco sectors.  Farmers should be rewarded for their environmental contribution beyond the reimbursement costs; this can be developed in areas such as climate and animal protection	Taking note.

<p><b>17 Fair trade food products: self-regulation or legislation?</b>  <b>. Own-initiative Opinion - EESC 1461/2009 –September 2009</b>  <b>Rapporteur: Mr COUPEAU (Var. Int./FR)</b>  <b>DG TRADE - Mrs ASHTON</b></p>	
<b>Main points of the EESC opinion</b>	<b>Commission Position</b>
<p>Despite the progress made on self-regulation, the EESC would draw attention to the need to base the model on the European certification system which, among other things, requires compliance with technical requirements to be subject to external monitoring by an independent, accredited body- without prejudice to the requirement to comply with general legal provision governing the marketing of food products.</p>	<p>This appears to be the main conclusion that the draft opinion states. The opinion does acknowledge the definition of Fair Trade, but does not use the definition (or clearly define what they refer to), when they use the term “fair trade”, it therefore not clear what is covered by the term in this context.</p> <p>As set out in communication COM (2009) 251 final, effective monitoring is an important aspect for the credibility and effectiveness of private labelling schemes.</p>

<p>The World Trade Organisation rules do not take human, social or environmental concerns into account.</p> <p>The need to redress this situation encourages people to support a form of trade which promotes human values. For them fair trade is proof that it is possible to change the world. Fair trade promotes transparency, good governance and accountability and in this way contributes to sustainable development.</p>	<p>In reference to the exception of Article XX GATT, the WTO does take human, social and environmental concerns into account.</p> <p>Article XX: General Exceptions</p> <p>Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures:</p> <ul style="list-style-type: none"><li>(b) necessary to protect human, animal or plant life or health;</li><li>(e) relating to the products of prison labour;</li><li>(f) imposed for the protection of national treasures of artistic, historic or archaeological value;</li><li>(g) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption;</li></ul> <p>The preamble of the WTO Agreement also mentions environment and sustainable development.</p> <p>Recognizing that their relations in the field of trade and economic endeavour should be conducted with a view to raising standards of living, ensuring full employment and a large and steadily growing volume of real income and effective demand, and expanding the production of and trade in goods and services, while allowing for the optimal use of the world's resources in accordance with the objective of sustainable development, seeking both to protect and preserve the environment and to enhance the means for doing so in a manner consistent with their respective needs and concerns at different levels of economic</p>
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<p><b>18. Proposition de règlement du Parlement européen et du Conseil relatif à un réseau ferroviaire européen pour un fret compétitif</b>  <b>COM(2008) 852 final - CESE 1199/2009 – Juillet 2009</b>  <b>Rapporteur: M. FORNEA (Work./RO)</b>  <b>DG TREN – M. TAJANI</b></p>	
<p><b>Points de l'avis du CESE estimés essentiels</b></p>	<p><b>Position de la Commission</b></p>
<p><u>Point 1.2 (aussi 4.3.2)</u> Le CESE est d'avis qu'il ne devrait pas être obligatoire de réserver des capacités à l'avance, mais que de telles réserves devraient être définies par les gestionnaires d'infrastructures, lorsqu'elles sont jugées nécessaires. Forcer les gestionnaires d'infrastructures à réserver des capacités à l'avance pourrait donner lieu à une perte de capacité plutôt qu'à son optimisation. Les gestionnaires d'infrastructure devraient cependant garder la possibilité de réserver des capacités.</p>	<p>L'expérience actuelle montre que le processus de planification des capacités ferroviaires n'est pas apte au transport de fret. Si le transport des passagers est planifié bien à l'avance et est basé sur l'offre des entreprises ferroviaires, le transport de fret suit nécessairement le rythme de l'économie et est dicté par les besoins de l'industrie au sens large. Ces besoins se manifestent parfois dans le court terme. L'objectif principal du règlement est d'assurer une disponibilité de capacités ferroviaires adéquates et de bonne qualité aux trains de fret (qui la requièrent) afin qu'ils gagnent en fiabilité et en compétitivité sur les axes ferroviaires (corridors fret) où le potentiel de développement du trafic ferroviaire fret est réel et significatif. La Commission estime que la gestion de cette réserve de capacités, en termes de quantité et de durée, devra permettre une optimisation de l'utilisation des lignes ferroviaires sans perte de capacité.</p>
<p><u>Point 1.5 (aussi 4.2.3 et 4.2.4)</u> Tous les acteurs concernés devraient être obligatoirement consultés ou faire partie de l'organe de gouvernance des corridors de fret ferroviaire: les gestionnaires d'infrastructures, les entreprises ferroviaires, les représentants des États membres, les syndicats concernés, les consommateurs et les organisations écologistes. Les opérateurs ferroviaires devraient être représentés à part entière dans l'organe de gouvernance des corridors, étant donné qu'ils sont les plus proches du</p>	<p>L'organe de gouvernance est composé premièrement des gestionnaires d'infrastructure, responsables de la planification et de l'exploitation du corridor fret. Si les entreprises ferroviaires seront régulièrement consultées en tant que clientes et principaux acteurs du marché, elles ne doivent pas être membres de l'organe de gouvernance. Cette structure reflète les relations entre gestionnaires et entreprises qui sont tout d'abord de nature</p>

<p>marché et qu'ils devront vraisemblablement appliquer des décisions visant à apporter des améliorations ou que ces décisions les concerneront.</p>	<p>commerciale ainsi que les principes qui sont à la base d' l'ouverture du marché et de la concurrence entre entreprises ferroviaires.</p>
<p><u>Point 1.4 (aussi 4.3.3)</u> Le changement des règles de priorité peut ne pas être nécessaire et il n'augmente en aucune manière la capacité. Le changement des règles de priorité ne fera que transférer les frustrations d'une catégorie d'utilisateurs à une autre. En tout état de cause, la règle générale devrait consister à réduire à un minimum le retard sur l'ensemble du réseau et à éliminer les encombrements le plus rapidement possible.</p>	<p>La disponibilité de capacités ferroviaires adéquates et de bonne qualité pour les trains de fret ne doit pas se limiter aux aspects de programmation (horaires) mais aussi garantir le maintien des performances pendant la circulation réelle de train. C'est pourquoi il est nécessaire de définir des règles de priorité en cas de perturbations. Il est prévu qu'un train arrivant à l'heure puisse conserver son sillon dans toute la mesure du possible. Ces règles contribueront à améliorer la circulation de tous les trains sur le réseau.</p>

<p><b>19. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes</b>  <b>COM(2009) 139 final – EESC 1201/2009 – July 2009</b>  <b>Rapporteur Mr MCDONOGH (Empl./IE)</b>  <b>DG TREN – Mr TAJANI</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>Paragraph 1.9: The EESC asks that it should be fully informed and consulted, because GNSS programmes have a direct impact on citizens.</p>	<p>The Commission welcomes the EESC's interest in the GNSS Programmes and looks forward to working with the Committee in order to promote Galileo and EGNOS towards the European citizens.</p>

<p><b>20</b>      <b>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Strategy for the internalisation of external costs</b>  <b>COM(2008) 435 final – EESC 1195/2009 – July 2009</b>  <b>Rapporteur : Mr SIMONS (Empl./NL)</b>  <b>DG TREN – Mr TAJANI</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>Paragraph 1.3: The Committee urges the Commission to ensure from the outset that transport undertakings from third countries are effectively included in the internalisation of external costs, so as to prevent them from occupying a more advantageous position.</p>	<p>Setting common principles for all Member States, as done by the Internalisation strategy Communication, should prevent any discrimination and ensure market transparency. Where internalisation charges are applied they will be paid by all transport users irrespective of their Member State or third country of origin.</p>
<p>Paragraph 1.5: The Committee agrees with the Commission that a framework needs to be established at Community level. The Committee feels that no Member State should be able to opt out of this.</p>	<p>The Commission is glad to obtain the endorsement of the EESC on such a basic point and it has already proposed such a necessary framework through the Communication which was discussed by the EESC. However, the use of the framework is not compulsory because the situation between Member States and between modes differs. However, the Commission has encouraged member States to use the proposed common framework.</p>
<p>Paragraph 4.8: In the interests of fairness, the congestion costs of road transport should, for example, be allocated to both goods and passenger transportation.</p>	<p>The Commission agrees with this comment. The Communication itself states that "Private cars should not be left out of this initiative" although it recalls that "for reasons of subsidiarity, Member States retain the freedom to choose whether to act or not". In the communication on the Future of Transport, COM(2009) 279 final) of June 2009, it is proposed ' Where appropriate, action from Member States and international organisations should complement this strategy and ensure that users' costs include relevant externalities for all modes and vehicles'.</p>

<p>Paragraph 4.10: The Committee would also like to stress that the internalisation of external costs must not impact on employees' wages; the costs should be borne by the users of the transport mode.</p>	<p>The strategy for the internalisation of external costs is aiming at getting prices right and thus sending correct price signals to users enabling them to make informed choices e.g. concerning routings, timings and transport equipment allowing them to pay low internalisation charges or none. The strategy for the internalisation of external costs does not deal with internal costs, such as salaries, which are subject to individual negotiations and which are regulated at national levels.</p>
<p>Paragraph 4.13.1: But the Committee believes that internalisation charges should have to comply, within a certain margin of tolerance, with a number of conditions. Points to consider here include the various types of external cost, the level of charges, which would be based on the standard of living, and a high degree of differentiation by area rather than by country, with different timing arrangements.</p>	<p>The Commission agrees with the EESC's comment. The technical annex to the Communication contains the internalisation methodology in detail including the consideration given to income disparities between Member States when data transfers are made between countries. The methodology proposed is based on the conclusions of a Handbook carried out for the Commission and published in January 2008. The Handbook proposes methods for calculating external costs as well as best available input values for such calculations. Users are recommended to adhere to the methodology proposed in the Handbook. Specific local input values can be applied while respecting the recommended external costs output ranges specified in the Handbook.</p>

<p>Paragraph 4.13.3: In sea and air transport, internalisation of external costs will need to take account of the reality of global competition facing these transport sectors.</p>	<p>The Commission agrees that global frameworks are needed for these modes being subject to global competition. This is the reason why the Commission proposed that air transport become part of the Emissions Trading Scheme (ETS), which was agreed by the Council and Parliament in June 2008, requiring all flights - both within the EU as well as international ones entering or leaving the bloc - to participate in the Union's carbon cap-and-trade scheme from 2012. A scheme for sea transport was discussed at the level of The International Maritime Organisation (IMO), which agreed to voluntary proposals aimed at cutting carbon emissions in July 2009. This agreement will also take into account the global nature of the shipping business. However, if the IMO does not make sufficient progress the Commission will suggest taking action at European level as explained in the Internalisation strategy Communication.</p>
<p>General comment.</p>	<p>The Commission will take into account the comments of the EESC in the preparation of the 2010 White Paper where the issue of the further development of the Commission's internalisation strategy will be considered. The Commission will also take into account the Committee's suggestions in the ongoing negotiations with the other Institutions discussions on the revised Eurovignette directive, in particular their general support to internalisation, their support to earmarking and the need not to slow down work on internalisation as a result of the crisis.</p>

<p><b>22. Emissions from road transport – concrete measures to overcome stagnation</b>  <b>Own-initiative Opinion – EESC 1194/2009 – July 2009</b>  <b>Rapporteur: Mr IOZIA (Work./IT)</b>  <b>DG TREN – Mr TAJANI</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>Paragraph 1.2 – The Committee notes that in the Member States progress in combating air and noise pollution caused by traffic is visibly stagnating.</p>	<p>The Commission agrees that the undesired environmental consequences of transport activity will require further action in particular on noise, air pollutant emissions and greenhouse gas emissions.</p>
<p>Paragraph 1.3 – The Committee points out “there has been a lack of progress regarding the quantity and quality of monitoring of motor vehicles, including two- and three-wheelers, and of the amounts of gas and particulates in the air”.</p>	<p>The Commission disagrees with the Committee's comment as significant improvements have taken place in monitoring. However, in several Member States there is a big scope for further improvements to existing monitoring schemes that will further enhance data quality.</p>
<p>Paragraphs 1.7 – The Committee points to a range of actions that various European Union, Member States and region authorities could take to lessen the effects of ambient air and noise pollution.</p>	<p>The Commission agrees with the majority of actions proposed by the Committee to be taken at various levels of government.</p>
<p>Paragraph 1.8 – The Committee lists a number of measures to lessen the impact of noise pollution.</p>	<p>The Commission agrees with the majority of actions proposed by the Committee. However it points out that most of them are a national competence.</p>
<p>Paragraph 1.9 – The Committee lists a number of measures to improve the LCA analysis.</p>	<p>The Commission agrees with the actions proposed by the Committee. The Commission would like to point out that first two bullet points are already implemented in several existing modelling tools used for impact assessments.</p>

<p>Paragraph 2.2 – The Committee notes that results of initiatives to prevent emissions of pollutants and noise produced by transport vehicles are not satisfactory.</p>	<p>The Commission agrees with the Committee that European legislation needs to be implemented and enforced in order to achieve improvements in air and noise pollution. The Commission would like in particular to point to the results attained through the introduction of EURO passenger car and heavy duty emission standards.</p>
<p>Paragraph 7.8.1 - The Committee notes that the production and use of vehicles that comply more closely with air pollution limits are a key factor in any attempt to meet the goals set by the relevant European legislation.</p>	<p>The Commission would like to point out that all new vehicles have to comply with existing air pollution requirements (EURO standards for road vehicles).</p>
<p>Paragraph 7.19 – The Committee asks for checks on the noise emissions of two- and three-wheel motorised vehicles to be stepped up, and that disturbing vehicles should be taken off the roads until a document formally certifying their compliance is produced.</p>	<p>The Commission would like to point out that all new vehicles have to comply with existing noise requirements. It is the responsibility of Member States to check whether older vehicles are meeting all legislative requirements for their use.</p>

<p><b>23. Proposal for a Regulation of the European Parliament and of the Council on the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 COM(2008) 817 final - EESC 1200/2009 – July 2009 Rapporteur: Ms DARMANIN (Var. Int./MT) DG TREN – M. TAJANI</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>1.1 The EESC welcomes the proposal of the Commission in relation to the rights of passengers in bus and coach transport, identifying that this is a means of transport, which is widely used, and which provides a cheaper alternative for travel for passengers.</p>	<p>The Commission, in the same line as the EESC, believes this regulation will enhance protection of bus and coach travellers and hence complete passengers' rights for all modes of transport.</p>
<p>1.2 The EESC is concerned on some clarifications that ought to be made which currently give raise to misinterpretation in the text. Such clarifications consist in:</p> <ul style="list-style-type: none"> <li>• The onus of the provision of service to disabled persons, whereby the text ought to be more understandable on the fact that the main drive of the Commission is to reduce discrimination in terms of information given to passengers (or lack thereof) of the services which are accessible to disabled people.</li> </ul>	<ul style="list-style-type: none"> <li>• The Commission agrees with the EESC that the provision of information on the accessibility (or not) of services are crucial to disabled and PRM. However, the Commission considers that these concerns are adequately reflected in its proposal.</li> </ul>
<ul style="list-style-type: none"> <li>• The responsibility of the Operator in terms of the luggage loss should be clearly specified and some form of check-in system needs to be set up.</li> </ul>	<ul style="list-style-type: none"> <li>• The responsibility of the operator for lost or damaged luggage needs to be well defined. The Commission partly agrees with the EESC opinion and will take account of this suggestion in negotiations with other institutions.</li> </ul>
<ul style="list-style-type: none"> <li>• It is very difficult to provide information at bus or coach stops once the journey has started and therefore practicality of the origination and communication of such information should be made.</li> </ul>	<ul style="list-style-type: none"> <li>• The Commission partly agrees with the EESC opinion on the difficulties to provide information at bus and coach stops once the journey has started and will take account of this suggestion in negotiations with other institutions.</li> </ul>
<ul style="list-style-type: none"> <li>• The use of the word terminal is inappropriate for Bus and Coach transportation as very often no terminals exist but merely bus stops and when the</li> </ul>	<ul style="list-style-type: none"> <li>• The Commission partly agrees with the EESC opinion on the use of the word 'terminal' and will take account of this suggestion in negotiations with</li> </ul>

<p>former do exist they are not under the jurisdiction of the Operator.</p>	<p>other institutions.</p>
<p>1.4 The EESC notes that the extension of the provisions on passenger rights to urban and sub-urban transport would improve the quality of service and the image of the sector. However the EESC does identify a number of differences between the service of urban buses and that of international bus transportation and hence recognises that it might be more practicable to separate passenger rights in respect to these two distinct modes of transportation and to draw up specific passenger rights for all urban and suburban transport. The EESC therefore believes that the provisions of the proposed regulation should not necessarily apply to urban and sub-urban transport.</p>	<p>The Commission agrees that passenger rights need be defined in a manner that takes account of the specificities of local services. This is the reason why the proposal of the Commission enables Member States to exempt local services that are covered by public service contracts if they provide a comparable level of passenger rights. As this is a crucial issue for finding an inter-institutional compromise on the proposal the Commission will take account of this suggestion in negotiations with other institutions.</p>
<p>1.5 Staff training is paramount for the provision of services to disabled people. To this effect the EESC strongly supports the inclusion of Article 18 specifying the training that ought to be provided to bus and coach drivers.</p>	<p>The Commission fully agrees with the EESC's comment.</p>
<p>4.1 The EESC would rather that urban, suburban and regional transport services were completely excluded from this proposal and that the rights of users of these methods of public transport were dealt with in a separate regulation.</p>	<p>The Commission disagrees with the EESC as it considers that local services are part of EU-wide travel chains and European citizens should be granted EU-wide protection as far as possible.</p>
<p>4.2.1 The EESC regrets that the proposal does not specifically and in a more detailed way recognise the situation of people with disabilities or lay down more advanced standards for the protection of the rights of people with disabilities and those with reduced mobility; it is essential that these groups be guaranteed access to transport.</p>	<p>The Commission disagrees with the EESC as it considers that the proposal provides a fine balance between the needs of disabled and PRM in terms of protection when travelling and the impact on operators implementing these rights.</p>

<p><b>24. Proposal for a Regulation of the European Parliament and of the Council concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws</b>  <b>COM(2008) 816 final - EESC 1198/2009 – July 2009</b>  <b>Rapporteur: Mr HERNÁNDEZ BATALLER (Var. Int./ES)</b>  <b>Co-rapporteur: M. RUSCHE (Empl./DE)</b>  <b>DG TREN – Mr TAJANI</b></p>	
<b>Main points of the EESC Opinion</b>	<b>Commission Position</b>
<p>Paragraph 1.1. The EESC endorses the Commission's initiative as essential for boosting the internal market and passenger's rights, especially the rights of passengers with disabilities.</p>	<p>The Commission, in the same line as the EESC, believes this regulation –together with that for the bus sector- will complete passengers' rights for all modes of transport.</p>
<p>Paragraph 1.2 The Committee regrets that the proposal does not give specific and more detailed coverage to the situation of people with disabilities or to higher levels of protection for fundamental rights and consumers' economic rights.</p>	<p>The Commission believes the proposal is a well balanced instrument to guarantee the integration of PRMs into society and to avoid any discrimination to disabled.</p>
<p>Paragraph 1.3 With regard to people with disabilities, a framework should be established to guarantee accessibility in all circumstances.</p>	<p>The Commission does not aim to impose excessive burden on industry as regards infrastructure works related to accessibility. Nevertheless, the proposal aims to guarantee the maximum level of accessibility leaving Member States some discretion to fulfil the requirements contained in it.</p>
<p>Paragraph 1.5 and 4.10 As regards other fundamental individual rights, such as the protection of privacy in databases, this should also be covered by a specific regulation that strengthens guarantees.</p>	<p>The protection of the privacy concerning data is well guaranteed not only in this proposal by a mention in the recital to general data protection law but in general by EU law on data protection</p>
<p>Paragraph 1.6 In the field of consumers' economic rights, substantial improvements need to be made to a number of aspects of the legislation under consideration, such as alternative transport services and reimbursement, compensation of the ticket price, passenger information and complaints</p>	<p>The Commission tends to agree with this comment on the consumers' rights, but it has to be mentioned that main aim of the proposal is to establish a minimum set of rights in a sector that has been traditionally oriented towards freight transport rather than passengers</p>

<p>Paragraph 4.1 and 4.1.10 The Commission should expressly make clear that tourist excursions lasting less than one day are excluded from the scope of the proposal.</p>	<p>The Commission has implicitly excluded tourist excursions from the scope by distinguishing them from cruises which are included. The Commission agrees with this comment.</p>
<p>Paragraph 4.1.4 The EESC does not agree that Member States should be able to exclude services covered by public service contracts from the scope of the regulation because these are the services that are used most by citizens and potentially needed most by disabled persons. The EESC believes that accessibility related to safety should be guaranteed not only during passengers' embarkation and/or disembarkation but also throughout the journey.</p>	<p>The Commission has only propose to exempt these services if a comparable level of passenger rights is ensured in the public services contracts, meaning that in practice the same protection of rights has to be offered. Safety is one of major concerns for the Commission, and the proposal fully guarantees that PRMs if travelling by ship are safely transported the entire journey</p>
<p>Paragraph 4.1.5. The EESC reminds the Commission of its duty to adopt and propose, at Community level, any measures needed to ensure that PRMs have the same right as all other citizens to free movement, freedom of choice and non-discrimination. The "social disability model", also covering obesity, should be implemented.</p>	<p>The benefits of the single market and the social disability model is guaranteed as reflected in recitals 3 and 4 of the proposal</p>
<p>Paragraph 4.1.9. The EESC believes that the objective of guaranteeing uniform conditions for economic agents in the internal market can only be achieved in a restricted manner, as the regulation gives the Member States substantial leeway when it comes to rights in the event of delay or cancellation. The report to be drawn up by the Commission at the latest three years after the entry into force of the Regulation (Article 30) should specifically examine whether any disparity in legislation in this field affects competition or the proper running of the internal market.</p>	<p>The Commission has taken inspiration from the other modes of transport where legislation exists – air and rail – and has adapted the provisions – delay and cancellation included – to the nature of the maritime sector, in order to guarantee a level playing field for all economic agents. The report to be drawn will take into account the well functioning of the internal market.</p>

<p>Paragraph 4.2 The EESC stresses the importance of the ticket serving as proof of the conclusion of the transport contract, and considers it significant that the rules set down in the Regulation are considered imperative, unwaivable rights for passengers. The EESC believes that a specific solution should be sought for derogating the obligation for PRMs to inform carriers no less than 48 hours in advance of their intention to travel on a given route.</p> <p>The European Commission should oblige carriers to provide the passenger with confirmation that notification has been received, to ensure that the passenger can prove that he did actually notify his assistance needs, in the event of a breakdown in the information transmission system.</p>	<p>The Commission tends to agree with the need for a ticket as proof of the conclusion of a transport contract and the obligation for carriers to provide tickets. On the other hand the obligation for PRMs to inform in advance of their needs is a compromise between the right for the PRM to travel and the right for the Carrier to know before hand these needs in order to prepare and to provide proper assistance.</p> <p>The conditions for assistance to PRMs defined in Article 12 guarantees the provision of the assistance without the need of imposing excessive burden to the industry.</p>
<p>Paragraph 4.2.2 The EESC therefore considers that the derogations for the refusal of carriage of persons with disabilities or reduced mobility should be based on objective, non-discriminatory, transparent, verifiable criteria</p>	<p>The Commission agrees with the comment from the EESC and it is reflected in Article 7 of the proposal regarding derogation and special conditions.</p>
<p>Paragraph 4.5 The compensation in respect of wheelchairs and mobility equipment complies with the regulation's purpose of ensuring protection, as does the provision to make replacement equipment available to interested parties. Compensation should be full and should cover all damages incurred</p>	<p>Commission fully support the EESC comments regarding information as a key issue for passengers</p>

<p>Paragraph 4.6.2 The provision under which the legislation shall not apply if the delay has been caused by "exceptional circumstances", should be clarified in line with ECJ case law, insofar as the provision does not apply to a technical problem occurring on the ship and causing the cancellation of travel, unless this problem derives from events which, by their nature or origin, are not inherent to the normal performance of the activity of carrier. The nautical conditions for each transport service should also be taken into account here.</p>	<p>The Commission is of the opinion that exceptional circumstances shall be left to the judgment of the ECJ on a case by case basis, rather than being listed exhaustively.</p>
<p>Paragraph 4.8 The EESC believes that if complaints concern civil and/or commercial damages, a reference should be made to the extrajudicial consumer organisations or at least to bodies that meet the principles of independence, transparency, contradiction, effectiveness, legality, freedom and the possibility of representation</p>	<p>The Commission, according to the principle of subsidiarity, believes that is up to each Member State to decide its internal organization as regards the treatment of complaints. The Commission agrees with the EESC that those bodies shall be independent.</p>
<p>Paragraph 4.9 National enforcement bodies should be empowered to fully enforce an effective, dissuasive and proportionate system of sanctions which, in all events, includes the possibility of ordering the payment of compensation to affected passengers as a result of having lodged a complaint.</p>	<p>The Commission fully support the EESC comments regarding National Enforcement bodies</p>

<p><b>25. Green Paper: TEN-T: A policy review. Towards a better integrated trans-European transport network at the service of the common transport policy</b>  <b>COM(2009) 44 final - EESC 1460/2009 – September 2009</b>  <b>Rapporteur: Mr SIMONS (Empl./NL)</b>  <b>DG TREN – Mr TAJANI</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>Paragraph 1.3: In the framing of a new TEN-T, the EESC wants to see explicit consideration given to so-called neighbourhood policy, i.e. connections to</p>	<p>In preparation for the revision of the TEN-T Guidelines, the Commission is studying in more detail a number of issues which have been highlighted in</p>

<p>the east and south of the EU, although the Commission and the Member States should focus above all on the network rather than on individual infrastructure projects. This also promotes solidarity between the Member States.</p> <p>Paragraph 1.4: The Commission presents three options for the shape of a future TEN-T. The Committee agrees with the Council that this should be a two-layer structure with a comprehensive network and a core network comprising a geographically defined priority network and a conceptual pillar to help integrate the various transport policy and infrastructure aspects. The EESC believes this will make it possible to deploy EU funding more efficiently and effectively than hitherto. A body should be set up to coordinate the deployment of funding.</p>	<p>the public consultation as well as in the report of the European Parliament, the Conclusions of the Council as well as in the opinions of the Economic and Social Committee and the Committee of the Regions. For this purpose, the Commission sets up six expert groups, bringing together top experts from the different areas concerned, which will work between November 2009 and February/March 2010. The six topics listed below will be dealt with by these expert groups. They cover all topics which have been recommended by the EESC.</p>
<p>Paragraph 1.5: The Committee urges the Commission to put in place a more binding implementation framework, including adequate penalties, for the development of the "priority network" and for interoperable traffic management systems.</p> <p>Paragraph 1.6: As regards future planning of the TEN-T, the Committee endorses the Commission's approach as set out in its Green Paper, based on the principle that each mode should be used according to its comparative advantages within co-modal transport chains and that each mode thus plays an important role in achieving the Community's climate change objectives. The objective must still be to shift towards the most environment-friendly transport chain.</p>	<ul style="list-style-type: none"><li>• The TEN-T and connections outside the EU</li><li>• The methodology for TEN-T planning</li><li>• TEN-T financing</li><li>• Legal issues and non-financial instruments for TEN-T implementation</li><li>• Integration of transport policy and TEN-T policy</li><li>• Intelligent transport systems and new technologies within the framework of the TEN-T.</li></ul>

	<p>It will be a key principle of the groups' work to search for new solutions where existing ones prove to be ineffective (e.g. concerning the instruments for TEN-T funding as well as non-financial instruments to ensure proper implementation of projects of common interest. The contribution to climate change and other environmental objectives is in the centre of the policy review process: by better integrating transport modes, and transport and infrastructure policy, the infrastructural basis for co-modal transport services shall be enhanced; thereby promoting the most environmentally-friendly transport chains.</p>
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<p><b>2 Enhancing energy efficiency policies and programmes by end users</b>  <b>6. Own-initiative opinion – EESC 1459/2009 – September 2009</b>  <b>Rapporteur: Mr CAPPELLINI (Var.Int./IT)</b>  <b>DG TREN – Mr PIEBALGS</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>Paragraph 1.2., 1.3: Involvement of end-users</p> <p>The European Economic and Social Committee (EESC) recommends stepping up endeavours focusing on systematically involving end users (in particular consumers, small businesses..., public and private partnership at local level...)... with regard to the energy efficiency targets... and the efforts to mitigate the current economic crisis.</p>	<p>In addition to the stakeholders consultations carried out by the Commission before it makes its proposals, the Commission makes significant efforts to involve end-users in the implementation and development of energy efficiency policies. The Commission believes that this is proper approach for most energy efficiency policies where their effectiveness depends to a large extent on the involvement of concerned actors (such as local authorities, energy consumers, SMEs)</p> <p>The Covenant of Mayors for instance, is a good illustration of such involvement, as it establishes a partnership with more than 950 local authorities committed to reducing their CO2 emissions by at least 20% by 2020. Alongside the Covenant of Mayors, a new technical assistance facility ELENA (European Local Energy Assistance) is currently being launched, in cooperation between European Commission and the European Investment Bank, to support regional and local authorities in accelerating their investments in sustainable energy, by helping them to prepare bankable investments or investment programmes.</p> <p>Another example for proactive approach in involvement of end-users and stakeholders is the creation of the BUILD UP Initiative<sup>10</sup>, a website providing targeted information to building professionals, local authorities and building occupants on the best practices, tools, and guidance materialson how to cut energy consumption in buildings. It also provides updated information about EU energy policy for buildings.</p> <p>The Commission has established the Citizen's Energy Forum, a new regulatory platform</p>

<sup>10</sup> <http://www.buildup.eu/>  
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	aimed at the implementation of competitive, energy efficient and fair retail markets for consumers (see below).
<p>Paragraphs 1.4 and 1.8:</p> <p>A new integrated programme is therefore proposed...</p> <p>... greater cooperation in science and technology capable of reviving public and private investment...</p> <p>The EESC calls on the EU to invest sufficient resources in applied energy research and its transfer to the end use and recommends more inclusive global cooperation in this area.</p>	<p>The Commission considers that the current integration of the Intelligent Energy-Europe Programme (IEE) into the Competitiveness and Innovation Framework Programme (CIP) is sufficient to allow coherent and integrated approach, but fully supports the call for greater cooperation in science and technology, capable of reviving public and private investment. The Commission is already implementing such an integrated approach. An example for this is the CONCERTO programme which is operating since 2004 (EUR 150 million support from the Commission).</p> <p>Within CONCERTO (an initiative of the 6<sup>th</sup> and 7<sup>th</sup> research framework programme) very ambitious end-use energy efficiency measures are demonstrated in the homes of more than 300.000 EU citizens. The efficiency of these measures is measured and benchmarked according to one harmonized and reliable set of indicators. These results of energy savings for space heating, domestic hot water production and electricity consumption will be made publicly available as soon as the extensive monitoring phase starts. This CONCERTO<sup>11</sup> database will be the first large experiment covering initially 45 pioneering cities in 18 Member States</p> <p>CONCERTO is an integrated programme on applied energy research and demonstration, capable of coordinating the activities in buildings retrofitting and new eco-buildings construction, together with local production and distribution of renewable heating/cooling and electricity.</p> <p>In addition, in the framework of the European Economic Recovery Plan the Commission launched in 2009 a public-private partnership on research and demonstration on energy efficient buildings with an integrated approach within the 7<sup>th</sup> research framework</p>

<sup>11</sup> [www.concertoplus.eu](http://www.concertoplus.eu)

	<p>programme with an EC-support of EUR 500 million for the period 2009-2013.</p> <p>Within the 7<sup>th</sup> framework programme (2007-2013), additional calls for proposals will be launched in the next years up to 2013; where greater attention will be given to the integrated approach and better coordination for the benefit of the end users.</p>
<p>Paragraphs 1.5, 3.3, 3.4: ...lack of homogenous data on end-use energy efficiency, benchmark methodology and indicators</p> <p>The EESC is disappointed and concerned at the shortage of homogenous, detailed information and data on end-use energy efficiency.</p>	<p>The Commission partly shares the concerns of the EESC as regards the lack of information, energy savings methodology and indicators. The 2009 report of the Commission on the analysis of the first National Energy Efficiency Action Plans (NEEAPs) also highlighted these difficulties. The Commission is working to establish an energy efficiency methodology to ensure the consistency of results with the energy efficiency targets. Also, the second round of NEEAPs, due by 30 June 2011, should provide further information not only on the actions undertaken by the Member States, but also on the achieved results.</p> <p>More specifically, in the area of energy performance in buildings<sup>12</sup> proposes to establish, by 31 December 2010, a comparative methodology for calculating cost-optimal levels of minimum energy performance requirements for buildings. In the field of cogeneration, the Commission adopted in 2006 a Decision establishing harmonised efficiency reference values for separate production of electricity and heat<sup>13</sup> and in 2008 a Decision establishing guidelines on calculation of electricity from cogeneration<sup>14</sup>.</p>

<sup>12</sup> The Recast for Energy Performance of Buildings Directive (COM (2008)780).

<sup>13</sup> OJ L 32, 6.2.2007, p.183.

<sup>14</sup> OJ L 338, 17.12.2008, p.55.

The Third Energy Package also brings a new instrument intended to inform consumers - The European Energy Consumer Checklist. The Checklist is a tool that will help inform Member States consumers of their rights and assist with the implementation and enforcement of energy legislation. It aims to provide consumers with simplified, accurate and practical information on local energy markets. Other provisions contained in the Third Energy Package, such as the new competences for energy regulators that will result in active market monitoring, will further enhance protection of consumer rights.

Those issues are discussed and followed at the Citizens' Energy Forum<sup>15</sup>, which is established with the aim to improve the functioning of the retail market to the benefit of individual consumers. The Forum is established by the Third Energy Package and encompasses representatives of consumers, industry, national energy regulators and national administrations. A Working Group on Billing was established at the First meeting of the Forum in 2008. The Working Group's recommendations and examples of good billing practices were presented and endorsed at the second meeting of the Forum in 2009.

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<sup>15</sup> [http://ec.europa.eu/energy/gas\\_electricity/forum\\_citizen\\_energy\\_en.htm](http://ec.europa.eu/energy/gas_electricity/forum_citizen_energy_en.htm)

<p><b>27. Mid-term assessment of implementing the EC Biodiversity Action Plan COM(2008) 864 final – EESC 1202/2009 – July 2009</b>  <b>Rapporteur: Mr RIBBE (Work./DE)</b>  <b>DG ENV – Mr DIMAS</b></p>	
<p><b>Main point of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>1.3. The EESC agrees with the Commission that the <b>mainstreaming of biodiversity considerations</b> has not yet gone nearly far enough.</p>	<p>1.3. Existing biodiversity policy – and current EU Biodiversity Action Plan (BAP) – strongly emphasise the need for integration of biodiversity into other policy sectors. There are successes, including increased biodiversity investments under agricultural and regional funds. The Commission agrees that there is a need to build on this as integration will be critical for attainment of biodiversity goals.</p> <p>As a consequence of recent findings addressing the inappropriate integration of biodiversity considerations into other sectoral policies, and the policy failures caused by this, the Commission is willing to improve its biodiversity integration policy in the future.</p> <p>The Commission is working on options for a post-2010 EU biodiversity vision and target(s) to be presented in early 2010, in view of Council discussions aimed at developing a post 2010 EU vision and target by June 2010. Based on the vision and target(s) chosen, the Commission intends to develop a detailed strategy by the end of 2010 to deliver on the target. Integration will be a key building block of the post-2010 strategy and policy framework.</p> <p>In addition, Commission services most concerned are assessing the impact of their policies among others on biodiversity and natural assets as well. For example, the Biodiversity Working Group set up within the European Network of Environmental Authorities for the Cohesion Policy (ENEA) aims to</p>

	<p>prepare a paper on the utilisation of the EU Cohesion Policy funding (2007-2013 programming period) for biodiversity/Natura 2000 projects. The analysis should provide the basis for reflecting on how to adjust more efficiently policy planning and integration objectives for nature and biodiversity, and how to fit these objectives into the next programming period for the Cohesion Policy.</p>
<p>1.4 Nevertheless, the EESC feels that no fundamental changes are needed to the objectives.</p>	<p>1.4. There are no changes of the objectives or any part of the EU BAP foreseen. The post-2010 biodiversity target and strategy will build on the experiences of the current policy.</p>
<p>1.5. From the perspective of economic policy, nature conservation is often seen as an obstacle or a threat. The argument that biodiversity has economic value has yet to be taken on board in political practice.</p> <p>The Committee would like to ask the Commission to explain how it intends to resolve this problem, for example in relation to the discussion on stronger internalisation of the external costs.</p>	<p>1.5. The Commission is committed to further support the 'The Economics of Ecosystems and Biodiversity' (TEEB) study and promotes awareness raising on ecosystems, ecosystem services and their economic value and benefits. The TEEB study also analyses how to better integrate biodiversity values into policies, including through internalisation of the social costs related to the degradation of nature's services as well as the social benefits related to their protection. In addition, the Commission supports the 'Beyond GDP' initiative. The findings of such studies and assessments will have to be reflected in the post-2010 biodiversity strategy.</p>
<p>1.6. More publicity should be given to examples of positive developments showing the close correlation between regional economic development and biodiversity (e.g. tourism).</p>	<p>1.6. The Commission is developing numerous activities to raise awareness of stakeholders and Members States on the current funding opportunities for biodiversity in different policies and on good practices to integrate biodiversity in socio-economic activities. Several guidance documents dealing with the integration of nature protection in estuaries, non extractive energy industry and wind energy are being prepared in close cooperation with the sectors involved.</p>

	<p>In addition, the Commission is about to set up a so called 'Business and Biodiversity Platform', a technical facility aiming to engage businesses in economic activities benefitting biodiversity, one of which's function will be to provide guidance and best practice examples from certain target sectors (e.g. tourism).</p>
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<p>1.7. The Council decision to fund Natura 2000 from Structural Fund resources and the second pillar of the CAP has not worked; Member States are simply not giving nature conservation and biodiversity protection enough priority in the relevant programmes. For the 2014-2020 funding period, the EESC is in favour of giving biodiversity its own budget line.</p>	<p>1.7. The Commission is in the process of reviewing the implementation of the current financial perspectives (2007-2013) as part of the reflection on the preparation of the programming of the coming (2014-2020) budget period. All options will be considered in this context. In line with the Commission's commitment to sustainable development, the economic, social and environmental dimensions of new options to be considered will need to be assessed. Aside from the important question of the level of funding to be devoted to biodiversity, the question of the use of the available funds for biodiversity by Member States may need to be looked into.</p> <p>The question of the appropriateness of a separate biodiversity budget line will be looked at as part of this process.</p>
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<p>1.8. ...climate and biodiversity policies should still be linked even more closely.</p>	<p>1.8. In the last few years scientific evidence for the importance of ecosystems in the global carbon cycle has increased. Climate change is high on the political agenda, but the climate change - biodiversity linkage should be further emphasised. While biodiversity policy has addressed impacts of climate change, the role of biodiversity and ecosystem services for climate change adaptation and mitigation is needs to be more systematically taken into account. The role of biodiversity and ecosystem services in climate change adaptation and mitigation is increasingly known and recognised and will be duly reflected in the post-2010 EU biodiversity policy. The</p>
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	<p>Commission has recently adopted a White Paper on adapting to climate change where the importance of healthy resilient ecosystems is highlighted. The ongoing international debates on climate change are an opportunity to address the importance of ecosystems for combating climate change and promote ecosystem-based approaches which have multiple benefits. It is important to further</p>
	<p>incorporate this in EU climate change policy as well.</p>
<p>1.9. To enable species to adapt to changing climate conditions, their habitats need to be more closely inter-connected. We should consider creating a "trans-European nature network".</p>	<p>1.9. The need to prevent fragmentation has already been recognised for quite some time. In the face of climate change this aspect becomes even more urgent. Maintaining and enhancing connectivity and permeability and thus ecological functions are crucial. The Commission, building on already existing pieces of legislation (e.g. Article 10 of the Habitats Directive) and experiences, has started to work towards the improvement of connectivity and establishment of a 'green infrastructure'. The term 'green infrastructure' represents a kind of generalised, mainstreamed approach to landscape management. The Commission aims to further develop a European 'green infrastructure' and to fully reflect it in its post 2010 biodiversity policy.</p>
<p>4.2. Now that establishment of the NATURA 2000 network is, after considerable delays, finally nearing completion, European nature conservation is entering a new stage. Appropriate management plans must be drawn up for the designated areas. The EESC doubts whether sufficient human and financial resources are in place in the Member States to ensure that their development is planned and implemented at national level.</p>	<p>4.2. Natura 2000 is at the core of EU biodiversity policy and its full implementation remains a Commission priority. There is a need to urgently complete the establishment of the terrestrial part of Natura 2000 by 2010 and the marine network by 2012. The future priority needs to be the effective management, restoration and monitoring of designated sites within the network. This will need to be achieved through assuring adequate financial resources and working with different stakeholder group, including local and regional authorities.</p> <p>Based on the principal of subsidiarity, it is</p>

	<p>the sole responsibility of Member States to prepare management plans for Natura 2000 sites as necessary and to allocate money on the exercise. However, in addition to the financing possibilities under existing EU funds (e.g. EAFRD, LIFE+), the Commission provides technical assistance through the development of guidance documents,</p>
	<p>provision of award schemes and sharing best practices. <a href="http://ec.europa.eu/environment/nature/natura2000/management/index_en.htm">http://ec.europa.eu/environment/nature/natura2000/management/index_en.htm</a>)</p>
<p>4.3. Given the enormous pressure on land, which the Commission rightly notes, the question of whether extensive regeneration of destroyed biotopes is feasible remains unanswered. The EESC points out that at the Gothenburg summit, the heads of state and government promised to take steps not only to halt biodiversity loss by 2010, but also to restore habitats and natural systems. The mid-term review does not comment on this.</p>	<p>4.3. The annexes to the EC communication on the BAP mid-term review do refer to the restoration of species and habitats, however in a rather indirect manner, through the preliminary findings of the conservation status reports and the preparation of management plans.</p> <p>Since the adoption of the EC communication on the BAP mid-term assessment, the Commission has adopted a communication on the "Conservation Status of Habitat Types and Species as required under the Article 17 of the Habitats Directive (COM(2009)358 final), and the European Environment Agency has prepared a report on Europe's biological diversity (EEA Report n°4/2009), which provide further information on the current status and trends of EU biodiversity.</p> <p>However, the Commission recognises the importance of the management of natural assets and the restoration of habitats and ecosystems.</p>

<p>4.4. The NATURA 2000 network has only just been established, and already people are discussing how to withdraw individual sites or parts of sites from the network, mostly for infrastructure projects, many of which are co-financed by the EU...</p> <p>4.5. ...we can hardly doubt that EU departments will be faced over the next few years with a flood of applications for similar "exemptions". At present, the EESC does not feel that the Commission has the necessary human resources to process these requests or to find appropriate solutions.</p>	<p>4.5. The principle that EU funds should not be used to damage areas protected under EU nature legislation has already been applied by the Commission in application of regional funds. The Commission will continue to help ensure that appropriate assessments of potentially damaging developments are undertaken, especially for Natura 2000 areas, and that nature and biodiversity considerations are incorporated into the definition and application of different Community funds.</p>
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	<p>Withdrawal of sites would be counterproductive in the face of climate change and would contradict measures suggested for climate change adaptation.</p> <p>The Commission put in place all the legislative tools, inter alia the Environment Impact Assessment or Article 6 of the Habitats Directive that contribute to the avoidance of unsustainable developments. However, based on the principle of subsidiarity, the majority of responsibilities lie within MSs, whereas EC is involved in the processes as necessary. Ecosystem-based approaches, "working with nature", (re-establishment of flood-plains and river restoration as a measure to mitigate and adapt to floods) may sometimes provide solutions for conflicts.</p>
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<p>4.7. ...there is also considerable controversy surrounding the "cross-compliance criteria". Together with good agricultural and environmental conditions and best practices, these should ensure that biodiversity issues are taken into account. However, given that much of the damage to biodiversity takes place in compliance with existing laws, one can easily understand the controversy surrounding these criteria. This point is backed up by the European Court of Auditors in its special report on cross compliance. The Member States, together with the Commission, must finally take action.</p>	<p>4.7. The Commission recognises the importance of a well functioning integration policy and considers agriculture and rural development as one of the key sectors having the potential to benefit the biodiversity policy. Therefore, as already partly discussed under 1.7, lessons of the current programming period should be learned, based on which the coming programming should reflect the necessary improvements. Cross-compliance is a legal tool which evolves in time by responding to the new problems and needs related to agriculture. The last modifications to it, in the framework of the Heath Check CAP review also addressed the issue of biodiversity protection by adding new standards.</p>
<p>4.10. One such problem is the funding of the N2000 network, including compensation for special requirements. The EESC is very concerned that after programming by the Member States not nearly enough money has</p>	<p>4.10. Regarding the position of the Commission on this issue please see 1.7. and 4.7.</p>

<p>been made available to Natura 2000, resulting in extreme conflicts. It is therefore in favour of giving biodiversity its own budget line for the 2014-2020 period.</p>	
<p>4.12. We would ask the Commission to finally clarify the situation with regard to forthcoming CAP reforms and the budget. Agri-environmental programmes can only succeed when they offer economic incentives to farmers. Getting rid of the incentive component was a mistake, which must be reconsidered. The political message to farmers (and society) must be that we as a society appreciate when farmers go over and above legal requirements to preserve biodiversity.</p>	<p>4.12. As already reflected in 4.7, the Commission fully agrees with the EESC on the importance of a coherent agri-environmental funding scheme that contributes to the achievement of a biodiversity target to the widest extent possible and will consider all possible options during the development of future programmes and the next CAP review (reform).</p>

<p>4.17. ...One of the Commission's main tasks will be to raise awareness of the economic value of biodiversity together with its moral and ethical significance, and to translate this into actual policies.</p>	<p>4.17. The Commission is convinced of the need for a better common understanding of biodiversity and ecosystem services. A major campaign on biodiversity has been recently launched aiming to raise awareness among the general public.</p> <p>Regarding awareness raising on the economic value of biodiversity and ecosystem services, ecosystems, communication is an important component of the TEEB initiative - please see 1.5.</p>
<p>4.19. In Section E. 4 of its communication ("Building public education, awareness and participation"), the Commission observes that <i>"only a minority of EU citizens considered that they were well informed on the subject of biodiversity loss"</i>. The same might be said of politicians and civil servants.</p> <p>These are the worst possible conditions for achieving political success. If the Commission and Member States are considering <i>"priority actions for a public communication campaign to be launched in support of national and other campaigns"</i>, they can count on the EESC's full support.</p>	<p>4.19. The Commission welcomes the initiative of the EESC offering his help and support throughout the awareness raising activities and in particular the communication campaign, which is being launched by the Commission. Regarding the position of the Commission on awareness raising please see 4.17.</p>

<p><b>29. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Community approach on the prevention of natural and man made disasters</b>  <b>COM (2009) 82 final - EESC 1466/2009 – September 2009</b>  <b>Rapporteur: Ms SÁNCHEZ MIGUEL (Work./ES)</b>  <b>DG ENV- Mr DIMAS</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>(1.2) The overall disaster prevention method proposed seems to us to be appropriate. We consider all the information-gathering tools to be essential, both for assessing the current situation (inventory, risk maps and good practice) and for implementing the annual work programmes of the Community</p>	<p>The Commission welcomes the Committee's support. The Commission plans to bring together existing private and public sector data on disasters and their social, economic, and environmental impact, lessons learnt and best practices with a view to provide</p>
<p>Mechanism for civil protection through the Monitoring and Information Centre. The role of the local authorities, their input on methods and their preventive and emergency response activities, should be highlighted in the proposal.</p>	<p>policy-relevant information at European and national levels. Representatives of relevant authorities will be associated to this process.</p> <p>The annual work programme for the actions to be financed in 2010 under the Civil Protection Financial Instrument includes specific actions dealing with best practices and methodological approaches for risk assessment, including hazard and risk mapping. This will lead to Community guidelines.</p>
<p>(1.3) With regard to the systems proposed for financing prevention measures, it seems to us - looking at current disaster prevention systems and specific systems linked to agricultural, industrial policy etc – that financing should be extended to other areas of preparation, planning and early warning. Financial resources should be sufficient so as not to undermine the current effectiveness of the Mechanism.</p>	<p>Under the Civil Protection Financial Instrument, the Commission implements an ambitious preparedness programme including training courses, early warning, field exercises, and exchange of experts.</p> <p>Furthermore, the Commission considers that the future reviews of EU funding instruments will be an opportunity to better integrate disaster prevention objectives.</p>

<p>(1.4) Research into disaster prevention measures is essential and should be developed. It is not enough simply to refer to the Seventh Framework Programme of Research and Technological Development. Funding needs to be earmarked for specific risk prevention programmes, not only at Community level but also in the Member States..</p>	<p>Whilst several themes under the Seventh Framework Programme for Research and Technological Development address natural and manmade disasters, the Commission agrees that research on prevention is mainstreamed in other Community programmes and policies</p>
<p>(1.5) Finally, international cooperation on prevention complements that which already exists in the fields of emergency response and aid. This is based on solidarity and takes place not only under the auspices of the UN but also under various international agreements in which the EU participates - Euromed, Lomé, Latin America etc.</p>	<p>The Commission intends to emphasise disaster prevention in upcoming cooperation initiatives with third countries, in particular:</p> <ul style="list-style-type: none"><li>- with candidate countries and potential candidate countries via their participation in, or association with, the Community Mechanism and implementation of the Disaster Risk Reduction Initiative.</li><li>- with the European Neighbourhood Policy(ENP, by reinforcing the disaster prevention chapter in existing agreements</li><li>- Through the programme for prevention, preparedness, and response to natural and man-made disasters (PPRD) in the framework of the Euro-Mediterranean partnership</li><li>- with Eastern ENP partners on prevention to natural and manmade disasters</li></ul>

<p><b>30. Proposal for a Regulation of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market</b>  <b>COM (2009) 644 final – EESC 1462/2009 – September 2009</b>  <b>Rapporteur: Mr SALVATORE (Empl./IT)</b>  <b>Co-rapporteur: Mr BURNS (Work./UK)</b>  <b>DG ENV – Mr DIMAS</b></p>	
Main points of the EESC Opinion	Commission Position
<p>The "due diligence" obligation should apply to all operators in the timber chain and not just those placing timber and timber products on the market for the first time (see 1.5. 3.3, 4.3)</p>	<p>The Commission considers that if the operator that first places timber or timber products on the market exercises due diligence to minimise the risk of illegal timber in the supply chain then there is no need for subsequent operators in the supply chain to also do so. It would appear to add to the regulatory burden but provide limited benefits.</p>
<p>The Regulation should be proportionate and not add a burden where existing forestry enforcement is satisfactory, or duplicate such enforcement; it should focus on high-risk situations. It should allow for a phased approach for small businesses (see 1.5, 1.5, 3.3.1, 3.4, 3.5, 4.5).</p>	<p>In general terms the Commission agrees with the argument put forward, but emphasises the need for the provisions of the Regulation to be non-discriminatory.</p>
<p>Penalties established for breaches of the Regulation should be uniform, so as to ensure consistency of application of the Regulation in the EU (see 1.10, 3.7, 4.1)</p>	<p>The Commission is open to the idea of uniform penalties, while recognising that under the principle of subsidiarity the setting of such penalties is a responsibility of the Member States.</p>
<p>Wood used for renewable energy purposes should not be exempted from the scope of this Regulation (see 1.9, 3.6)</p>	<p>The Commission will consider the Committee opinion in line with the discussions taking place in the co-decision procedure, taking into account the administrative burden for operators and the need for coherence with relevant EU policies.</p>

<p><b>31. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on telemedicine for the benefit of patients, healthcare systems and society</b>  <b>COM(2008) 689 final – EESC 1197/2009 - July 2009</b>  <b>DG INFSO - Mrs REDING</b></p>	
<p><b>Main points of EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>On training programs:</p> <p>Point 1.15 As for the actions to be undertaken by the Commission, the Committee would call on it to foster information and training programmes on the use of the new technologies, aimed at health professionals and the general public, to address the fears of users and build their confidence in these technologies.</p> <p>Point 1.16 The Committee regrets that specific attention is not given to the aspect of training health professionals. A structured programme of university-based and in-service training is crucial. Such training should not, however, produce teledoctors; rather, it should train all doctors in telemedicine.</p> <p>Point 4.1.3 The Committee calls on the Commission to foster educational programmes aimed at familiarising patients with telemedicine practices and the new tools involved, in order to address the fears of users and the related issues of confidence. This is particularly important given that such patients are often older people.</p> <p>Point 4.1.3.1 The Committee regrets that the Commission does not devote specific attention to the aspect of training healthcare professionals for the purpose of familiarising them with the new conditions under which they will practise their profession. To achieve continuity and coordination of care, the new tools of doctor-patient dialogue also need to be</p>	<p>The Commission agrees with the EESC that initial and continuous training of health professionals in ICT is important to increase adoption of these tools in everyday life and obtain end user buy-in.</p> <p>The Commission strongly invites Member States to include ICT training in the curricula for health care professionals in full respect of the responsibilities of Member States in this area.</p> <p>The Commission fully agrees that relevant training should be given to all health professionals. Telemedicine should be considered as an additional tool to provide regular medicine. The Commission has recently issued a Green paper on the EU Workforce for Health where it specifically raises the issue about training needs for health professionals:  <a href="http://ec.europa.eu/health/ph_systems/docs/workforce_gp_en.pdf">http://ec.europa.eu/health/ph_systems/docs/workforce_gp_en.pdf</a></p> <p>Telemedicine can indeed be very useful for the monitoring of chronic diseases which often occur in older people. These tools need to be adapted to that population and patients need to receive indeed the necessary training. Increasingly, telemonitoring devices can be used with very little/no specific intervention of the patient (e.g. telemonitoring of implantable cardiac devices can be done automatically via remote connection of the device).</p>

<p>mastered.</p>	
<p>Point 1.12 The EESC's opinion welcomes the three levels of action proposed by the Commission (actions at the level of Member States, Member States' actions to be supported at EU level and actions to be undertaken by the Commission)</p>	<p>The Commission welcomes the EESC's opinion</p>
<p>Points 1.3 and 3.3.1 In the Committee's view, more <b>awareness</b> should be raised among health authorities, professionals and patients, to whom consistent evidence of cost-effectiveness should be provided</p>	<p>The Commission agrees with the EESC and has addressed this issue in its communication. Actions to allow systematic collection of accurate data on cost effectiveness of telemedicine (EC funded study) and mechanisms to disseminate the information (stakeholder platform) have been proposed and have started.</p>
<p>Points 1.5, 3.3.2 and 3.2.2.2 The Committee notes the <b>difficulties in deploying telemedicine</b>, despite the fact that under certain clearly defined conditions it can help improve the healthcare system for the benefit of patients, health professionals and social security bodies. It therefore thinks that its scope should be defined and that it should be given a sound legal basis</p> <p>Moreover, the opinion considers that it's crucial to enhance legal clarity and ensure that data protection systems are bolstered and that the highest level of patient safety is ensured as regards the collection, storage and use of the relevant data</p>	<p>The Commission acknowledges these remarks. Telemedicine has a very large scope. Different telemedicine applications and services present different legal and organisational challenges. A staff working document currently in drafting stage will try to address the most important legal aspects from a Community legislation perspective.</p>
<p>Points 1.9 and 3.3.3 In the Committee's view, it is clear that <b>broadband access</b> – of the same quality in all countries – and full connectivity are prerequisites to the development of telemedicine. Digital services in the regions, particularly in rural and outermost areas, must be bolstered to ensure equal public access to healthcare</p>	<p>The Commission welcomes this remark, as broadband access is a key prerequisite to develop ehealth and telemedicine. The EC encourage Member States to pursue the final objectives of the EC Strategy Broadband for all and has encouraged further investment on broadband for rural areas under the economic recovery package of March 2009.</p>

<p><b>32. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 78/660/EEC on the annual accounts of certain types of companies as regards micro-entities COM(2009) 83 final - EESC 1192/2009 – July 2009 Rapporteur: Mr PEZZINI DG MARKT – Mr MCCREEVY</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Position Commission</b></p>
<p>The EESC stresses the necessity of meeting the needs of small and medium-sized businesses and the craft sector to enable them to take up the wide variety of structural challenges presented by a complex society, fully implementing the European Charter for Small Enterprises<sup>16</sup>, in a process which is consistent with the Lisbon Strategy.</p>	<p>The proposal is in line with the Lisbon Agenda's objectives to unlock business potential especially of SMEs. Indeed it is not only consistent with the European Charter for Smaller Enterprises but also fully in line with the objectives of the Small Business Act to apply the "Think small first" principle and reduce bureaucracy for SMEs.</p>
<p>The EESC considers it important that the initiative should be:</p> <ul style="list-style-type: none"> <li>– obligatory: each State is required to introduce exemption criteria for micro-entities;</li> <li>– flexible: Member States should be left the option of adapting the exemption criteria to their own specific situations, within common bounds;</li> <li>– simple: changes should be easy to implement;</li> <li>– transparent: sufficient transparency within the single market must, at all events, be secured.</li> </ul>	<p>The Proposal presents an <b>option</b> meaning that the Member States could choose whether they would continue to apply the current regime or introduce a different regime for the micro-entities within their jurisdiction. Whilst making such exemption obligatory would lead to more consistent approach at EU level, it is unlikely that there would be sufficient political support for this at the moment. As a consequence, on the basis of the Commission Proposal, the Member States could not be obliged to introduce exemption criteria for micro-entities.</p> <p>The proposal is flexible also in a sense that it allows Member States to apply lower thresholds than those proposed.</p>
<p>While the EESC is aware that the Community does not have sole competence in this area, it feels that in order to preserve the integrity of the Single Market and avoid discrimination between entities operating therein, the concessions granted in future measures revising the 4th and 7th</p>	<p>The Proposal is still being discussed by the co-legislators. If it is approved by the Council and Parliament then consequently the Member States can benefit from an option to exempt their micro-entities from the requirements of the 4<sup>th</sup> Directive. The Commission</p>

<sup>16</sup>

Called for by the 2000 Lisbon European Council.

<p>Company Law Directives should automatically apply to all micro-enterprises in the EU, in accordance with criteria clearly defined by each Member State.</p>	<p>would not intend to re-establish any micro-entities requirements in the upcoming review of the 4<sup>th</sup> and 7<sup>th</sup> Company Law Directives.</p>
<p>In this regard, the EESC calls for an interinstitutional agreement with the same legal basis as the <i>Better Regulation</i> agreement<sup>17</sup>, applying the guiding principle "Think small first" and laying down a set of clear, transparent commitments at Community and national level to eliminate/cut red tape, to ensure that the principle is systematically applied in both legislative and implementing processes, especially when it comes to micro and small businesses.</p>	<p>The Commission does not consider that that an inter-institutional agreement (IIA) would be the appropriate instrument to ensure the implementation of the "Think small first" principle at EU and Member State level. Inter-Institutional Agreements are governing the way the Institutions cooperate amongst themselves rather than the way individual Member States would approach policy making in a given area.</p>
	<p>Moreover, some aspects of the Small Business Act, related notably to Better Regulation, are already covered in the existing IIA on this matter. Hence, the Commission would prefer to concentrate its efforts on ensuring the best possible implementation of this already existing agreement on better lawmaking and on the follow up of the commitments that the Member States have taken in the Council's SBA Action Plan from December 2008.</p>
<p>Moreover, the EESC believes the Commission should submit a report to Parliament, the Council and the EESC three years after this proposal has entered into force, assessing the impact and operation of the exemption for micro-entities throughout the EU Member States and the savings actually made by European micro-entities.</p>	<p>If the proposal is adopted, the Commission will examine the possibility to make such an assessment, which should, however, be made after a certain number of years following the transposition deadline of the Directive and not after its entry into force.</p>

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See Opinion CESE 38/2009 of 14.1.2009, Recommendation No 1, rapporteur: Mr Malosse, co-rapporteur: Mr Cappellini.

<p><b>33. Quel avenir pour les zones non urbaines dans la société de la connaissance?</b>  <b>Avis d'initiative - EESC 1211/2009 - July 2009</b>  <b>Rapporteur: Mr SANTILLÁN CABEZA (Work./ES)</b>  <b>DG REGIO – Mr SAMECKI</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>3.2 Information society/knowledge society</p> <p>3.2.5 Although proximity increases access by students living in rural areas, distance to universities (mostly located in urban areas) does not appear to be a major barrier to higher education. It may however, limit the range of course options.</p>	<p>This statement could be balanced by the observation that one important issue is the physical presence of a higher education institution and the effect it may have on labour markets and the attractiveness of a region.</p>
<p>3.4 Employment and geographical location</p> <p>3.4.1 At present 10% of the European road network suffers from congestion, especially major roads linking outlying regions, which are residential areas, and urban centres which provide jobs for their population. The cost of this each year amounts to 0.5% of GDP. To reduce this problem, the Commission could seek to promote working from home more, after consulting the social partners. In this way this element of flexicurity would be used to help territorial cohesion, because it would favour local businesses and would reduce the environmental cost.</p>	<p>The link between teleworking and flexicurity is not so obvious. However, teleworking may indeed be promoted as a tool to link rural areas and rural labour markets with urban ones.</p>
<p>3.4.3 The location of outlying areas, however, may confer some advantages in terms of housing and the quality of life. There is still great potential for development, particularly in the cohesion countries, for when income rises by 1%, households also increase their consumption of residential space by 0.7–0.8%, once the price effect is taken into account.</p> <p>3.4.4 Reference should be made to the phenomenon known as <i>urban sprawl</i>,</p>	<p>The implicit challenge raised by the <i>urban sprawl</i> phenomenon is underlined in the Opinion but it does not draw consequence of this observation which balances the preceding observation on the advantages of outlying areas. Recommendations could be addressed to this uncontrolled expansion of the built environment in areas which may be declining in terms of population and where green land should be preserved and where brownfields could be</p>

<p>which is particularly marked in countries/regions with a high population density a dynamic economy and/or which have benefited from the structural funds. Between 1990 and 2000 urban areas grew by a total of more than 8 000 km<sup>2</sup>, an area more than three times the size of Luxembourg. This has not been without consequences for biodiversity, among other things.</p>	<p>regenerated and reconverted to greenfields. Much has been done for brownfields regeneration, for rehabilitation of industrial sites and contaminated land under Cohesion Policy.</p>
<p>4. Urban networking helps expand ITC usage</p> <p>4.1 The Lisbon Treaty provides for a new aspect of economic and social cohesion, namely, territorial cohesion. A comprehensive vision of economic and social development can only succeed if complemented by a form of land-use planning - the main instrument supporting territorial cohesion - that takes account of the impact of Information and Communication Technologies.</p>	<p>Territorial cohesion should not be understood in a restricted manner as mainly dealing with land-use planning. Attention should be drawn to the importance of territorial cohesion as a specific objective of the new Lisbon Treaty. Although there is an on-going debate around the definition of "territorial cohesion", some commonly accepted key features have emerged following the Green Paper on territorial cohesion and its subsequent public consultation.</p> <p>Territorial cohesion is about turning territorial diversity into an asset. Its objectives includes enabling citizens and enterprises to benefit from and contribute to European integration and the functioning of the Single Market, wherever they happen to live or operate; promoting sustainable, harmonious and polycentric development; boosting positive and reducing negative externalities of concentration; and improving connections between regions and access to services.</p> <p>Territorial cohesion also encompasses certain approaches, e.g., functional and flexible geographies, focusing on multi-level functional zones; integrated and place-based strategies; local development methodologies, broad partnerships and multi-level governance; better coordination of Community, national and sectoral policies; joint actions through</p>

	cooperation across borders; and a better understanding analysis of territorial trends and impacts.
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<p><b>36. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on An EU Strategy for Youth – Investing and Empowering. A renewed open method of coordination to address youth challenges and opportunities</b>  <b>COM (2009) 200 final - EESC 1474/2009 - September 2009</b>  <b>Rapporteur: Mr SIBIAN (Var. Int./RO)</b>  <b>DG EAC – Mr SEFCOVIC</b></p>	
Main points of the EESC Opinion	Commission Position
1.5/1.14 Youth work and youth structures should be the main link in raising awareness and managing all the proposed fields of action in the EU youth strategy through a cross-sectoral approach.	Youth work is indeed a key element of the proposed new Youth Strategy. The Communication actually proposes that Youth work should be supported, recognised for its economic and social contribution and professionalised.
1.6 As learning can arise in different environments, non-formal learning complementing formal education should be further supported.	The Commission agrees with the opinion of the EESC. The Commission Communication indeed emphasises that non-formal education for young people should be supported to contribute to Lifelong Learning in Europe, by developing its quality, recognising its outcomes, and integrating it better with formal education.
1.7 Creating links between school, work, associations and voluntary activities should further be addressed at EU and national level.	Better cooperation between those active with youth in various settings is indeed a very important condition for an effective implementation of the proposed EU Youth Strategy.
1.8 Supporting entrepreneurial activities through funding mechanisms is challenging but necessary. Entrepreneurship must not be limited to its economic meaning but seen in a broader way.	The Communication indeed states that entrepreneurship education should be viewed as a means to promote economic growth and new jobs as well as a source of skills, civic participation, autonomy and self-esteem. The promotion of youth entrepreneurship via different means such as 'start up' funds, mentoring programmes or recognition of junior enterprises will

	also be encouraged.
1.9 Young people should become actors in society as their participation in all aspects of their lives is a precondition to policy development in the youth field.	Participation of young people in the society is one of the main fields of action of the proposed EU Youth Strategy.
1.10 A wide range of youth work systems, activities and good cooperation services needs to be put in place all over Europe to prevent marginalisation. All activities oriented towards youth at the risk of social exclusion should not approach them as passive receivers of social services but rather as active actors.	The proposed EU Youth Strategy emphasises that action in favour of youth should focus on young people with fewer opportunities with a view to their empowering.
1.1. 1.11 Recognising the skills obtained through volunteering activities is essential (including recognition in formal education). Accumulated non-formal skills and knowledge can be used both on the labour market as well as to improve participation in civil life.	The Commission agrees with the EESC on the importance of volunteering. The Commission Communication stresses the need to recognise volunteering and the skills which it contributes to develop as an important form of non-formal education.
1.12 Projects and activities should develop in young people a sense of global solidarity, awareness, responsibility towards the global community. To avoid the dangers along their route, young people must be able to hope for decent wages for their immediate future as a fruit of their work to come, thanks to the creation of conditions that encourage proper wage policies.	One of the objectives of the strategy is to mobilise the potential of young people in global policy making at all levels. As for transitions, they are a particularly difficult and potentially dangerous moments for young people. The Communication emphasises that Employment policy action in Member States and at EU level should facilitate transitions from school to work or inactivity or unemployment to work. Once in work, young people should be enabled to make upward transitions.

<p>1.13 The EESC regrets that the proposed Strategy does not specify concrete methods of implementation and ways to measure progress at European and Member State level. It is, however, expected that the OMC will remain the main tool. The EESC believes that it should be complemented by a renewed European Pact for Youth. The EESC calls also on the Social Partners and the European Commission to adopt an agreement to improve mobility and employment of young people.</p>	<p>It is not for a Communication of the Commission in a policy area governed by an open method of coordination such as the Youth field to present detailed implementation lines at Member States level. At European level, the European Commission proposed a detailed set of working tools (including specific proposals for dialogue with youth, peer-learning activities, working groups on possible indicators and studies to improve the evidence base). The proposal to associate social partners when relevant will be taken into by the European Commission.</p>
<p>1.15 The Commission should encourage the Member States to introduce measures increasing chances for employment and enabling young people to become independent, such as:</p> <p>1.2. - support during the initial training (financial aid, housing, counselling, transport, etc.),</p> <ul style="list-style-type: none"><li>- integration allowance for those seeking their first job,</li><li>- good quality apprenticeships and internships,</li><li>- conversion of internships into open-ended employment contracts.</li></ul>	<p>The Strategy invites Member States to develop short-term as well as structural measures in favour of youth employment. It also encourages the promotion of quality internships.</p> <p>The Commission intends to develop and disseminate knowledge about the good practices aiming at improving the financial autonomy of the young people in the Member States.</p>

<p>3.2.2 The EESC opinion asks for the setting up of a coordinating body within the European Commission and clear procedures for the overall coordination process to steer, manage, monitor and evaluate the implementation process both at European and at national levels involving relevant stakeholders (including youth organisations) and corresponding bodies that are in charge of fields of action (e.g. a different organisation within other European institutions including the Council of Europe) with the regular meeting of joint working parties, peer learning exercises and considering the renewed European Pact for Youth</p>	<p>While the creation of new structures should be avoided, the Commission finds extremely important to ensure effective monitoring and evaluation of the youth cooperation. The structured dialogue with young people should monitor the implementation of the Strategy and be a space for joint reflection on its priorities. It is also foreseen that the priorities of the youth cooperation will be regularly reviewed and that a general evaluation will be conducted at the end of the cooperation cycle.</p>
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<p><b>37. Livre vert relatif au personnel de santé en Europe COM (2008) 725 final – EESC 1208/2009 - July 2009 Rapporteur: Mr METZLER (Var. Int./DE) DG SANCO - Mrs VASSILIOU</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The Commission would like to thank the EESC for its thoughtful and constructive opinion. The Commission notes the comments and recommendations the Committee has expressed on the issues raised by the Green Paper and assures the EESC that the Commission will take them into account when appraising policy options following the public consultation on the Green Paper.</p>	
<p>1.2 The EESC feels that measures should be taken to make jobs in the health care sector more attractive to young people, so that later on, more of them take up jobs in the sector. If more men and more young people are encouraged to choose careers in healthcare etc; such employment must be made more attractive through better pay and working conditions.</p>	<p>The Commission agrees. These views are reflected by many responses to the consultation on the Green Paper on the EU workforce for health.</p> <p>The Commission is in the process of reviewing the adequacy of EU current legislation on equal pay in this respect in line with the 2007 Communication (COM(2007) 424), and it launched on 3<sup>rd</sup> March 2009 an information campaign in all EU countries to raise awareness on the gender pay gap. Several Member States have addressed the gender pay gap through specific initiatives, and, in addition, The European Institute for Gender Equality is in the process of being set up. Once up and running, the Institute will provide new technical assistance to the Community institutions and the Member States.</p>
<p>1.3 The Committee recommends that sufficient staffing capacity be created in health care systems to meet health care needs, boost health care, health promotion and disease prevention.</p>	<p>The Commission agrees. These views are reflected by many responses to the Green Paper. However, it is within the competence of the Member States to decide levels of staffing and public health capacity.</p>
<p>1.4 The Committee believes that the undesired emigration of healthcare personnel to other countries can be countered by higher pay and better working conditions and, where applicable, new</p>	<p>Agree. Responses to the consultation on the Green Paper consultation reflect these views. The Commission will look into the skills and competences needed for the future jobs in the health sector</p>

<p>responsibilities. New responsibilities require the appropriate qualifications. This would also enhance the attractiveness of the sector generally</p>	<p>in the follow up process to the Green Paper.</p> <p>However, defining the actual tasks and responsibilities of different groups of health professionals is within the competence of Member States.</p>
<p>1.5 The amount of data concerning healthcare workers in the EU, especially in relation to migration and mobility, must be significantly improved, as decisions are based on them.</p>	<p>The Commission agrees. The Commission will assess how data on migration and mobility could be improved within the follow up process to the Green Paper.</p> <p>In addition the Commission has commissioned research through the European Commission's 7<sup>th</sup> framework programme. One of these research projects is PROMETHEUS, led by the European Observatory on Health Systems and Health Policies. This 3 year project covers all Member States of the European Union and selected neighbourhood countries to provide missing data, an understanding of the drivers for movement, and insights into mobility's impact on health services and systems in countries importing and exporting staff. Another project is MoHProf. This three-year project aims to determine the impact of different types of mobility on national health systems. Migration flows to, from and within the EU will be analysed with regard to underlying motives, circumstances and social context (push-and-pull factors).</p>
<p>1.6 The use of new technologies in healthcare is to be encouraged where these reduce the workload of healthcare staff, improve the quality of care and support patients. The EESC is aware that this may lead to a re-examination of how the division of tasks among health care staff works in practice.</p>	<p>The Commission agrees. As mentioned above, the Commission will look into skills and competences needed for the future jobs in the health sector. Defining the actual tasks and responsibilities of different groups of health professionals is however within the competence of Member States.</p>

<p>1.7 The EESC underscores the key role of social standards in ensuring a high quality of patient care and patient safety, and is unequivocally opposed to any attempt to undermine these (no race to the bottom).</p>	<p>The Commission agrees. Implementation is within the competence of the Member States.</p>
<p>1.8 The EESC emphasises the key part the professions play in the healthcare sector, alongside hospitals and publicly-run health service, which form the central hub, Such professionals are highly qualified thanks to the efforts made by civil society in the Member States to support public education. EESC members, who represent civil society, are cautious about the Commission's wish to encourage healthcare workers to practice as self-employed persons... and is critical of the trend towards ...apparent self-employment.</p>	<p>Rejection of certain parts of this recommendation. According to the political guidelines for the next Commission, jobs in the health and care sector have a big growth potential. The Commission also supports the growth of small and medium sized businesses, because they can contribute to wealth creation. Ultimately, the responsibility lies in the competence of Member States. However, there was no intention to imply in the Green Paper that the Commission encourages the withdrawal of conditions of service pertinent to employed status.</p>
<p>1.9 The EESC is concerned at the discussion about a new division of tasks in healthcare with the aim of replacing treatment by qualified staff with cheaper alternatives. The EESC takes the view that structural considerations regarding the division of tasks among the healthcare professions should be focused on clinical need, skill levels and the needs of patients.</p>	<p>Rejection of certain parts of this recommendation.</p> <p>The development and introduction of extended roles and skill mix is, of course, within the competence of Member States. However, these developments are not necessarily about "replacing treatment by qualified staff with cheaper alternatives" but are often concerned with developing skills of a wide range of staff, thus ensuring best use is made of resources in providing good quality health care.</p>

<p>1.10 The EESC is of the firm belief that healthcare institutions and their staff provide services of general interest and that more use should therefore be made of the Structural Funds for their training. The EESC stresses that it is vital to ensure conditions which can enable healthcare professionals to participate in continuous training programmes, thereby ensuring they can extend the breadth and depth of their skills, and also helping to remedy the under-provision of healthcare in structurally weak regions.</p>	<p>The Commission agrees. Work is being undertaken within the Commission to ensure that stakeholders in Member States fully understand how to apply for structural funds and what they can be used for.</p> <p>The responses to the public consultation on the Green Paper overwhelmingly endorsed the importance of continuing professional development.</p>
<p>1.11 The EESC stresses the outstanding role the social partners and social dialogue play in determining pay, working conditions and skills for healthcare workers. The EESC regrets the failure of the Green Paper to refer to this process.</p>	<p>This suggestion will be taken into account in the follow-up process of the Green Paper. The political guidelines published by Commission President Barroso have stressed the importance to economic recovery of the creation of so-called "white jobs" and this has resulted in greater synergy, and close working, between DG Health and Consumers and DG Employment.</p>
<p>1.12 The EESC considers that social professions play a key role in patient welfare and care and thus have a significant role in healthcare.</p>	<p>The Commission agrees. The Green Paper has highlighted the increasingly broad definition of what constitutes the health workforce and that in many parts of the EU there is a blurring of distinctions between health and social care in defining what comprises the workforce for health.</p>
<p>The EESC calls for national statistics to be comparable across Europe (...). The Committee suggests that corresponding statistics be compiled on health professions in Europe and on migration between states. With regard to the idea proposed in the Green Paper of setting up an observatory on the development of the health workforce, the question arises as to whether this is really necessary and/or whether existing bodies, such as Eurostat or the Dublin Foundation, could be used to achieve the same objectives</p>	<p>The Commission agrees. The opportunity of setting up an observatory on the development of the health workforce will be assessed in the follow-up process to the Green Paper.</p>

<p><b>38. Proposal for a Directive on consumer rights COM (2008) 614 final – EESC 1190/2009 - July 2009 Rapporteur: Mr HERNÁNDEZ BATALLER (Var. Int./ES) Co-rapporteur: Mr MULEWICZ (Empl./PL) DG SANCO - Mrs KUNEVA</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>EESC rejects the principle of full harmonisation on a broad scale. In the EESC's opinion the example of Directive 2005/29/EC on Unfair Commercial Practices shows that full harmonisation is a regulatory option detrimental to consumers' rights in clear breach of Article 153 of the Treaty<sup>18</sup>.</p>	<p>The Commission does not share the EESC's negative assessment of the need for and the consequences of full harmonisation. Full harmonisation will contribute to unlocking the retail internal market. Consumers will benefit from more competitive cross-border offers since traders will be more willing to sell cross-boarder.</p> <p>The Commission does not share the EESC's negative assessment of the impact of Directive 2005/29/EC on Unfair Commercial Practices on national levels of consumer protection. In the Commission's opinion the directive has significantly increased the level of consumer protection from unfair commercial practices.</p>
<p>In the opinion of EESC the scope of the Proposal should be limited to fully harmonised provisions on distance and off-premises sales. It should also contain a set of common definitions.</p>	<p>The scope of the fully harmonised provision is the result of a long process of public consultation and impact assessment.</p>
<p>The proposed rules on unfair terms and consumer sales contracts are not suitable for full harmonization and should be removed from the proposal.</p>	<p>Harmonising the rules on unfair terms and consumer sales contracts is key to reduce legal fragmentation and thus complete the internal market.</p>
<p>EESC regrets the proposal is not ambitious enough and fails to regulate a number of issues such as after-sales services, spare parts and the direct liability of the producer and the distribution networks;</p> <p>EESC regrets that the proposal leaves for the Member States to regulate consequences of the breach of the</p>	<p>The Proposal aims at creating a real internal market for consumers; it touches, therefore, only upon areas which create real obstacles for consumers and business – areas where the legal fragmentation is really problematic. In the Impact Assessment preceding the proposal, the issues relating to information requirements, distance- and off-premises</p>

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As demonstrated in the ECJ ruling of 23 April 2009 (Joined Cases C-261/07 and C-299/07).

<p>proposed rules. In particular, EESC is concerned with the lack of harmonised rules on the effects of withdrawal.</p> <p>EESC regrets that the Commission proposal revises four existing directives only. In its opinion this is a missed opportunity to consolidate and streamline European consumer acquis as envisaged in the European Contract Law project and the CFR;</p>	<p>sales, and remedies for faulty goods, delivery and unfair contract terms were identified as key issues for cross-border trade. Other issues, where the cross-border potential is limited were left out of the proposal (e.g. the trader's liability for faulty services or the direct producer's liability for faulty goods).</p> <p>The Commission believes the proposal sufficiently protects consumers in relation to after-sales services and spare parts.</p> <p>The work carried out in the context of the European Contract Law project (i.e. the draft academic Common Frame of Reference) has constituted an important source of inspiration for the proposal. The preliminary findings of the researchers have been taken into consideration by the Commission when preparing the Proposal. However, the Commission has followed the specific solutions suggested by the CFR only insofar as those were confirmed by the public consultation and the Impact Assessment Process.</p>
<p>In the EESC's view consumers should not be considered exclusively as rational market players, aware and well-informed, which take decisions purely on the basis of competition. Consumer protection rules should not be limited to providing consumers with more and better information.</p>	<p>The Commission fully shares the EESC's opinion that even perfectly competitive markets do not always deliver for consumers. There is a need to change the culture of regulation to focus efforts on the evidence of market outcomes rather than legal inputs.</p> <p>The Commission is firm on combating a range of consumers' problems not directly associated</p>
	<p>with information e.g. the legal uncertainty, poor cross-border enforcement, deliberately complex pricing, billing or switching in areas such as energy and financial services. The Commission recognises the need to reinforce some missing links in the marketplace such as a better level of consumer protection and the right to effective redress.</p>
<p>EESC acknowledges that opinions within the civil society vary considerably in relation to the proposal.</p>	<p>The Commission is convinced that the Proposal provides for the right balance between consumers' and traders' legitimate</p>

<p>Business supports the proposal because it will open up the internal market. Consumer organisations consider that the proposal negatively affects existing consumer rights and introduces an unacceptable reduction in the level of consumer protection.</p>	<p>interests. At the same time, the Commission recognises that at least some consumer organisations are unhappy with the proposal. Therefore, the Commission will better explain and specify the real impact of the proposal on national legislation (i.e. the Commission has published a detailed working document, which illustrates the impact of the most relevant issues addressed in the Proposal on the existing levels of consumer protection across the EU as well as addresses the major outstanding issues raised so far in the legislative process).</p> <p>The Commission is ready to do more to improve the proposal and to reinforce certain consumer rights. However, the Commission is not ready to compromise on the principle of having a single set of rules which would apply to all businesses and all European consumers, from the shop across the street to online retailers.</p>
<p>EESC doubts the proposal, in a form of a directive (as opposed to a regulation), will achieve the aim of full harmonisation. In particular as a number of essential elements are left for national law.</p>	<p>In the Commission's view only a Directive allows a smooth implementation of the Community law into the existing national contract laws or consumer codes. It would give the Member States the necessary margin of appreciation to maintain national legal concepts and basic principles of national contract law which comply with the objectives of the proposal. Unlike a Regulation, the implementation of a Directive allows Member States to maintain a single and coherent set of law at national level.</p>
<p>EESC supports the inclusion of "common" definitions in the proposal. However it is uncertain about the exact meaning of the various definitions and their fully harmonised character – in particular whether the Member States will be free to extend the scope of the proposal.</p>	<p>The proposal streamlines and tightens up a number of definitions - in particular the notion of trader and consumer which define the scope of the proposal.</p> <p>Member States will maintain the possibility to freely regulate areas outside the scope of the proposal (e.g. contracts between traders and NGOs) as well as to extend the protection offered by the proposal (e.g. to SMEs).</p>

<p>EESC recognises the need to improve/rationalise the range of exceptions from the right of withdrawal. In particular, it supports a considerable increase in the threshold applicable to contracts concluded in off-premises situations.</p>	<p>The Commission has examined in detail the existing exemptions from the right to withdrawal in the Impact Assessment preceding the proposal.</p> <p>In particular, the Commission has concluded that the withdrawal right should not be limited by a monetary threshold.</p> <p>The lack of a threshold increases the level of consumer protection and removes the source of legal fragmentation. The legitimate interests of sellers of low value goods are safeguarded by a provision in the proposal which makes the consumer liable for any diminished value of these goods as a result of the consumer having used the goods during the cooling-off period.</p>
<p>EESC considers the proposed rules on unfair terms will have a detrimental impact on the general contract law of Member States and that those rules will decrease the level of consumer protection.</p> <p>EESC proposes to replace those rules by a mandatory database of terms declared unfair by the national authorities.</p>	<p>The Commission considers that the proposed rules on unfair terms, in particular the introduction of pan-European black and grey lists, will not only increase consumer confidence but will provide businesses will more predictable rules. A consumer will be sure that a standard contract offered by a trader in any European country does not contain at least the most unfair clauses. Furthermore, it will be easier for consumers to verify whether a standard contract provides at least a minimum level of protection.</p> <p>The system proposed by EESC would not remove the legal fragmentation. Traders would continue to be bound by 27 different national sets of rules applicable to standard terms and conditions.</p>
<p>EESC considers that the proposal sets up an inflexible deadline for delivery of goods which does not correspond to the reality of face-to-face transactions.</p>	<p>The proposal provides for a default deadline for delivery – i.e. the parties to a contract can agree on a shorter or longer deadline in order to adjust to the circumstances.</p>

<p><b>40. Proposal for a Directive of the European Parliament and of the Council laying down minimum standards for the reception of asylum seekers</b>  <b>COM(2008) 815 final – EESC 12096/2009 - July 2009</b>  <b>Rapporteur: Ms LE NOUAIL-MARLIÈRE (Work./FR)</b>  <b>DG JLS - Mr BARROT</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>The recast proposal should promote "common standards" instead of "minimum standards".</p>	<p>The recast proposal uses the same legal basis as the current act, namely point 1(b) of the first subparagraph of Article 63 of the EC Treaty, which provides for the adoption of "minimum standards" on reception conditions for asylum applicants. Moreover, in view of the fact that the proposed legal instrument is a Directive, Member States must retain a certain degree of flexibility in establishing reception policies at national level.</p>
<p>General comment: The recast proposal should ensure that Member States consider subsidiary protection status only in the case where the applicant cannot be granted refugee status.</p> <p>4.1 Member States should be obliged to inform the members of the families of asylum seekers of their right to submit independent applications</p>	<p>The procedures for examining applications for international protection in Member States are outside the scope of this Directive.</p>
<p>4.2.1.1 &amp; 4.2.1.2 Disagree with the proposed grounds of detention. Applicants should only be detained: i) "<u>if an application is lodged after an expulsion order has been issued or</u> ii) as part of a procedure to determine the person's right to enter the country, <i>in case of placement in a detention centre or awaiting area</i>".</p>	<p>The grounds provided in the recast proposal (based on the Recommendation of the Committee of Ministers of the Council of Europe "on measures of detention of asylum seekers" and UNHCR's Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers) could extensively reduce the application of detention of asylum applicants, in particular, if they are considered in connection with other proposed procedural guarantees such as access to a judicial review and access to legal assistance.</p> <p>Concerning ground (i), although the Commission is aware of the need to deter applications made merely in order to frustrate a removal decision, a stricter formulation would be required, in order to ensure that detention in those cases is not applied systematically. The</p>

	added value of the reference to "detention centre or awaiting area" in ground (ii) is unclear.
4.2.1.3 Detention should be reviewed ex officio and on request of the asylum applicant, wherever circumstances arise or new information becomes available that affects the lawfulness of detention	It is essential to ensure that the applicant has the right to initiate a review of his/her detention, even in cases where such review is not requested by the judicial authorities. Moreover, the proposed conditions (circumstances/new information) could be taken into consideration in the framework of negotiations with the Council and the European Parliament.
4.2.2 A written consent should be required in cases where a detained asylum applicant wishes to be kept in a detention facility with other third-country nationals (non-applicants).	Such a requirement could result to a complex exercise. It should also be noted that in all cases of detention an applicant has the right to initiate a review challenging, <i>inter alia</i> , the conditions of the detention facility.
4.2.3.1 Information should be provided in a language the applicant acknowledges understanding, where necessary with the assistance of a sworn interpreter or legal translation.	It is essential to ensure that applicants are able to fully understand their rights and obligations under the Directive. However a certain level of discretion should also be granted to Member States to assess, on an individual basis, which language the applicant probably understands taking into consideration all the available information.
Access to education for minors should not be postponed for more than two months (instead of three).	Taking into consideration the educational challenges often faced by minors from different cultural/linguistic backgrounds, the Commission has opted to propose the introduction of preparatory classes in order to ensure minors' full integration into the national schooling system. In this context, a maximum three months waiting period appears justified.
4.3.2 Member States should ensure real access to the labour market	This proposed amendment could be considered in the framework of negotiations with the Council and the European Parliament.
4.3.3 Member States shall allow and organise vocational training	This proposed amendment is considered inadmissible, since it refers to a provision that has neither been amended by the Commission nor is it linked to another amendment in the Commission proposal.

<p>4.5.1 It would be too harsh to allow the reduction/withdrawal of reception conditions in cases where an application has already been lodged in the same Member State.</p>	<p>The current Directive does not permit the reduction/withdrawal of reception conditions in all cases of subsequent applications. Such decisions must be taken individually, objectively and impartially and must be substantiated. Moreover, the proposal states that in all such cases, asylum seekers must have access to essential treatment of illness or mental disorder, and their subsistence must be ensured. Additionally, the proposal grants applicants the right to lodge an appeal against such decisions which includes access to free legal assistance. It should also be added that the proposal already limits, to a great extent, the grounds for withdrawing/reducing reception conditions; however considerations should also be given to the need to ensure that the reception system is not abused.</p>
<p>4.7.1 Victims of torture and persons who suffer from psychical and mental health problems should be cared for in an appropriate hospital environment.</p>	<p>It does not appear necessary to ensure in all cases the hospitalisation of these categories of applicants. The reference in the proposed Directive to appropriate treatment and access to specific health facilities (such as access to rehabilitation services) for persons with special needs would include hospitalisation facilities when needed.</p>
<p>4.7.2 General and specialised medical staff must have access to reception and detention centres. Applicants for international protection must be able to benefit from diagnostic and specific care provided by qualified/certified professionals.</p>	<p>The proposal already ensures access to healthcare irrespective of where asylum applicants are accommodated. The meaning of "necessary" health care and "treatment" stated in the proposal naturally includes a diagnosis of the applicant's situation as well as access to the health care in accordance with the applicant's specific needs. Reference to a qualified/certified professional seems unnecessary considering the fact that the minimum training requirements for <i>inter alia</i> medical staff have already been harmonised at EU level by Directive 2005/86/EC on the recognition of professional qualifications.</p>
<p>4.7.3 All appeals under Article 25 (granting/withdrawing/reducing reception benefits) must have suspensive effect</p>	<p>The proposed amendment is outside the scope of the Directive, since the appeals concern the reception conditions, not the right to stay on the territory of the Member States. The amendment proposed is more relevant in the context of the Asylum Procedures Directive.</p>

<p><b>41. Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person COM(2008) 820 final – EESC 1210/2009 - July 2009 Rapporteur: Ms LE NOUAIL-MARLIÈRE (Work./FR) DG JLS - Mr BARROT</b></p>	
<p><b>Main points of the EESC Opinion</b></p>	<p><b>Commission Position</b></p>
<p>Proposal does not revisit the principles for allocating responsibility for examining an application for asylum and Commission does not give a timetable for such a revision.</p>	<p>As announced in the Policy Plan on Asylum, the Commission considers that the underlying principles of the Dublin system are worth upholding and that, in the long term, the higher common standards of protection resulting from the completion of the CEAS will eliminate most of the concerns regarding the operation of the current system. The Commission also stated that it is committed to evaluating the application of the Dublin Regulation at regular intervals and, once the second phase of the CEAS is in place, of the principles on which it is based.</p>
<p>4.1.1 State in recitals that joint treatment of requests from members of a single family should also secure family reunification for people seeking international protection.</p>	<p>Recital 12 reflects the content of Article 12 which only concerns the situation when family members are already together in the same Member States. In this respect, Member States shall prevent their separation. There are other provisions of the proposal meant to secure family reunification, such as Articles 9, 10 and 11 with corresponding recitals 11 and 13.</p>
<p>4.1.3 &amp; 4.3.9 State in recitals and in the main text that appeals against transfers should be systematically considered to have suspensive effect.</p>	<p>The Commission considers that the proposed Article 26 adequately responds to the legitimate objective of having a balanced procedure in terms of efficiency of the system and protection of the persons concerned. Such procedure also takes into consideration the fact that Dublin transfers do not concern transfers outside the States participating to Dublin.</p>

<p>4.1.4 (i) The "exceptional circumstances" under which asylum seekers should be kept in detention are not clearly defined in the recitals.</p> <p>(ii) It should be stated that detention of asylum seekers could occur only if their request is made after they have been notified that a removal order has been served.</p>	<p>(i) Recital 18 of the Commission proposal refers to the exceptional circumstances and guarantees in relation to detention prescribed in the proposal amending the Reception Conditions Directive which apply to all asylum seekers, including therefore to those subject to a Dublin procedure.</p> <p>(ii) The suggested modification does not seem relevant in the context of the Dublin procedure. The general grounds on detention are regulated in the proposal amending the Reception Conditions Directive and the Dublin Regulation only refers to the specific case which could arise during the Dublin procedure, namely the risk of absconding. In order to ensure that detention of asylum seekers under the Dublin procedure is not arbitrary, the proposal lays down strict limitations and safeguards.</p>
<p>4.2.1 The need to have a definition of the "risk of absconding" is questioned and it is necessary to restrict the number of "objective criteria defined by law". Moreover it should be stated that these grounds are decided by a competent court of law.</p>	<p>The definition of "risk of absconding" was considered necessary in order to clearly identify the circumstances under which detention of Dublin cases could occur. In addition, this definition is already part of the EU acquis (Return Directive). However, the Commission will consider the proposed suggestion in relation with the outcome of the negotiations on the issue of detention in general.</p> <p>Regarding the suggestion to state that the grounds are decided by a competent court, Article 27(6) already specifies that any decision to detain shall be ordered or confirmed by judicial authorities, in writing, with reasons in fact and in law, specifying the reasons on the basis of which it is considered that there is a significant risk of the person concerned absconding.</p>

<p>4.3.1 Applicants should be informed of the right (and not the possibility) to challenge a transfer decision and be given access to information on the means of doing it (Article 4(1)(e)).</p>	<p>The information referred to in Article 4 is generic information that shall be provided to everyone at the beginning of the procedure. However, when a person is notified with a transfer decision, Article 25(2) states that such decision shall inter alia include information on available legal remedies, as well as on legal assistance. The Commission does not deem it necessary to provide such information at an earlier stage of the procedure.</p>
<p>4.3.2 &amp; 4.3.8 The provision of information and the notification of the transfer decisions, shall be done in a language the person concerned acknowledges understanding.</p>	<p>It is essential to ensure that applicants are able to fully understand their rights and obligations under the Regulation. However a certain level of discretion should also be granted to Member States to assess, on an individual basis, which language the applicant understands taking into consideration all the available information.</p>
<p>4.3.5 It should be stated that the desire of the dependent relatives (Article 11) to be kept/reunited in the same Member State can be expressed in any form that enables the authorities to register it (and not just in writing since is considered too restrictive).</p>	<p>The condition according to which the consent of the persons concerned must be obtained in writing is applicable also for other criteria related to family reunification (Articles 9 and 10) and aims to ensure legal certainty. However, given the particular situation of dependent relatives, certain flexibility could be shown in their respect. The adoption of specific rules in this respect could take place in comitology, as foreseen in Article 11(2).</p>
<p>4.3.6 Article 17(2) para 3 should specify that in the absence of a response within a time limit of two months, the requested Member State should become responsible for examining the application.</p>	<p>The Commission believes that Member States shall be given certain flexibility in applying Article 17(2) which is a discretionary provision meant to respond to diverse situations which cannot be covered by the specific binding provisions.</p>

<p><b>42. Communication de la Commission au Conseil, au Parlement européen, et au Comité économique et social européen: Vers une stratégie européenne en matière d'e-Justice</b>  <b>COM (2008) 329 final – CESE 1455/2009 - Septembre 2009</b>  <b>Rapporteur: M. PEGADO LIZ (Act. Div./PT)</b>  <b>DG JLS - M. BARROT</b></p>	
<p><b>Points de l'avis du CESE estimés essentiels</b></p>	<p><b>Position de la Commission</b></p>
<p>Commentaire général.</p>	<p>La réponse de la Commission à l'avis du CESE ne peut plus intervenir en temps utile</p>

	<p>car cet avis a été rendu plus d'une année après l'adoption de sa communication par la Commission, 9 mois après l'adoption de son plan d'action en matière de justice en ligne par le Conseil (doc. 15315/08 – JURINFO 71, du 28 novembre 2008) et également 9 mois après l'adoption, par le Parlement européen d'une résolution en la matière (Rapporteuse Diana Wallis – 2008/2125 (INI) du 18 décembre 2008).</p> <p>À ce stade, le Conseil, la Commission et les États membres travaillent ensemble sur la concrétisation matérielle du plan d'action précité, notamment sur la mise en œuvre de la feuille de route annexée au Plan d'Action dont le portail européen justice en ligne s'avère le projet clé.</p> <p>Toutefois dans le tableau ci-dessus (et à titre d'information) un résumé est fait des points essentiels de l'avis du CESE, expliquant brièvement comment les travaux en cours donnent déjà suite aux préoccupations exprimées par celui-ci.</p>
<p>1.4 Conclusions et recommandations:</p> <p>"(...) délimitation mieux adaptée du domaine propre et spécifique de l'e-Justice dans le cadre d'autres applications des nouvelles technologies de l'information à différents aspects de la citoyenneté et de l'administration publique en général."</p>	<p>Dans le plan d'action du Conseil et dans les travaux en cours cette délimitation est prise en compte et valorisée dans les projets prioritaires.</p>
<p>1.5 Conclusions et recommandations:</p> <p>"(...) toute initiative dans ce domaine n'affecte les droits fondamentaux des citoyens européens, en particulier sur le plan de la protection des données aux États européens."</p>	<p>Le respect des droits fondamentaux est au cœur des préoccupations des projets en cours, notamment le respect de la vie privée et de la protection des données des personnes physiques dans le cadre du droit européen et du droit des États membres.</p>
<p>1.8 Conclusions et recommandations:</p> <p>"(...) la perspective de la citoyenneté dans l'application de la justice, de sorte que ce soient les TIC qui servent la justice et non l'inverse."</p>	<p>Les TIC sont un outil au service de l'application effective de la justice et de l'accès plus aisé des citoyens à la justice. Le projet européen de la justice en ligne ne vise qu'à concrétiser ce principe de façon efficace et effective. La création d'un portail européen de justice en ligne est la</p>

	matérialisation du respect de ce principe.
<p>1.9 Conclusions et recommandations:</p> <p>"(...) prudence accrue en ce qui concerne l'introduction de mécanismes de dématérialisation des procédures judiciaires, de façon à toujours garantir les exigences de forme et de durabilité des supports utilisés, qui sont les garantes de la certitude et de la sécurité juridiques."</p>	<p>La certitude et la sécurité juridique est un point essentiel de toute la stratégie européenne de la justice en ligne. Le plan d'action identifie les actions à prendre à court, moyen et long terme dans ce domaine.</p>
<p>4.4.1 Observations générales</p> <p>"(...) tout programme d'application des technologies de l'information satisfasse à la fois les besoins des citoyens européens en général, des opérateurs économiques et sociaux en particulier, ainsi que ceux des praticiens du droit, un tel programme ne pouvant aller à leur encontre."</p>	<p>Le plan d'action en matière de justice en ligne prend en compte ces dimensions.</p>
<p>4.4.2 Observations générales</p> <p>"(...) garantir que tout système introduit ou mis en œuvre ne permette pas d'éventuelles interventions de la part de tiers, que ce soit par fraude ou par simple négligence, susceptibles de remettre en cause la sécurité</p>	<p>La sécurité juridique est un point clé de toutes les actions/projets en matière de justice en ligne.</p>
<p>ou la fiabilité de son utilisation, ou la possibilité de modifier, en tout ou en partie, ses dossiers et leur contenu respectif."</p>	
<p>5.2.2 Observations spécifiques</p> <p><b>Portail e-Justice</b> – <i>"(...) garantir la fiabilité et l'authenticité des informations qui y seront contenues, de même qu'il est souhaitable qu'il compte différents niveaux d'accès et droits d'accès selon le type d'information en cause, afin de protéger les intéressés"</i></p>	<p>A moyen terme, le portail e-justice comportera différents niveaux d'accès et droits d'accès. Dans sa première mouture le portail ne contiendra que des informations qui sont accessibles à tous.</p>

<p>5.3 Observations spécifiques</p> <p><b>Vidéoconférence</b> – "(...) convient de procéder à un audit rigoureux de tous les tribunaux des États membres, de manière à vérifier s'ils disposent ou non du matériel audiovisuel susceptible de généraliser l'utilisation de cette technique. En effet, à l'heure actuelle, il n'est pas certain que tous les États membres aient doté leurs tribunaux du matériel nécessaire pour la vidéoconférence, ni que leurs systèmes soient compatibles, ni même qu'ils fonctionnent correctement"</p>	<p>Des efforts ont été consacrés à la vidéoconférence (dépliant et manuel sur l'utilisation de la vidéoconférence au niveau européen), notamment lors de la Présidence Tchèque du Conseil. Ces résultats seront visibles dans le portail e-justice. Le recensement des ressources disponibles dans les tribunaux européens est en cours. Le réseau judiciaire civil diffusera fin 2009 ou début 2010 un guide pratique adressé aux juges sur l'usage de la vidéoconférence dans le cadre du règlement obtentions des preuves.</p>
<p>5.4 Observations spécifiques</p> <p><b>Coopération entre autorités judiciaires et l'interconnexion des casiers judiciaires</b> – "(...) le CESE entend que cette coopération, vu le caractère sensible de la matière, doit obéir aux exigences les plus rigoureuses de sécurité et de protection des données, de façon à garantir le respect de la vie privée des citoyens concernés."</p>	<p>L'interconnexion des casiers judiciaires obéira aux exigences plus rigoureuses de sécurité et de protection des données. La Commission, le Conseil et les États membres ont cette question au cœur de leurs préoccupations dans le développement actuel du projet casiers judiciaires.</p>
<p>5.5 Observations spécifiques</p> <p><b>Aide à la traduction:</b> le portail e-Justice doit être multilingue, les informations devant être disponibles dans toutes les langues de l'UE. Un système de traduction automatique devra pour être utile permettre la traduction et l'interprétation en temps réel de la page web, de façon à ce qu'elle soit accessible aux citoyens de l'UE</p>	<p>Le portail e-Justice sera multilingue (les informations étant fournies dans toutes les 22 langues) et les systèmes de traduction automatique sont un des projets prioritaires à moyen terme de la stratégie européenne en matière de justice en ligne.</p>

<p><b>4 Proposition de directive du Conseil concernant l'assistance mutuelle en matière</b>  <b>3. de recouvrement des créances relatives aux taxes, impôts, droits et autres mesures et proposition de directive relative à la coopération administrative dans le domaine fiscal</b>  <b>COM (2009) 28 final - COM( 2009) 29 final – CESE 1212/2009 – Juillet</b>  <b>Rapporteur: M. SANTILLAN CABEZA (Trav./ES)</b>  <b>DG TAXUD - M. KOVACS</b></p>	
<p><b>Points de l'avis du CESE estimés essentiels</b></p>	<p><b>Position de la Commission</b></p>
<p>Le CESE accueille favorablement les</p>	<p>La Commission remercie le CESE pour son</p>

<p>propositions de directives sur l'assistance en matière de recouvrement des créances fiscales et sur la coopération administrative dans le domaine fiscal car elles répondent à une nécessité impérieuse. Le CESE souligne en particulier que la création d'une culture administrative communautaire est un élément essentiel pour lutter contre la fraude et se félicite de l'établissement de formulaires types et de formats informatiques standards qui faciliteront sensiblement les démarches et simplifieront le régime linguistique. Il considère aussi que les propositions sont pleinement conformes au principe de souveraineté des Etats membres.</p>	<p>soutien à ses propositions.</p>
<p>Mise en pratique du nouveau système: le CESE souligne que le délai limite pour la transposition semble difficilement réalisable</p>	<p>La Commission remarque que cet avis sera pris en compte dans le cadre des négociations au Conseil dans la mesure où le délai, initialement fixé au 1.1.2010, sera repoussé.</p>

<p><b>45. Intégration régionale pour le développement des pays ACP COM (2008) 604 final – CESE 1214/2009 - Juillet 2009 Rapporteurs: MM. DANTIN(Trav./FR) et JAHIER (Acty. Div./IT) DG DEV- M. DE GUCHT</b></p>	
<p><b>Points de l'avis du CESE estimés essentiels</b></p>	<p><b>Position de la Commission</b></p>
<p>1.2. Ce faisant il accueille favorablement les analyses et les orientations contenues dans la Communication sous examen et souhaite, qu'au-delà, l'intégration régionale soit l'un des aspects structurant de la révision 2010 de l'Accord de Cotonou.</p>	<p>La Commission se félicite de la large convergence de vue exprimée par l'avis du CESE et indique que l'intégration régionale constitue bien l'un des axes majeurs de la révision en cours de l'Accord de Cotonou.</p>
<p>1.3. Cependant le CESE regrette que la Communication ne se livre pas à un examen des difficultés rencontrées jusqu'alors et qu'elle n'affirme pas plus clairement les priorités de mise en œuvre.</p>	<p>La Communication vise avant tout à définir des orientations d'ensemble. Elle est accompagnée d'un Document de Travail des Services de la Commission (SEC(2008)2539) qui examine les divers aspects de l'intégration régionale dans les pays ACP. Les priorités de mise en œuvre sont quant à elles définies de façon détaillée avec chaque région dans le cadre des Documents de Stratégie Régionaux (DSR).</p>

<p>1.5. La paix et la sécurité doivent être une des priorités de l'UE.</p>	<p>Comme l'indique les DSR et les Programmes Indicatifs Régionaux (PIR), la paix et la sécurité sont bien une priorité du soutien à l'intégration régionale: plus de 200 millions d'euros y sont consacrés par les seuls PIR. D'autres actions d'envergure sont menées dans le cadre de la Facilité de soutien à la Paix (300 millions d'euros pour 2008-2010).</p>
<p>1.7. (...) le Comité s'étonne qu'à aucun endroit de la communication la corruption ne soit évoquée (...)</p>	<p>La Commission est naturellement en plein accord avec le CESE concernant la nécessité de gérer efficacement et de manière transparente les ressources allouées au soutien à l'intégration régionale - comme à l'ensemble des fonds que gère la Commission. La gouvernance fait l'objet d'un dialogue permanent avec nos partenaires ACP, au niveau régional comme au niveau national, et conditionne l'allocation de la "tranche incitative" du 10<sup>ème</sup> FED. Par ailleurs, la Commission souligne que des règles économiques régionales telles que prévues dans les APE (par exemple en matière de marchés publics – cf. l'accord Cariforum-CE), ont précisément pour objectif d'améliorer la gouvernance.</p>
<p>6.2. Le Comité demande à la Commission de promouvoir et/ou d'appuyer des coopérations régionales impliquant les régions ultrapériphériques de l'Union avec les États ou régions ACP intégrés qui constituent leur environnement géographique.</p>	<p>De telles coopérations sont éminemment souhaitables et, du reste, explicitement prévues tant par l'Accord de Cotonou que par les instruments européens de soutien aux régions ultrapériphériques.</p>
<p>6.3. Les APE et l'intégration régionale</p>	<p>La Commission ainsi que l'ensemble des États ACP concernés considèrent la situation actuelle, effectivement insatisfaisante du point de vue de l'intégration régionale, comme transitoire. Elle se félicite du soutien du CESE dans la poursuite des négociations en vue d'APE régionaux équilibrés, vecteurs de développement économique et catalyseurs de l'intégration régionale.</p>

<p><b>46. The EU, Africa and China – Towards trilateral dialogue and cooperation COM (2008) 654 - EESC 1478/2009 - September 2009 Rapporteur: Mr JAHIER (Var. Int./IT) DG DEV – Mr de GUCHT</b></p>	
Main points of the EESC Opinion	Commission Position
<p>EU/Africa/China trilateral co-operation.</p>	<p>The Commission welcomes the EESC's thorough examination of its Communication and the welcome given to the proposed trilateral cooperation between the EU, China and Africa. The Commission also appreciates EESC's practical suggestions of ways to advance this approach. In particular, EESC recommend addressing not only support for the Capacity Building of APSA and for AU peace-keeping missions, as suggested in the Communication, but also a number of APSA policies notably the fight against the illicit trafficking of arms, with a focus on rules governing arms supply and border control training. Regarding agriculture, EESC rightly stress the importance of involving small farmers' organisations in rural development actions.</p>
<p>Involvement of non-state actors.</p>	<p>Regarding the involvement of non-state actors, it is worth pointing out that the Commission sought and Civil Society Organisations provided important input for the preparation of the Communication. However, the Chinese approach is to work almost exclusively with governments, whereas the EU approach is built on consultation with all stakeholders. The Commission is still in favour of trilateral cooperation with China and Africa, and will bring its policies and approaches, including on the involvement of non-state actors, to bear in discussions to this end. Concerning the involvement of non-state actors in the proposed China-Africa-EU dialogue, which the Commission is still seeking to initiate, a realistic approach is to establish the dialogue on a governmental basis, and later examine how this can be widened.</p>

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

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| <p><b>1. Procédure de réglementation avec contrôle, 5<sup>e</sup> partie.<br/>COM (2009) 142 – CESE 1193/2009 - Juillet 2009<br/>Rapporteur: M. RETUREAU (Trav./FR)<br/>SG – M. BARROSO / M<sup>me</sup> WALLSTRÖM</b></p> |
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La Commission estime qu'il n'y a pas de suite à donner à cet avis.

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| <p><b>28. Livre vert sur la gestion des biodéchets dans l'Union européenne<br/>COM(2008) 811 final - CESE 1465/2009 – Septembre 2009<br/>Rapporteur: M. BUFFETAUT (Empl./FR)<br/>DG ENV – M. DIMAS</b></p> |
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La Commission estime qu'il n'y a pas de suite à donner à cet avis.

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