

THE COMMISSION'S FOLLOW-UP TO OPINIONS OF THE
ECONOMIC AND SOCIAL COMMITTEE
DELIVERED IN THE FOURTH QUARTER OF 2003

(October to December 2003)

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| 1. Green Paper on services of general interest COM (2003) 270 final – EESC 1607/2003 - December 2003 SG – President PRODI | |
| Main points of the EESC Opinion | Commission Position |
| <p>4.1.3 The responsibilities of the European Union, the Member States and sub-national bodies should be clarified.</p> <p>Other important points : 4.2.1; 4.3.1; 4.4.1; 4.6; 4.7.1; 4.8.2; 4.9.1.</p> | <p>The Commission has present its follow-up on the consultation on the Green Paper, including on the issues raised in the Opinion of the EESC, in a White Paper (12 May 2004).</p> |

- 2. Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients
COM(2003) 467 final – EESC 1599/2003 - December 2003
S.J. – Mr BYRNE**

The Commission takes note of the Committee's unqualified approval.

- 3. Assessment of the experiences gathered by EESC to evaluate the economic, social and employment impact of structural reforms in the EU
Own-initiative opinion – EESC 1406/2003 - October 2003
DG ECFIN – Mr SOLBES MIRA**

Contribution to follow-up put back to the next quarter.

| 4. The Broad Economic Policy Guidelines 2003-2005 Additional Own-initiative Opinion - EESC 1618/2003 - December 2003 DG ECFIN – Mr SOLBES MIRA | |
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| Main Points of the EESC Opinion | Position of the Commission |
| <p>With this opinion, the EESC continues to contribute to the economic policy debate in the EU. It supports the main planks of the Broad Economic Policy Guidelines (BEPGs) for the 2003–2005 period, namely to raise the growth potential and strengthen sustainability. At the same time, it adopts a critical stance as regards the conduct of macroeconomic policies notably during the recent period of subdued growth.</p> | <p>The Commission welcomes the fact that the EESC contributes to the discussion of economic policies in the EU. It appreciates the Committee’s support for the 2003–2005 BEPGs which concentrate on the contribution that economic policies can make over the next three years to the Lisbon agenda, and notes the EESC’s views on macroeconomic policies.</p> |
| <p>1. Against the background of weak economic activity in recent years, the opinion suggests switching to an expansionary course in macroeconomic policies to strengthen growth and employment (points 1.5, 3.2., 3.2.5).</p> | <p>1. The Commission considers that in the euro area, both fiscal and monetary policies have supported activity over recent years, through the working of the automatic stabilisers and some discretionary fiscal easing as well as through monetary loosening. In view of emerging signs of an economic recovery, it would caution against a general move to a more expansionary macroeconomic policy stance. Instead, we should persevere with enhancing resilience to external shocks so as to improve growth performance.</p> |
| <p>2. More specifically, the opinion calls for</p> <ul style="list-style-type: none"> • a growth-friendly re-interpretation of the Stability and Growth Pact (SGP) and expresses reservations as regards fiscal consolidation in periods of recession (1.5.1, 4.2.6); | <p>2. The Commission considers that the SGP at cruising speed can both support growth through the free working of the automatic stabilisers and secure sustainable public finances, which are becoming increasingly urgent in view of the impact of ageing. In those cases where consolidation is still needed, the Commission will continue to take due account of the cyclical conditions. Moreover, in the light of accumulating experience, the Commission intends to make some proposals for improvements in the implementation of the SGP in the near future.</p> |

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| <ul style="list-style-type: none"> • a pragmatic forward-looking monetary policy and suggests that growth and full employment also be monetary policy objectives (1.5.2, 4.1.2). | <p>On monetary policy, the Commission considers that the mandate of the ECB is clear. Its primary objective is price stability but, without endangering this objective, the ECB supports achieving other Community objectives like sustainable growth and a high level of employment. Indeed, securing price stability is the best contribution monetary policy can make to lasting growth, by reducing uncertainty and creating the conditions for low interest rates.</p> |
| <p>3. The EESC, by means of its opinion, generally supports the policies laid out in the BEPGs to</p> <ul style="list-style-type: none"> • raise potential output, notably through economic reforms of labour, goods, services and capital markets (4.4.1, 4.4.2); • strengthen sustainability in its multiple forms, by means of old age provision, and measures to enhance economic and social cohesion as well as environmental sustainability (4.5). | <p>3. The Commission appreciates the Committee's support for the structural policies laid out in the BEPGs which aim at creating the conditions for making headway with the Lisbon objectives.</p> |

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| <p>5. Socially sustainable tourism for everyone Own-initiative opinion - EESC 1384/2003 - October 2003 DG ENTR – Mr LIIKANEN</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>Part 1: General aspects Sections 1-4 Analysis</p> | <p>The Commission agrees with the analysis of the position of tourism in Community policy.</p> <p>This analysis is, in fact, broadly based on the work done by the Commission and, in particular, on its Communication of 13.11.2001 (COM(2001) 665), “Working together for the future of European tourism”. It is in line with the Commission’s assessment in its Communication of 21.11.2003 (COM(2003) 716), “Basic orientations for the sustainability of European tourism”.</p> |
| <p>Part 2: Proposals Section 5: ten aspects of sustainable tourism, one hundred initiatives for action.</p> | <p>The Commission attended all the preparatory meetings for this opinion and actively participated in discussions organised by the European Economic and Social Committee.</p> <p>The Commission has always said that it would be useful if the “stakeholders” mentioned in the proposals were more clearly identified. Following a detailed discussion, the Committee decided it would be inappropriate to do so. The Committee stressed the importance of striking a balance between businesses, people working in the industry, tourists and the social impact of tourism.</p> <p>The opinion of the EESC is not incompatible with Communication COM(2003) 716 mentioned above but rather, in the Commission’s view, complements it.</p> |
| <p>Follow-up</p> | <p>The European Economic and Social Committee presented its opinion at the European Tourism Forum held in Italy on 28-29 November and stated that it wished to continue contributing to the Forum in the future.</p> |

**6. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 74/408/EEC relating to motor vehicles with regard to the seats, their anchorages and head restraints
COM(2003) 361 final – EESC 1589/2003 – December 2003
DG ENTR - Mr LIIKANEN**

| Main points of the EESC Opinion | Position of the Commission |
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| <p>Point 2.7. Comments on the Commission’s approach: This (promoting safety using all possible means) does not, however, appear to be fully reflected in the provisions of the directive, which in practice ban the comfort-or class-based solutions which are needed, for example, for long-distance international coaches.</p> | <p>The Commission does not agree with this comment.</p> <p>The Commission considers that the promotion of travellers’ safety has been taken fully into account. For example, it commissioned two studies on the safety of side-facing seats in vehicles, especially in vehicles of over 5 tonnes carrying seated passengers. These studies clearly showed there are no effective means of protecting passengers in side-facing seats in the event of a frontal impact.</p> <p>In the Commission’s view, it is perfectly possible to offer very high levels of comfort when seats face forward. These seats can be fitted with safety belts and headrests meeting the technical requirements of Community directives.</p> |
| <p>Point 2.8 Doubts expressed by the EESC as to the value of banning side-facing seats and comments on the absence of accident data. The Committee harbours some doubts regarding the real value of such a ban and regrets the absence of statistical data on the number of accidents involving coaches equipped with this type of seating and on the ensuing consequences for passengers.</p> | <p>The Commission takes note of these comments. It would like to point out that the ban covers all vehicles carrying seated passengers. There are disturbing statistics on the small buses used to carry children to and from school. The numbers of touring coaches with “cosy corners” is very limited. In this particular case, statistical data would not be of much use. Nonetheless, the Commission considers that we should not wait for tragic accidents to happen before taking preventive measures to improve passenger safety.</p> |

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| <p>Point 2.9 Approach adopted in the study undertaken for the Commission: the Committee believes that the decision to impose a ban arises from the basic approach used in the research, focusing exclusively on the best type of safety belt to be fitted to this type of seat, and from the unavailability of an immediate technical or manufacturing solution.</p> | <p>The Commission takes note of these comments. As far as passive safety is concerned, everything should be done to protect passengers. With respect to side-facing seats, the Commission agrees that two-point belts could be fitted. However, simulations using special software have shown that this solution involves a higher risk of internal injuries to passengers wearing a belt than to those without a belt.</p> |
| <p>Point 2.10 Postponing the date of entry into force (ban on side-facing seats): the Committee would prefer the ban's entry into force to be delayed.</p> | <p>The Commission cannot accept this recommendation. In its view, the obligation to fit safety belts must be combined with a ban on installing seats that cannot be fitted with belts.</p> |
| <p>Point 2.11. Amending the reference to a directive in the explanatory memorandum: the Committee calls for the penultimate paragraph of point 3 of the explanatory memorandum to be corrected, since Directive 91/671/EEC has already been amended by Directive 2003/20/EC of 8 April 2003, referred to in the introduction to the present opinion.</p> | <p>The Commission considers this to be a fair comment. When the draft memorandum was being drawn up, Directive 2003/20/EC had not yet been officially published.</p> |

**7. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 76/115/EEC on the approximation of the laws of the Member States relating to anchorages for motor-vehicle safety belts COM(2003) 362 final – EESC 1590/2003 - December 2003
DG ENTR - Mr LIIKANEN**

| Main points of the EESC Opinion | Position of the Commission |
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| <p>Point 2.7. Amending the reference to a Directive in the explanatory memorandum: the Committee calls for the penultimate paragraph of point 3 of the explanatory memorandum to be corrected, since Directive 91/671/EEC has already been amended by Directive 2003/20/EC of 8 April 2003, referred to in the introduction to the present opinion.</p> | <p>The Commission considers this to be a fair comment. When the draft memorandum was being drawn up, Directive 2003/20/EC had not yet been officially published.</p> |

8. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 77/541/EEC on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles
COM(2003) 363 final – EESC 1591/2003 – December 2003
DG ENTR – Mr LIIKANEN

| Main points of the EESC Opinion | Position of the Commission |
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| <p>Point 2.7. Amending the reference to a Directive in the explanatory memorandum: the Committee calls for the penultimate paragraph of point 3 of the explanatory memorandum to be corrected, since Directive 91/671/EEC has already been amended by Directive 2003/20/EC of 8 April 2003, referred to in the introduction to the present opinion.</p> | <p>The Commission considers this to be a fair comment. When the draft memorandum was being drawn up, Directive 2003/20/EC had not yet been officially published.</p> |
| <p>Point 2.8 Addition of a date for implementing the Directive: the Committee calls for an oversight to be corrected in the explanatory memorandum. On page 8, the description of the content of Article 2 “Implementation” mentions only two dates with regard to obligations relating to type-approval and vehicle registration, whereas the text of the article contains three.</p> | <p>The Commission does not consider this remark to be justified.</p> <p>The compulsory fitting of safety belts will take place in two stages. New types of vehicles will be fitted first, with the obligation being subsequently extended to all new vehicles. The third date contained in Article 2 concerns the recognition by the Member States of Community approvals granted in advance and, given the context, should not be mentioned in this point of the explanatory memorandum.</p> |

9. Proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/24/EEC relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles

COM(2003) 350 final – EESC 1609/2003 – December 2003

DG ENTR – Mr LIIKANEN

The Commission considers that a follow-up to the opinion of the European Economic and Social Committee is not necessary because the Committee supports the Commission proposal, welcomes its prompt action and appreciates the proposed policy. Furthermore the Committee expresses the wish that the legislative process should be completed rapidly. Beside one general comment concerning the applied legislative procedure and one editorial comment, which has already been taken on board following the discussions in the Council Working Party, the Committee does not propose any changes to the Commission proposal.

**10. Proposal for a Decision of the European Parliament and of the Council on Interoperable Delivery of pan-European eGovernment services to Public Administrations, Businesses and Citizens (IDABC)
COM(2003) 406 final – EESC 1610/2003 – December 2003
DG ENTR – Mr LIIKANEN**

| Main points of the EESC Opinion | Position of the Commission |
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| <p>With this opinion, the EESC supports the revamp of the IDA programme to integrate it into the Lisbon strategy and to reflect the guidelines laid down in the Ministerial Declaration adopted at the European Conference on eGovernment in Cernobbio on 8 July 2003, wholeheartedly supporting the new IDABC programme (points 3.1, 3.2, 5.3).</p> | <p>The Commission welcomes the recommendations and strong support of the European Economic and Social Committee for the launch of the IDABC programme. Due to the evolution of the dossier in the other institutions, the Commission has not been able to amend its proposal taking into account the recommendations made by the Committee.</p> <p>However, the Commission shall, as far as possible, endeavour to ensure that the recommendations and views of the Committee are taken into consideration in the preparation and implementation of the programme.</p> |
| <p>The Committee suggests that a forum for the systematic consultation of businesses, especially SMEs, of organised civil society, and of representatives of various tiers of devolved administration should be established by setting up regulatory consultative committees in addition to the planned management committee (points 3.5, 4.3, 4.4, 5.5, 2nd indent).</p> | <p>In line with the recommendations of the Committee, the Commission plans to establish an advisory group in support of the IDABC programme, although not a committee under the Comitology decision 1999/468/EC. This group is expected to include representatives of consumers' and workers' associations as well as of European associations of regional and local administrations, which are close to businesses and citizens and therefore well placed for establishing real needs and contributing with practical experience.</p> |
| <p>The Committee recommends that the Commission should organise periodic conferences on online services to ensure constant evaluation and adjustment of the IDABC programme in terms of value for money and business satisfaction (points 4.3, 5.5, 3rd indent).</p> | <p>It is likely that the Commission will organise at least one such conference and one or more workshops during the lifetime of the programme with a view to ensuring that the work programme is continuously in line with needs, providing business satisfaction. The midterm evaluation will serve also this purpose. Furthermore, the Commission will consult representatives of public administrations at various levels,</p> |

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| | <p>businesses and citizens in the study, which the Commission intends to carry out in preparation for the programme with a view to establishing a list of pan-European eGovernment services that could be implemented within the duration of the programme. This study will focus on the needs and benefits for citizens and businesses in order to also ensure value for money and business satisfaction. It will at the same time allow the Commission to benefit fully from the ideas, knowledge and experience of stakeholders at all levels.</p> |
| <p>The Committee suggests that the Commission should launch a robust information and training programme to promote a new pan-European administrative culture, for both providers and users, with particular regard to public and private actors in the accession countries. Furthermore, projects and measures should include training measures and ensure full access for all and prevent “digital exclusion” (points 3.6, 4.5, 5.5, 4th and 5th indent)</p> | <p>The Commission agrees that information and training plays an essential role in the promotion of a new pan-European administrative culture and will, whenever relevant, suggest and support actions to that end, subject to the subsidiarity principle. In this connection, the Commission will likewise have in view the need to ensure that projects of common interest and horizontal measures, whenever relevant, include training measures, taking into account eInclusion policies.</p> |
| <p>Given the innovative set-up of the IDABC programme, the Committee suggests that the legal basis should not be limited to Article 156, but also include Articles 154 and 157 (point 4.1).</p> | <p>Only in exceptional cases does the Court jurisprudence allow multiple legal bases. The Commission is not convinced that the IDABC programme can be considered an exceptional case. However, Article 154 is covered by successive reference as Article 156 refers to Article 155, which in turn refers to Article 154.</p> |
| <p>According to the opinion of the Committee, Annex I should include policies and activities concerning technical standardisation and certification, as well as patent protection of intellectual and industrial property (point 4.6). Furthermore, Annex II should comprise the social security and pensions sectors, as well as systems for refunding VAT (point 4.7).</p> | <p>As Annex I and Annex II are both non-exhaustive lists of examples relating to projects of common interest and horizontal measures respectively, they will allow for the inclusion of these important issues, though not specifically mentioned. In this connection, it should be added that the Commission is confident that more than one of these issues will be covered by the list of pan-European eGovernment services mentioned above.</p> |

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| <p>The Committee would consider it helpful if the Commission would collect and distribute information on best practice among the systems of eGovernment used in different countries (point 3.7).</p> | <p>The Commission believes this suggestion is already covered under the present programme through the horizontal action “eGovernment Observatory”, the objective of which is to disseminate initiatives and best practice related to eGovernment actions and to encourage information exchange between possible stakeholders in the Member States. The eGovernment Observatory is available at http://europa.eu.int/ISPO/ida/egovo .</p> |
| <p>The Committee hopes that the Commission will advocate the adoption by all the EU’s public administrations of the LINUX open-source system on a European level, and that it will support a pan-European multilingual search engine geared to the needs of businesses and the public as well as ensure access for all, whatever access point they may be using (point 3.8)</p> | <p>The Commission believes that the Committee has identified activities essential to the smooth functioning of pan-European eGovernment services. Under the IDA programme, the Commission has launched, and plans to undertake, actions in the areas mentioned by the Committee. Some examples:</p> <p>In line with the eEurope initiative’s call for greater uptake of open source software (OSS), the use and promotion of OSS are integral parts of the IDA programme, under which the Commission in 2004 plans to launch an action, under the heading “Competence centres for OSS”, the objective of which is to promote the spread of good practice in the use of open source software by public administrations by establishing a systematic overview of usage of OSS products and applications.</p> <p>In support of multilingualism, the Commission has funded the development of a multilingual search engine, which is available to public administrations free of charge.</p> <p>To maximise access, the Commission has launched a preparatory study to assess the usefulness of a multi-channel approach to the delivery of services.</p> |

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| <p>11. Draft Commission Regulation amending Regulation (EC) No 68/2001 on the application of Articles 87 and 88 of the EC Treaty to training aid OJ C 190 of 12.08.2003 - EESC 1386/2003 - October 2003 DG COMP – Mr MONTI</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>The Committee is very favourable, subject to two specific recommendations.</p> | <p>The Commission appreciates the general positive opinion of the Committee. It has analysed the relevant remarks of the Committee and taken them into account to the extent possible.</p> |
| <p>In particular, the Committee proposed that the wording of Art. 8 (i) (a) be modified in order to achieve additional clarification.</p> | <p>The Commission took the proposal into consideration, but decided in favour of maintaining the text of the draft regulation, since it is identical with the wording of a provision in a regulation adopted before, dealing with the identical issue (Regulation (EC) 2204/02), and the objective was to harmonize the regulations.</p> |
| <p>The Committee furthermore recommended that the future policies of the Community and the Member States should facilitate the establishment of micro-enterprises.</p> | <p>This suggestion pertains to future policy decisions and not to this regulation and will therefore have to be considered when relevant.</p> |

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| <p>12. Draft Commission Regulation amending Regulation (EC) No 70/2001 as regards the extension of its scope to include aid for research and development OJ C 190/2 of 12.08.2003 - EESC 1588/2003 - December 2003 DG COMP –Mr MONTI</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>The Committee is generally favourable, subject to certain reservations.</p> | <p>The Commission appreciates the general positive opinion of the Committee. It has analysed the relevant remarks of the Committee and taken them into account as far as possible.</p> |
| <p>In particular, the Committee proposed that the wording of Art. 10 be modified in order to achieve additional clarification.</p> | <p>Commission took the proposal into consideration, but decided in favour of maintaining the text of the draft regulation, since it is identical with the wording of a provision in a regulation adopted before, dealing with the identical issue (Regulation (EC) 2204/02), and the objective was to harmonize the regulations.</p> |
| <p>The Committee also suggested that recital 11 be reformulated.</p> | <p>In substance, the concern of the Committee has been met by a new formulation of recital 11 introduced following the first meeting of the Advisory Committee on State aid.</p> |

13. Technology transfer agreements
OJ C 235/10 of 1.08.2003 – EESC 1594/2003 - December 2003
DG COMP – Mr MONTI

Given the status of this dossier, the Commission would prefer to respond on this point in the follow-up report for the next quarter.

14. Proceedings related to competition – Art. 81 and 82
OJ C 243/3 of 10.10.2003 – EESC 1595/2003 – December 2003
DG COMP – Mr MONTI

Given the status of this dossier, the Commission would prefer to respond on this point in the follow-up report for the next quarter.

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| <p>15. Strengthening the social dimension of the Lisbon Strategy: streamlining open coordination in the field of social protection COM(2003) 261 final – EESC 1395/2003 - October 2003 DG EMPL – Mrs DIAMANTOPOULOU</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>3.1.1: The Committee feels that the open method of coordination must be supported and concrete coordination strategies developed.</p> | <p>The Commission fully agrees. The twin objectives of the Communication are to achieve greater synergy with the other processes under the Lisbon Strategy, notably economic policy coordination and the Employment Strategy and to create better internal coordination across different branches of social protection. Also, by creating a more streamlined, 3-year timetable, more space to focus on implementation and follow-up should be created. In these ways, the Commission hopes, the Open Method of Coordination (OMC) for social protection can become more concrete.</p> |
| <p>3.1.5: the Committee wishes to be consulted at each of the key stages in implementing streamlining between 2004-2006.</p> | <p>The Commission will endeavour to do so. The first such step which was signalled was publication of the Commission's Communication on "Making Work Pay": the Communication was sent to the European Economic and Social Committee, as will future communications under this process.</p> |
| <p>3.2.3.1: the Committee fears a loss of momentum pending the launch of the new system in 2006.</p> | <p>The Commission is working with the existing and new Member States within the Social Protection Committee to ensure that this does not happen. 2004 will see the adoption of NAPs/inclusion by the acceding/new Member States. It will also see the publication of the Commission's proposals for next steps in healthcare. In 2005 there will be a new round of preparation of National Strategy Reports for Pensions, involving 25 Member States.</p> |

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| <p>3.2.3.2 and 4.3: the Committee fears that bringing the different processes together in one global method after 2006 will damage the specific identity of the various elements. Similarly, it may be difficult to cover the different fields in sufficient depth within a single joint report.</p> | <p>This concern is shared by the Member States and acknowledged by the Commission. The opinion of the Social Protection Committee which was endorsed by the Council on 1 October 2003 states the following:</p> <p>It is important to maintain the distinct public identity which has been created for the processes for social inclusion and pensions. In this context, National Action Plans for Inclusion and National Strategy Reports for Pensions should continue, as specific components of a single framework. The Committee expresses its wish that the clear visibility of the different elements of the social protection process is preserved. This applies also to the proposed creation of common objectives structured into different pillars.</p> <p>In recognition of the diversity of the policy fields covered and in the interest of maintaining the separate identity of the different strands of work, the Committee would favour the title of "Social Protection and Social Inclusion" for the streamlined process.</p> <p>It is felt that this degree of continued separation of the different elements, within the overall streamlined framework, will help to ensure the necessary specificity of the different elements.</p> |
| <p>4.1.: The proposed common objectives must be more clearly defined. Objectives should be set at national level in addition to the EU level.</p> | <p>The Commission's proposal does envisage a more detailed definition of common objectives, structured into three distinct but complementary pillars (pensions, inclusion and healthcare) and with some across-the-board objectives. The Commission is in favour of Member States supplementing EU-level objectives with national targets and objectives. The Barcelona European Council called for the setting of national targets for inclusion under the 2nd round of the Social Inclusion Process.</p> |

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| <p>4.2.2: Making work pay needs to be dealt with using a high degree of coordination between the different processes such as the BEPGs, the European Employment Strategy and social protection.</p> | <p>The point is fully taken on board in the Commission's Communication of December and will continue to be so in all follow-up activity.</p> |
| <p>4.5: it is essential to develop new indicators to support the process.</p> | <p>The point is fully taken on board in the SPC's opinion endorsed by the Council: in the interest of achieving both the generation of key overall messages and of maintaining the specificity of the different processes, there should be a two-tier approach to the development of a broad range of indicators. This would involve the continued development of indicators at the level of the different policy fields, to be supplemented by work on generating a smaller number of summary indicators capable of reflecting overall key policy messages. This will require the commitment of adequate resources by the Member States and the Commission.</p> |

- 16. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community, and Council Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71, in respect of the alignment of rights and the simplification of procedures.**

**COM(2003) 378 final – EESC 1399/2003 - October 2003
DG EMPL – Mrs DIAMANTOPOULOU**

| Main points of the EESC Opinion | Position of the Commission |
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| <p>In point 4.2, concerning the new Article 84a of Regulation No 1408/71, the EESC considers that sub-paragraph (1)(3) is too general and that the obligation to report should be limited to relevant changes.</p> | <p>The Commission's amended proposal incorporates EP Amendment No 23, which specifies that the persons concerned must inform the institution of any changes to their personal or family situation "which affect their right to benefits under this Regulation". This amendment therefore takes account of the EESC's comment.</p> |
| <p>In point 4.3, the EESC points out that the objective of simplifying procedures will not be achieved when the regulation comes into effect since some Member States will introduce the card only after a transitional period, during which the old and new procedures will run in parallel.</p> | <p>The Commission would like to emphasise that the purpose of the proposal is not to create the European Health Insurance Card but to facilitate its introduction. This card was established by decisions made at a meeting of the Administrative Commission on Social Security for Migrant Workers on 18 June 2003. The proposed simplification of procedures will enable the person who needs care during a temporary stay in another Member State to directly contact the care provider without first having to approach the institution of the place of stay. The individuals concerned will give the care provider either the European Health Insurance Card, or the paper form if their Member State has been granted a transitional period. This simplified procedure will therefore apply to everyone, regardless of whether there is a transitional period for introducing the card.</p> |

In point 4.5, the EESC raises the question of what information should be given once procedures have been simplified.

The Commission's amended proposal incorporates EP Amendment No 32, which states that "Member States shall ensure that appropriate information is provided regarding the changes in rights and obligations introduced by this Regulation". This new provision will enable the necessary information to be disseminated.

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| <p>17. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, and Council Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 COM(2003) 468 final – EESC 1617/2003 – December 2003 DG EMPL – Mrs DIAMANTOPOULOU.</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>4.1. Regarding the definition of “<i>special non-contributory cash benefits</i>”, the EESC approves the new definition, which is more explicit, logical and in line with case law.</p> | <p>The Commission would also point out that the Council reached a consensus on the same text when examining the proposed simplification of the Regulation.</p> |
| <p>4.2. Regarding the new wording of Article 10a(1) on specific coordination based on residence for special non-contributory cash benefits: in the EESC's view, the proposed text, while making no substantive changes to the current provision. is more precise on non-exportable rights</p> | <p>The Commission notes that the aim, apart from that referred to by the EESC, is to ensure a uniform interpretation of Article 10a(1) by making it clearer that the benefits in question are solely subject to a specific coordination based on residence and that the provisions in Article 10 and Title III do not apply to them.</p> |
| <p>In point 4.5, the Committee mentions the updating of the annexes to Regulation (EEC) No 1408/71 and hopes that this will be done as soon as possible so as to safeguard, in practice, citizens’ social rights.</p> | <p>The Commission wishes to point out that its purpose in updating the annexes – principally Annex IIa on special non-contributory cash benefits and Annex III on bilateral conventions which may remain applicable – is to safeguard citizens’ rights by amending the contents of these annexes in the light of the criteria developed by the Court of Justice of the European Communities.</p> |

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| <p>18. Communication from the Commission to the European Parliament, the European Social and Economic Committee and the Committee of Regions on immigration, integration and employment COM(2003) 336 final – EESC 1613/2003 - December 2003 DG EMPL and DG JHA – Mrs DIAMANTOPOULOU -Mr VITORINO</p> | |
| <p>Main points of the ECSC Opinion</p> | <p>Position of the Commission</p> |
| <p>Immigration into the European Union will increase considerably given the needs of the labour market and the ageing of the population.</p> | <p>The Commission’s position tallies with that of the EESC. The Commission argues in the Communication that a more open approach to legal immigration must be taken - although at the same time it must be ensured that existing human resources are tapped into - and furthermore all necessary steps must be taken to ensure appropriate measures are in place in order to fully integrate the newcomers into society.</p> |
| <p>The employment guidelines need to be applied in a determined way as far as immigration is concerned.</p> | <p>The Commission agrees that the European Employment Guidelines must in future take better account of immigration.</p> <p>In the draft Joint Employment Report 2003/2004, the Commission considers that the development of a more active and co-ordinated immigration policy at EU level is necessary as part of a global approach to increasing labour supply. It notes that most Member States consider that immigration is an important source of additional labour supply for professions or sectors encountering recruitment difficulties.</p> |
| <p>Economic and social integration of immigrants must be pursued more vigorously in a spirit of cultural pluralism.</p> | <p>In its Communication the Commission favours a holistic approach to integration which takes into account not only economic and social aspects of integration but also cultural, religious, civic and political aspects. It is stressed that integration is a two-way process within which both immigrants and the host society have certain rights and obligations, which are designed to enable immigrants to participate fully</p> |

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| <p>Immigrants should be given European citizenship, including the right to vote in local and European elections.</p> | <p>in all aspects of society.</p> <p>The Communication promotes civic citizenship, a concept which was introduced by the Commission in November 2000¹ which is defined as guaranteeing certain core rights, including political rights, to immigrants, which they can acquire gradually over a period of years as a first step towards acquiring the nationality of the Member State. The Commission believes that the Treaty should provide the means whereby civic citizenship, in particular as regards participation in political life at local level, can become a reality and the Commission worked for these objectives in the intergovernmental conference.</p> <p>The Commission also requested in the Communication that Member States consider granting political rights to long-term residents, in particular at local level, when transposing the Directive concerning the status of third-country nationals who are long-term residents².</p> |
| <p>Member States' immigration policies should be pursued in accordance with common principles and within a common framework. This should open the way to the implementation of the open method of coordination for immigration policy proposed by the Commission in 2001.</p> | <p>The Commission agrees with this point and has already launched an exchange of best practices and information between Member States (within the network of national contact points on integration) in order to start the process of developing a common framework for integration policy and the definition of common basic principles as requested by the European Council in Thessaloniki in June 2003. The Commission will also present an Annual Report on Migration and Integration in June 2004.</p> |

¹ Commission Communication COM(2000)757

² Commission proposal of 13.3.2001, COM(2001)127 final, which was adopted on 25 November 2003.

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| <p>19. Mid-term review of the social policy agenda COM(2003) 312 final – EESC 1614/2003 - December 2003 DG EMPL – Mrs DIAMANTOPOULOU</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>2.11 The second phase of the agenda in a changed economic context.</p> | <p>The Commission shares the view of the EESC that the implementation of social policy should be pursued and that the changed economic environment of 2003 compared to 2000 is no reason to depart from the initial approach, based on the mutual interaction of economic, employment and social policy.</p> |
| <p>4.1.3 It is particularly important to address the issue of how a shared European identity can be understood as European social citizenship, in the sense of drawing on those characteristics in the context of increasing mobility of people for work, education, research, production and skills transfer.</p> | <p>The Commission is of the opinion that the social policy agenda is not a key instrument for the promotion of social citizenship.</p> |
| <p>4.5.2 Measures to remedy this knowledge gap should prompt the development of a "European social impact assessment model" for legislation and relevant policies, based on a threefold system of indicators.</p> | <p>The Commission will examine this request in the context of the preparation of the next social policy agenda.</p> |
| <p>5.5 The EESC would stress the need to help the new Member States to participate actively in implementing the Lisbon Strategy and to honour their commitment to respect the Community social <i>acquis</i>.</p> | <p>The Commission welcomes the support of the EESC.</p> |
| <p>5.6 The Commission's setting-up of a high-level group to examine the future of social policy and employment, as provided for in the Communication. In preparation for the public debate to be held in autumn 2004 and on the basis of the solid and extensive stock of opinions issued over the past few years, the EESC therefore expresses its interest in being actively involved in this process that has now been launched.</p> | <p>The Commission welcomes the position of the EESC on this point.</p> |

**20. European Monitoring Centre on Racism and Xenophobia
COM(2003) 483 final - EESC 1615/2003 – December 2003
DG EMPL – Mrs DIAMANTOPOULOU**

This proposal was withdrawn following the European Council of December 2003 (when the mandate of the monitoring centre was changed to that of a human rights agency), so there is no follow-up.

**21. Proposal for a Decision of the European Parliament and the Council establishing a Community action programme to promote organisations active at European level in the field of equality between men and women. COM(2003) 279 final – EESC 1616/2003 - December 2003
DG EMPL - Mrs DIAMANTOPOULOU**

| Main points of the EESC Opinion | Position of the Commission |
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| <p>Point 3.7 (clarifications for awarding grants to under-represented groups of women, e.g. disabled women, are necessary);</p> <p>Points 3.10 and 4.2 (need to better identify the term "European organisation");</p> <p>Points 3.8 and 3.9 (programme open to organisations other than women's organisations for the sake of gender mainstreaming),</p> <p>Point 4.3 (organisations active in the area of gender equality or only women's organisations)</p> | <p>As is clearly stated in the proposal for a Decision, its purpose is of a purely technical nature and its adoption was made necessary by the Commission's budgetary structure under the New Financial Regulation. No further amendments as to the relevant budgetary comments that identify the beneficiaries of the grants were proposed by the European Parliament. The relevant open call for proposals will provide adequate explanations as regards these points.</p> |
| <p>Points 3.12 and 3.13 (increased budgetary requirements)</p> | <p>The Budgetary Authority is competent for deciding on the amount of budgetary allocations. It is noted that the proposed amount of 2.2 million euros for a two-year period takes into account the necessities of enlargement.</p> |
| <p>Point 4.4 (key policies missing from priorities)</p> | <p>The activities mentioned in the annex provide an indication only of the areas to be covered. The relevant theme(s) will be identified in the open call for proposals addressed to the organisations that are active in the field of gender equality. As regards funding for the European Women's Lobby, this is granted upon approval by the Commission of its annual work programme.</p> |

**22. Proposal for a Council Regulation amending Regulation No 79/65/EEC setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community
COM(2003) 472 final – EESC 1405/2003 – October 2003
DG AGRI – Mr FISCHLER**

As the EESC did not make any specific request, there will be no follow-up to this opinion.

**23. Proposal for a Council Regulation setting aid rates in the seeds sector for the 2004/05 marketing year
COM(2003) 552 final – EESC 1604/2003 – December 2003
DG AGRI – Mr FISCHLER**

Since this opinion does not require a response, there will be no follow-up.

**24. Proposal for a Council Regulation amending Regulation (EEC) No 1696/71 on the common organisation of the market in hops
COM(2003) 562 final – EESC 1600/2003 – December 2003
DG AGRI – Mr FISCHLER**

As the EESC did not make any specific request, there will be no follow-up to this opinion.

**25. Proposal for a Council Regulation amending Regulation (EEC) No 2075/92 on the common organisation of the market in raw tobacco
COM(2003) 633 final – EESC 1606/2003 – December 2003
DG AGRI – Mr FISCHLER**

As the EESC did not make any specific request, there will be no follow-up to this opinion.

| <p>26. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on enhancing maritime transport security. Proposal for a Regulation of the European Parliament and of the Council on enhancing ship and port facility security. COM(2003) 229 final – EESC 1387/2003 – October 2003 DG TREN – Mrs de PALACIO</p> | |
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| Main points of the EESC Opinion | Position of the Commission |
| 4.2.1 and 4.2.2 The Committee welcomes the fact that the European Union has initiated a dialogue with the United States. | The Commission takes on board these favourable opinions of the EESC |
| 4.1.2 The EESC reiterates that security is an issue where, par excellence, all links in the transport chain should be involved in order to achieve tangible results. Measures aimed at fighting terrorism should be coupled with measures aimed at fighting traditional security problems (organised crime, piracy, fraud, smuggling and illegal immigration). The EESC invites the Commission as a matter of urgency to tackle traditional security problems, and in particular piracy and armed robbery, in its future policy making, if it is not feasible to cover them under the present Regulation. | <ul style="list-style-type: none"> • The Commission wishes to point out that the purpose of the present Regulation is to provide for preventive security measures against all deliberate unlawful acts and not only against terrorist activities. Thus, the concerns expressed by the EESC are covered by this legislative initiative. • The Commission will also, during the first half of 2004, put forward a legislative proposal aimed at promoting the adoption of security measures throughout the intermodal transport chain. That should help to bring about the security culture advocated by the EESC. |
| 4.1.5 and 6.3 The EESC welcomes the intention of the Commission to fill the security gap by presenting in the course of 2003 a proposal for a Directive defining additional security measures to be implemented in Community ports. | The Commission takes on board this favourable opinion of the EESC. A proposal for a Directive defining additional security measures to be implemented in Community ports is likely to be presented in February 2004. |
| 4.1.4 and 6.2 The EESC welcomes the Council's authorisation for the Commission to negotiate on matters within the Community sphere of competence in order to reach an agreement with the US customs authorities between the Community and the United States concerning the development of an export control system, which takes account of the need for security in international container-based trade. | <ul style="list-style-type: none"> • Major progress on this issue was made, and the EC-US agreement expanding the EC-US customs co-operation agreement to cover CSI and related matters was initialled on 18.11.2003. • The Commission is finalising the internal procedures for the adoption of the draft text of the agreement by the Council of Member States, which is a pre-condition for the formal conclusion |

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| | <p>and signature of the agreement. The US Customs and Border Protection has already received the authority to formally sign and conclude the EC-US agreement.</p> |
| <p>4.1.2.1 and 4.1.2.2 Need for Mediterranean dimension to maritime transport security policy. The EESC welcomes the Commission Communication on the development of a Euro-Mediterranean transport network³ and the incorporation of security on shipping in its common transport policy objectives.</p> | <p>The Commission will arrange at regular intervals for exchanges of views and discussions at meetings of the Euro-Mediterranean "Maritime Policy" Group on the implementation of security measures adopted within the framework of the International Maritime Organisation (IMO) and on bilateral security issues.</p> |
| <p>5.1.2.3 The EESC notes with satisfaction that the proposal does not infringe the terms of ILO Convention 108 of 1958. Hence, seafarers can continue to be exempt from normal visa requirements for the purpose of shore leave or for transit to and from their ships. In this connection, it welcomes the successful outcome of the work of the International Labour Organisation (3-19 June 2003) concerning the enhancement of the security of seafarers' identification. The EESC invites the Commission to take proper action for the timely implementation by the Member States of the new Seafarers Identification Documents Convention and to dispense with any unwarranted visa requirements or arrangements that would result in charging seafarers visa fees. Moreover, the compatibility of the new Convention with the obligations arising from the Schengen Agreement should be examined.</p> | <p>The Commission welcomes the work carried out at the ILO to revise Convention 108 on seafarers' identity documents, which resulted in the adoption of Convention 185. The latter strikes a balance between security in the shipping sector and suitable working conditions.</p> <p>First of all, it is worth noting that the new convention does not (any more than Convention 108) explicitly exempt seafarers from visa requirements if they have a valid identity card except when they are taking shore leave and not in the case of transit or transfer (see Article 6 of Convention 185).</p> <p>Moreover, the Commission is currently looking at the compatibility of the above-mentioned provisions with existing Community legislation, in particular Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.</p> <p>The Commission undertakes to provide the Member States with a response on this matter without delay.</p> |
| <p>6.8 The EESC invites the Commission to take firm action for the timely</p> | <p>The Commission shares the EESC's wish for a rapid entry into force of Convention</p> |

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COM(2003) 376 final.

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| <p>implementation of the successful work of the International Labour Organisation concerning the enhancement of the security of seafarers' identity documents (ILO Convention 185, revising Convention 108).</p> | <p>185, bearing in mind the importance of its provisions, but would point out that it is the Member States that have exclusive powers to issue identity documents for seafarers (see Article 2 of Convention 185).</p> |
| <p>5.1.5.1 The EESC believes that the date of 1 July 2004 for implementing the IMO measures is already very tight and difficult to meet, especially as regards shore-side requirements.</p> | <p>The Commission took account of the EESC's suggestions in subsequent negotiations with the other institutions. The resulting text no longer provides for early measures at Community level.</p> |
| <p>6.5.2 The EESC warns about the huge cost implications of implementing the new ILO security measures. It therefore urges the Commission to adopt a Community financial instrument to cover some of these costs. For this purpose, the EESC invites the Commission to draw up an overall impact study about the financial implications of the enhanced maritime security measures.</p> | <p>The Commission took account of the EESC's suggestions in subsequent negotiations with the other institutions. In 2004, in response to an amendment tabled by the European Parliament, the Commission will launch a study (relating in particular to the distribution of financing between the public authorities and operators, without affecting the division of powers between the Member States and the European Community) and will present the findings together with any proposals to the Parliament and to the Council.</p> |
| <p>6.6 Generally speaking, the EESC supports the proposal to make certain provisions of the voluntary Part B of the IMO ISPS Code mandatory. However, the extension of the scope of the measures to domestic shipping needs to be clarified as it may cover any ship engaged in any type of voyage, including short ferry crossings.</p> | <p>The Commission took the EESC's suggestions into account in subsequent negotiations with the other institutions. The resulting text provides for a phased implementation (from 2005 to 2007) of security measures for Member States' national shipping, and makes their implementation, if it occurs, conditional on a prior risk analysis that Member States will be required to conduct for each type of transport at national level. Only the main passenger vessels (Class A vessels) will have to be systematically covered from 1 July 2005 onwards.</p> |

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| <p>27. Proposal for a Directive of the European Parliament and the Council on Intermodal Loading Units COM(2003) 155 final - EESC 1398/2003 - October 2003 DG TREN - Mrs de PALACIO</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>4.4. First indent: make the notion of European intermodal loading unit more precise.</p> | <p>Reject - A precise definition in line with current worldwide definitions is given in Art. 3 a) and b) of the proposal.</p> |
| <p>4.4. Second indent: review the definition of intermodal loading unit, as its width and length makes it unusable in cellular ships.</p> | <p>Reject - as clearly stated in Annex II of the proposal, only the internal width of the loading unit is prescribed. It is up to the standardisation bodies to agree on an external width which fits current cellular and inland waterway ships. As to the length, similar considerations apply: only the internal length is defined.</p> |
| <p>4.4. Third indent: the new intermodal loading units raise height-related problems for certain bridges and tunnels.</p> | <p>Reject - study results show that the box proposed can circulate freely in all European maritime waters, on the main parts of the European inland waterway system (Rhine/Danube, major canals), and on the whole of mainland Europe, including the tunnels through the Alps. Problems exist with the UK gauges north of London, but taking these gauges into account would lead to definition of a totally suboptimal height of the box.</p> |
| <p>4.4. Fourth indent: the new intermodal loading unit raises problems, because its use will induce high costs for adaptation of existing maritime and terrestrial infrastructures.</p> | <p>Reject: as discussed above, this statement does not correspond to the factual situation.</p> |

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| <p>28. Proposal for a Directive of the European Parliament and of the Council on the widespread introduction and interoperability of electronic road toll systems in the Community COM(2003) 132 final - EESC 1389/2003 - October 2003 DG TREN – Mrs de PALACIO</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>3.1 The Committee supports the measures proposed by the Commission.</p> | <p>The Commission is pleased to note the Committee's support for its objectives.</p> |
| <p>3.3 The Committee fully understands the Commission's viewpoint that the widespread introduction of electronic road toll systems will make it easier to compare the cost of tolls more effectively, but stresses that it is hard to imagine harmonisation taking place in this field as each State continues to be free to determine the level of charge per km travelled in relation to vehicle types and terrain (undulating or flat).</p> | <p>The Commission's objective is to make life simpler for road users by giving them the means to pay tolls easily, with a single piece of equipment and a single contract, while observing national policies as regards charges, which are not being called into question. The harmonisation of these policies is the subject of another draft directive.</p> |
| <p>3.4 Subscribing to the European electronic toll service should not be made compulsory.</p> | <p>Subscription remains voluntary. It is needed in order to receive the on-board equipment, the use of which is linked to the contract signed at the time. There is no intention of obliging potential customers to subscribe, even indirectly. On the other hand, motorway or toll operators must offer the service to their customers.</p> |
| <p>4.2 The Committee endorses the proposal for a directive but would like attention to be drawn in Article 3 to the principles of safeguarding the freedom of the individual, with specific reference being made to the Charter of Fundamental Rights.</p> | <p>The Commission accepts this request, which was forwarded to the Presidency of the Council following discussions with the Parliament.</p> |

**29. Trans-Euro-Mediterranean energy networks
Exploratory opinion - EESC 1388/2003 - October 2003
DG TREN – Mrs de PALACIO**

| Main points of the EESC Opinion | Position of the Commission |
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| <p>12.5, 9.5 and 9.6: Need to harmonise regulatory frameworks at regional level, especially those concerning:</p> <ul style="list-style-type: none"> • protection of investments; • harmonisation of taxes; • environmental protection; • transit of energy products; • ratification of the concept of services of general interest; • promotion of renewable energy sources. | <p>The Commission shares the EESC’s view as regards the need to develop a flexible approach which takes account of the specific features of each country/sub-region in the southern Mediterranean while ensuring the greatest possible consistency in harmonising the regulatory frameworks.</p> <p>In particular, this approach is implemented through the activities of the sub-regional working groups aimed at developing initiatives such as:</p> <ul style="list-style-type: none"> • the gradual establishment of an electricity market in the Maghreb; • the development of a gas-industry plan for the Mashreq sub-region; • the development of energy cooperation between Israel and the Palestinian Authority. <p>It should be noted that a progress report on the work of the sub-regional working groups was presented at the Ministerial Conference held in Rome on 1 and 2 December 2003.</p> <p>In addition, as part of the MEDA programme, the Commission is implementing technical assistance projects aimed at harmonising regulatory frameworks.</p> |
| <p>12.6.: The EESC regards it as unnecessary to concentrate in the short term on building up an internal energy market in the southern Mediterranean countries based on the EU model.</p> | <p>The Commission is simultaneously developing a policy to harmonise sub-regional markets (in the Maghreb and Mashreq) and a policy aimed at integrating these markets into the EU energy markets. This approach has already been developed, notably in the "Maghreb energy market" working group. In connection with the Ministerial Conference in Rome in December 2003, a memorandum of understanding was</p> |

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| | <p>signed between Algeria, Tunisia and Morocco. This memorandum provides for the creation, from 2006, of an electricity market among the participating countries.</p> |
| <p>6.1: Inclusion of Libya in Mediterranean gas and electricity projects.</p> | <p>As soon as the political situation allows, the Commission will hold exploratory technical discussions on the energy sector with Libya, in connection with the possibility of Libya joining the Barcelona process.</p> <p>It should be noted that the latest meeting of the Electricity Ministers from Jordan, Egypt, Syria, Lebanon, Cyprus and Turkey, which was held in Damascus on 1 November 2003, has already allowed Libya to be incorporated into the Mashreq sub-regional electricity group and agreed on its participation in a future regional "dispatching centre" based in Egypt.</p> |
| <p>6.4 The Committee thinks it is important to analyse, from a legal viewpoint, the possibility of granting competitors access to major interconnection infrastructure financed in part by Community money.</p> | <p>Suggestions to be taken into account in joint analyses and subsequent discussions with the parties concerned.</p> |
| <p>7.3 and 7.4: The EESC emphasises the need to promote South-South interconnections at the same time.</p> <p>In its view, making available several alternative routes for use during one-off or even longer-term crisis situations could be an alternative to the suggestion by the European Commission that the levels of strategic stocks within the Union itself should be increased.</p> | <p>The Commission gives equal priority to promoting South-South and South-North interconnections. The neighbourhood programme developed for the period 2000-2006 and, in particular, the pooling of the INTERREG and MEDA instruments in the MEDOC and ARCHIMED programmes will facilitate the development of these interconnections within a short time.</p> <p>In the Commission's view, the development of various alternative routes for use during crisis situations is not necessarily an alternative to increasing the levels of strategic stocks within the</p> |

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| | <p>European Union itself.</p> <p>Indeed, this alternative, whose cost-effectiveness has not yet been established, only addresses in a very limited way the issue raised in the Commission's proposal.</p> |
| <p>9.5. and 9.6. Create a harmonised framework for the mutual protection of investments; reduce the costs of investment related to political risks.</p> | <p>Account will be taken of the favourable opinion.</p> <p>A specific document listing detailed proposals for covering non-commercial risks associated with the implementation of energy infrastructure projects is attached to the Ministerial Declaration at the Rome meeting of 1 and 2 December 2003, and additional analyses are currently taking place.</p> |
| <p>11.2. Criteria for the definition of priorities in the energy partnership.</p> | <p>The Commission cannot accept these criteria without determining whether they comply with the administrative and financial rules for its external action.</p> |
| <p>12.7. Identify projects of common interest which, because of their socio-economic value and despite insufficient profitability or high risk, may be eligible for public sector support in the form of subsidies or loans.</p> | <p>Opinion taken into account. The Commission will subsequently hold consultations with the parties concerned, in particular on the respective roles of the public authorities and private operators.</p> <p>It should be noted that preliminary studies on financing, available resources, projects of common interest and promotion of foreign investment were carried out when preparing for the Ministerial Conference in Rome held on 1 and 2 December 2003. The findings of these preliminary studies are annexed to the Ministerial Declaration.</p> |
| <p>12.8. Need to frame energy policies which encourage the efficient use of energy and water, boost the use of renewable energy sources and protect the environment.</p> | <p>Suggestions taken into account. However, it is preferable to take a number of different approaches depending on the particular situation in each country of the southern Mediterranean so as to safeguard the general interest tasks performed by the energy sector.</p> <p>The regional projects financed using MEDA funds include two technical assistance projects that are currently underway: <i>'Applications of thermal solar</i></p> |

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| | <p><i>energy in the Mediterranean Basin” and “Energy and urban environment among the Mediterranean partners”.</i></p> |
| <p>12.9 The Committee recommends the creation of a specific programme, within the framework of EUROMED, to disseminate these ideas and projects among national and local public administrations and the media, thus strengthening any training and twinning projects.</p> | <p>Favourable opinion taken into account.</p> <p>It should be noted that, at the Ministerial Conference in Rome, Energy Ministers agreed on the provision of logistical support for the Rome Euro Mediterranean Energy Platform (REMEDI).</p> <p>REMEDI is designed to facilitate exchanges, cooperation and dissemination of information between the countries belonging to the Euro-Mediterranean partnership, thus helping to implement the priorities for 2003-2006 set at the Athens Conference.</p> |

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| <p>30. Proposal for a Regulation of the European Parliament and of the Council on the transfer of cargo and passenger ships between registers within the Community COM(2003) 478 final – EESC 1612/2003 - December 2003 DG TREN – Mrs de PALACIO</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>4.1 The EESC agrees with the Commission that ships which have been refused access to Community ports should not be able to transfer to another register until the refusal is revoked.</p> | <p>The Commission has stated that it agrees with the position of the Council (and of the Parliament), which also excludes ships that have been refused access within the three years preceding the request to change registers as well as those detained more than once during the same period.</p> |
| <p>4.3 The EESC wishes to insert a reference to additional national technical requirements in Article 4(1) (impossible for Member States to refuse a transfer to their register for technical reasons arising from the conventions).</p> | <p>The Commission cannot meet this request.</p> <p>The Commission does not recognise the existence of additional national criteria, not covered by the conventions, which would enable a Member State to refuse to transfer a vessel to its register. If operators are faced with such requirements, the regulation will not be properly implemented (appeals to national courts, possibility of complaining to the Commission).</p> |
| <p>4.7 The EESC wishes it to be made clear that identical certificates should be issued by the receiving register under the same technical conditions based on the implementation of the provisions of the relevant conventions.</p> | <p>This suggestion has been taken into account.</p> <p>A similar provision was introduced during negotiations with the other institutions: the certificates are to be issued under identical conditions provided that the same reasons or considerations apply as led the Member State of the register losing the vessel to lay down conditions or grant an exemption or derogation.</p> |
| <p>4.8 The EESC suggests that current Member States should be treated differently from the new Member States: for vessels coming from the registers of the acceding states, the provisions enabling inspections to be carried out to confirm the satisfactory condition of the</p> | <p>The Commission cannot accept this suggestion.</p> <p>The basic criterion remains the quality of the individual vessel. This means that it is irrelevant whether there is less harmonisation and strictness on the part</p> |

ship should be applied more rigorously.

of the authorities in some of the new Member States.

Apart from the risk of creating “two-speed” Community law, the provision in question already allows the receiving Member State to carry out an inspection, which must be performed in the most appropriate way.

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| 31. Communication from the Commission: European Road Safety Action Programme: halving the number of road accident victims in the European Union by 2010: a shared responsibility COM (2003) 311 final - EESC 1608/2003 - December 2003 DG TREN - Mrs de PALACIO | |
| Main points of the EESC Opinion | Position of the Commission |
| 4.1: The EESC “warmly welcomes” the Commission’s programme. | The Commission welcomes and takes note of the EESC’s position. Apart from the differing views on the Observatory (point 4.7 below), there is full agreement between the two institutions. |
| 4.2: No assessment of the previous programme. | The results of past experience are reflected in every chapter of the new programme, while the explanatory memorandum for each new concrete proposal contains a review of the subject concerned. It was therefore not necessary to arrange for a formal assessment of the previous programme. |
| 4.2: Missing objectives and priorities. | The “-50%” objective is an overall one. Going beyond that would have been inappropriate because the starting position varies from one Member State to another. Concrete priorities vary from one Member State to another. However, Chapter 1 of the programme highlights the three general priorities: speed, alcohol and failure to wear a safety belt. |
| 4.7: The European Road Safety Observatory should be independent of the Commission. | The programme states that the Observatory will be a structure “within the Commission”. An external structure (an agency or something else) would be out of all proportion to the objective pursued (collection, analysis and dissemination of all information available on road safety). |

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| <p>32. Proposal for a Council Decision concerning the conclusion, on behalf of the European Community, of the Stockholm Convention on Persistent Organic Pollutants Proposal for a Council Decision concerning the conclusion, on behalf of the European Community, of the 1998 Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants Proposal for a Regulation of the European Parliament and of the Council on persistent organic pollutants and amending Directives 79/117/EEC and 96/59/EC COM(2003) 331, 332, 333 final – EESC 1391/2003 - October 2003 DG ENV - Mrs WALLSTRÖM</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>The Committee welcomes the Commission's initiative and hopes that the proposed regulation and the two decisions will be adopted as soon as possible, so that the Community can accede to the international agreements in question.</p> | <p>The Commission takes note of the favourable opinion and shares the Committee's interest in a swift adoption of the legal instruments.</p> |
| <p>4.6. The Committee is concerned about the situation in some of the new Member States that still hold very large stocks of products or articles with POP characteristics awaiting disposal. In the future, the resources and technical assistance should be provided through the standard instruments, notably the Structural Funds. This will require constant surveillance by Community institutions, but above all conscientious cooperation by the authorities of the new Member States and an ability on their part to involve social interest groups, NGOs and the general public.</p> | <p>The Commission shares the concerns of the Committee on this issue. Funding for eliminating stocks has been available during the pre-accession phase under various programmes, and after accession new Member States will be able to get financial assistance from the Structural and other existing Community Funds. The Commission would like to recall that the main responsibility for the issue lies, however, with the Member States concerned, which have to address obsolete POP stockpiles in their national hazardous waste management plans and to actively apply for assistance, when necessary.</p> |
| <p>4.7. The EESC calls for monitoring of the presence of products with POP characteristics to be stepped up.</p> | <p>The Commission takes note of the opinion of the Committee. Monitoring of POPs in the environment is also emphasized in the Community Strategy on Dioxins, Furans and Polychlorinated Biphenyls (COM(2001) 593 final) and in the European Environment and Health Strategy (COM(2003) 338 final).</p> |

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| <p>4.8. The Committee asks the Commission to produce implementing proposals for the White Paper on Chemicals soon.</p> | <p>The Commission adopted the proposal for the REACH Regulation in October 2003 (COM(2003) 644 final).</p> |
| <p>5.1. The Committee considers that Article 175 of the Treaty (environmental protection) should be cited first in conjunction with Article 95 (internal market) as the legal basis of the proposal.</p> | <p>The Commission would like to remind the Committee that it is standard practice to list the Articles of the Treaty in numerical order.</p> |
| <p>5.2. The Committee asks the Commission to consider how, where and for what purpose lindane will continue to be used, and thinks that in any case lindane should never be used where an alternative (product or process) exists.</p> | <p>The Commission will take the suggestion into account during the negotiations with other institutions. In that context, the views from the new Member States as regards the continuous need for lindane will also be of particular interest.</p> |
| <p>5.3. The Committee calls for: a) information campaigns to be mounted to make all holders of such stockpiles of POPS aware of the risks associated with them; and b) if necessary, provision of technical assistance and advice on safe disposal of waste, even in small quantities.</p> | <p>The Commission will take the suggestion into account during the negotiations with other institutions.</p> |
| <p>5.4. The Committee believes that provision should be made to support and involve not just NGOs but also – and explicitly – the social partners.</p> | <p>The Commission will take the suggestion into account during the negotiations with other institutions.</p> |
| <p>4.5./5.5. The penalties imposed for infringements of the rules governing POPs should within a relatively short time be subject to at least substantial and voluntary convergence. The Committee believes that penalties should be as uniform as possible within the EU, but above all that they should be defined according to the same criteria. To this end, close cooperation between those responsible for policing and those responsible for imposing penalties is crucially important, and this should be explicitly called for in the proposal.</p> | <p>The Commission will take the suggestion into account during the negotiations with other institutions. However, the Commission would like to recall that so far competence for setting penalties in the area concerned has been an exclusive preserve of the Member States.</p> |

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| <p>33. Communication from the Commission on developing an action plan for environmental technology COM(2000) 131 final – EESC 1390/2003 - October 2003 DG ENV – Mrs WALLSTRÖM</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>The EESC approves not only the position adopted by the Commission in favour of a European initiative to develop and support environmental technology but also the four topics chosen: climate change, sustainable production and consumption, water and soil protection.</p> | <p>Following the communication to which the EESC’s opinion relates, the Commission drew up the action plan announced and adopted it on 28 January 2004 in COM(2004) 38. This action plan meets the objectives set out in the 2003 communication, which were approved by the EESC.</p> |
| <p>The EESC calls for the contribution of environmental technologies to noise prevention to be included in the preparatory work on the action plan.</p> | <p>The Committee’s call was not taken into account when preparing the action plan, which does not specifically deal with noise. However, protection against noise is an implicit part of the general framework for environmental technologies.</p> |
| <p>The EESC considers that development and commercialisation of environmental technology should be enhanced through various forms of support, rather than through economic and legislative requirements that might hinder exports and lead to production being moved to third countries.</p> | <p>The action plan provides for the development and targeting of research as well as the demonstration and dissemination of environmental technologies, but does not provide for any specific support for their commercialisation; however, one of its aims is to reduce as far as possible any economic obstacles to their commercialisation.</p> |
| <p>The EESC stresses the important role of public procurement and of small and medium-sized undertakings in disseminating environmental technology.</p> | <p>These aspects are covered by specific actions in the action plan.</p> |
| <p>The EESC stresses the need to take account of the life cycle in investments and advocates more frequent use of performance tenders.</p> | <p>These aspects are given wide coverage in the action plan.</p> |
| <p>The EESC recommends the establishment of an “environmental ombudsman” to deal with complaints about decisions made by the authorities that have an adverse affect on the environment.</p> | <p>This proposal goes beyond the scope of the action plan for environmental technology.</p> |

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| <p>The EESC stresses the importance of informing consumers and calls for the development of a product-labelling system and for strengthening the role of consumer organisations.</p> | <p>This aspect has been taken into account in several actions of the action plan for environmental technologies; consumer associations will be able to take part in the consultations on the implementation of the action plan.</p> |
| <p>The EESC expresses an opinion on certain specific aspects of water pollution (tests and analyses) and climate change (biofuels).</p> | <p>The Commission will examine the possibility of taking these detailed suggestions into account when implementing the action plan.</p> |

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| 34. Proposal for a Directive of the European Parliament and of the Council on the management of waste from the extractive industries COM(2003) 319 final – EESC 1597/2003 – December 2003 DG ENV – Mrs WALLSTRÖM | |
| Main points of the EESC Opinion | Position of the Commission |
| The Committee welcomes the Proposal as a whole. It stresses the need to properly train the staff of operators in closure and after-care procedures. | The Proposal already contains in Art. 11(1) a general requirement for technical development and training of staff. This includes the operations that are necessary for the closure and after-care phases. |
| The Committee wants a clearer definition of topsoil and overburden which are to be re-used and for them to be regarded as non-waste. | It is not appropriate to specify in the Proposal when such material is not waste. This is rather to be determined by the competent authorities according to specific conditions on the ground in the light of the general definition of “waste” and relevant case-law. |
| The Member States’ competent authorities must ensure effective monitoring of the implementation of the waste management plan drawn up for the waste facility. | Such monitoring is implicitly already required by Art. 16 (through inspections by the competent authorities to assess compliance with the permit) but it can be further specified in the context of the co-decision negotiations. |
| The requirements for major accident prevention should also cover the closure and post-closure of waste facilities. | The Commission will take this suggestion into account in the context of the co-decision negotiations. |
| The Committee stresses the wider impacts extractive waste management may have on people and wants the directive to explicitly provide for formal consultation of environmental NGOs in decision-making, in line with the Aarhus convention. | Art. 8 on public participation in decision-making follows in detail the provisions of the Aarhus convention. Its requirements cover consultation of the “public concerned”, which includes environmental NGOs. |
| Measures on waste placed back in the excavation voids should be expanded to better deal with potential water pollution problems. | The relevant Art. 10 already provides for measures to prevent water pollution. The Commission will take the suggestion made into account in the context of the co-decision negotiations. |

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| <p>The Committee underlines the need for drawing up an inventory of abandoned mine waste sites that represent a health or environmental risk, also covering the ten Accessing States.</p> | <p>Currently the Proposal provides (Art. 19) only for <i>methodologies</i> for drawing up inventories. The Commission will consider the suggestion made in the context of the co-decision negotiations.</p> |
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| <p>35. Proposal for a Directive of the European Parliament and of the Council amending the Directive establishing a scheme for greenhouse gas emission allowance trading within the Community, in respect of the Kyoto Protocol's project mechanisms COM(2003) 403 final – EESC 1605/2003 – December 2003 DG ENV – Mrs WALLSTRÖM</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>The Committee welcomes and supports the Proposal as a whole. It believes that it should be possible to convert credits into allowances for use in the EU emissions trading system already in the first trading period 2005-2007.</p> | <p>The Proposal allows JI and CDM credits to be converted in the second trading period 2008-2012 but not in 2005-2007, which is consistent with the Kyoto Protocol and the Marrakech Accords.</p> |
| <p>The Committee wants the Commission to explain the concepts of JI and CDM to stakeholders and clarify the terminology used in the text.</p> | <p>The Proposal has an extensive explanatory memorandum where these concepts are clearly explained.</p> |
| <p>The Committee wants the Community to implement the agreement at COP 9 on land-use, land use change and forestry (LULUCF) credits in the CDM.</p> | <p>The Proposal excludes the use of LULUCF CDM credits in the EU emissions trading system (ETS) since they represent temporary storage of carbon and therefore are inherently different from emission reductions, which is the purpose of the EU ETS. The issue of implementing the COP 9 decision on LULUCF in the CDM will be considered in the context of the co-decision negotiations.</p> |
| <p>The needs of developing countries and economies in transition should be stressed clearly in the context of EU Member States' approval of project activities.</p> | <p>The Commission will take this suggestion into account in the context of the co-decision negotiations.</p> |
| <p>The Commission should inform NGOs, social partners and the public at large on the use of project credits in the EU ETS and submit a regular report to the European Parliament, the EESC and the Committee of the Regions.</p> | <p>The Commission will take this suggestion into account in the context of the co-decision negotiations.</p> |

**36. Financial Instrument for the Environment/extension (LIFE)
COM(2003) 667 final – EESC 1603/2003 – December 2003
DG ENV – Mrs WALLSTRÖM**

The Commission is pleased to note the favourable position of the EESC.

**37. Towards a thematic strategy on the prevention and recycling of waste
COM(2003) 301 final - EESC 1601/2003 – December 2003
DG ENV – Mrs WALLSTRÖM**

The Commission has no comment to make on the opinion since the Communication in question is not part of a legislative procedure and will not be revised.

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| <p>38. Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee: a European Environment and Health Strategy COM(2003) 338 final - EESC 1602/2003 – December 2003 DG ENV – Mrs WALLSTRÖM, Mr BYRNE, Mr BUSQUIN</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>1.4 It is not clear how the environment and health initiative relates to a number of other Commission initiatives – on public health or on a number of environmental issues.</p> | <p>The Commission ensures coordination <i>inter alia</i> through a task force between the DGs involved and through internal arrangements within the different DGs.</p> |
| <p>1.5 The EESC regrets that the communication does not try to set out more specific objectives for the new initiative.</p> | <p>At this stage more information is needed before very precise objectives can be set. Therefore the Communication concentrates on identifying information gaps and data needs – “to fill the knowledge gap on the link between environment and health”. The Action Plan will contain concrete actions.</p> |
| <p>5.1 The EESC believes that clarification is needed regarding the type of added value the forthcoming strategy is expected to provide.</p> | <p>The Action Plan for the strategy will provide clarification on the value added.</p> |
| <p>6.1 The EESC would highlight the need for sufficient time to be provided for the consultation process, otherwise there is a risk that this laudable initiative will give rise to some disappointment.</p> | <p>The tight time schedule is due to the deadline of the Budapest conference. The Commission is however ensuring transparency of the procedure through wide stakeholder consultation.</p> |
| <p>6.4 The responsibilities of every level should be clarified as far as possible. In this connection, the EESC would express its hope that the Commission will set up a standing advisory committee on the development and assessment of the strategy.</p> | <p>Clear responsibilities are important. The Commission will take note of this suggestion when developing the action plan.</p> |
| <p>7.1 The EESC would also point out that significant research findings already exist in the area of environment and health. New research should therefore build on existing research findings.</p> | <p>In the preparation of the Action Plan, working groups in different areas, e.g. research, have been set up to produce recommendations. Their first task has been to make a “baseline report” that covers existing information to make sure that already existing results are taken into account.</p> |

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| <p>9.5 The EESC recommends that the action plan should also address the effect of tobacco on children's health.</p> | <p>Working groups have been set up to give recommendations for the Action Plan. One of the issues discussed in these groups is the effect of tobacco on children's health. The content of the action plan will depend on the results from the working groups.</p> |
| <p>10.4 The EESC is ready to give its active support to future efforts in this field, by way of organising stakeholder consultations, or in other ways.</p> | <p>The Commission welcomes and takes note of this offer.</p> |

39. Integrated product policy
COM(2003) 302 final - EESC 1598/2003 - December 2003
DG ENV – Mrs WALLSTRÖM

The Commission has no comment to make on the opinion since it has already adopted its Communication.

| <p>40. Communication from the Commission: “On the road to sustainable production – progress in implementing Council Directive 96/61/EC concerning integrated pollution prevention and control” COM (2003)354 final - EESC 1596/2003 - December 2003 DG ENV – Mrs WALLSTRÖM</p> | |
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| Main points of the EESC Opinion | Position of the Commission |
| 1.12 Broader consultation if the directive is to be amended. | Acceptable and provided for. |
| 2.4 Assistance for the new Member States. | Acceptable, currently under way (in PHARE project). |
| 2.6 Assistance for SMEs at national or regional level. | Accepted. |
| 2.13 Strengthening of the Seville process. | Agreed in principle, but depends on JRC budget. |
| 3.1 Revision of criteria for applying the directive.. | Acceptable (planned revision of thresholds in Annex I). |
| 3.2 Precise definition of “emission limit values”. | Unacceptable. It is difficult to find a universally-accepted definition. The Member States have already indicated that they will not support such an initiative. |
| 3.4 Exclusion of plants with a low polluting capacity. | Agreed in principle, but these plants are difficult to identify. |
| 3.7 No revision of BREF documents in the short to medium term. | Unacceptable, since the idea of the best available technique is always changing. If they are to be useful, the BREF documents must take account of technological developments as quickly as possible. The first revision is planned for 2005. |
| Supplementary opinion, summary point b): “restoring” competitiveness vis-à-vis the rest of the world by means of tax measures. | Unacceptable. It should be noted that tax provisions require a unanimous decision. In addition, any measures of this kind might create problems with the WTO. |
| Supplementary opinion, summary point c): avoid additional burdens on industry | Acceptable in the context of the action plan COM(2002) 278, but not acceptable in that any environmental legislation would be rejected. |

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| <p>41. Proposal for Council Decision amending Decision 2002/834/EC on the specific programme for research, technological development and demonstration: “Integrating and strengthening the European research area” (2002-2006) COM(2003) 390 final – EESC 1400/2003 – October 2003 DG RTD – Mr BUSQUIN</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>The EESC considers that the proposal represents “a moderate and, if anything, restrictive approach” (point 7.2) when compared with the existing legislation on this subject in the Member States. The Committee stresses the importance of Community funding for this research, which it describes as “key scientific research serving important medical and biological ends” (point 7.3).</p> | <p>The Commission welcomes the EESC’s approval of the Commission’s proposal aimed at defining a scientific and ethical framework for Community research on human embryonic stem cells.</p> |
| <p>7.6. The Committee asks the Commission to ensure that, in implementing the scientific programme, the programme elements are structured in such a way so as not to rule out the involvement of top-rate scientific institutions in some Member States.</p> | <p>The Commission wishes to point out that any barrier to Community funding for scientific institutions would be a result of the relevant national legislation. If such areas were to exist, this would be outside the Commission’s control.</p> |
| <p>7.8. The Committee recommends that new human embryonic stem (hES) cell lines procured with support under the sixth framework programme should be stored in a public stem cell bank.</p> | <p>To help optimise the use of stem cell lines and, in particular, human embryonic stem cell lines, the Commission will provide funding for the initiative aimed at setting up a European public register of stem cells. When consulted on the Commission's proposal, the European Parliament also voted for an amendment to this effect. The amended Commission proposal presented to the Council on 26 November 2003 includes this addition [COM(2003) 749].</p> |

**42. Conversion of fishing vessels and of fishermen that were, up to 1999,
dependent on the Fishing Agreement with Morocco
COM(2003) 437 final – EESC 1397/2003 - October 2003
DG FISH – Mr FISCHLER**

The Commission shares the Committee's opinion, which is in line with the initial proposal.

43. Scheme to compensate for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands and the French departments of Guiana and Réunion as a result of those regions' remoteness
COM(2003) 516 final – EESC 1396/2003 – October 2003
DG FISH - Mr FISCHLER

| Main points of the EESC Opinion | Position of the Commission |
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| <p>The Committee endorses the permanent nature of the scheme and considers that the measures should be revised so as to maintain the objective of compensating for the additional costs incurred in the marketing of certain fishery products from the outermost regions of the EU.</p> | <p>The Commission shares the Committee's opinion, which is in line with the initial proposal.</p> |
| <p>The Committee believes that the procedure for adjusting amounts and quantities laid down in Article 8 must be made more simple, practical and flexible.</p> | <p>During the negotiations at the Council, Article 8 was reworded so as to simplify the adjustment procedure. In the approved final version, adjustments can be made by the Member States or the Commission; in the latter case, the adjustment is made by a Commission decision without the Management Committee for Fishery Products being involved.</p> |

| <p>44. Proposal for a Directive of the European Parliament and of the Council on measures and procedures to ensure the enforcement of intellectual property rights COM(2003) 46 final – EESC 1385/2003 – October 2003 DG MARKT – Mr BOLKESTEIN</p> | |
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| Main points of the EESC Opinion | Position of the Commission |
| <p>(3.7, 4.12) The Committee calls upon the Commission to commit itself to in-depth independent and sectoral studies employing a transparent methodology.</p> | <p>The EC has already commissioned a method to collect, analyse and compare data on counterfeiting and piracy in the Single Market (final report published in July 2002, available on the Commission's website). Commitments to pursue sectoral in-depth studies do not belong in a Directive. Article 23 of the Proposal provides for a report on the application of the Directive which should, if necessary, be accompanied by proposals for amendments.</p> |
| <p>(3.2) The Committee would like to see a draft Directive which clearly proposes measures to protect <i>bona fide</i> consumers and, more generally, consumer education and information measures on IPRs.</p> | <p>The Commission agrees on the principle of accepting a specific reference to protect <i>bona fide</i> consumers in appropriate cases, although this would already be covered by the Directive (e.g. by elements of Article 3 such as 'proportionality' and 'equity'). The Commission agrees that awareness campaigns should be encouraged but believes this does not belong in the operative part of the Directive.</p> |
| <p>(3.3) The Committee urges that no backing be given to measures which would affect the legitimate rights or privacy of consumers and users, would impose an excessive burden on internet-access providers, or could even drive those publishers who offer alternative solutions off the market.</p> | <p>The Commission considers the Proposal to be a balanced one. It does not interfere with nor affect Directive 2001/29/EC.</p> |
| <p>(3.5) The TRIPS objectives (Article 7) and their underlying principles (Article 8(2)) should be included in the recitals of the Directive.</p> | <p>In the opinion of the Commission this is not necessary as the recital cites the TRIPS Agreement several times and already includes the objectives and principles set out in the Agreement.</p> |
| <p>(6) The Committee considers the provisions on damages as being</p> | <p>In the Commission's opinion, the provisions on damages are balanced</p> |

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| <p>'extremely, sometimes excessively, precise'. If civil proceedings are subordinate to criminal proceedings, the intentional nature of the prejudice must be established.</p> | <p>and not excessively precise. The Proposal does not touch upon the subordination of civil proceedings to criminal proceedings.</p> |
| <p>(6) European and national organisations defending consumers' rights must be recognised within the meaning of Article 5; the codes of conduct should also set out consumers' rights and guarantees.</p> | <p>Within the context of an IPR Enforcement Directive, the status of a consumer organization does not seem to be appropriate and would even contradict substantive Community law on IPR; codes of conduct within the meaning of the Proposal may include any subject matter, including consumer protection.</p> |
| <p>(6) On provisional and precautionary measures: the defendant must in all cases be heard when measures are taken <i>inaudita altera parte</i> (without prior hearing of the other party)..</p> | <p>In such situations, respect for the rights of the defence is laid down in TRIPS and copied in the Directive. Hearing the defendant is unnecessary if he accepts the charges.</p> |
| <p>(6) On evidence, only the appropriate criminal courts may order the seizure of bank, financial or commercial documents and their forwarding to a civil jurisdiction.</p> | <p>The possibility of seizure and communication of documents by order of civil jurisdictions is already available in certain MS and it should be available under the Directive.</p> |
| <p>(6) In addition to destruction of goods, seizure of pirating or counterfeiting equipment might also be envisaged.</p> | <p>This may be taken into account in the framework of the negotiations with the other institutions.</p> |
| <p>(6) Publication of judgements: the judge should lay down either an overall sum to be used for publication, or the titles and the form that the statement should take.</p> | <p>This would interfere with the discretion of judicial authorities and go beyond what is acceptable on the basis of the subsidiarity principle.</p> |
| <p>(6) Technical measures. Circumventing an improper technical device in order to exercise a consumer's right should not be regarded as unlawful.</p> | <p>Article 21 defines what an illegal technical device is. Manufacture, import, distribution and use of illegal technical devices are always for commercial purposes.</p> |

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| <p>45. Proposal for a Directive of the European Parliament and of the Council on the harmonisation of transparency requirements with regard to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/ CE COM(2003) 138 final – EESC 1619/2003 - December 2003 DG MARKT - Mr BOLKESTEIN</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>3.1.1: As regards the publication of quarterly information (Article 6), the EESC is in favour of an obligation only to publish information on trends in turnover and activities for the first and third quarters. The Commission would review the situation after three years.</p> | <p>Suggestion taken into account, for the following reasons:</p> <p>The “general approach” agreed within the ECOFIN Council of 25 November 2003 concerning the proposal for a directive (Document No 15275/03) abandoned any reference to quarterly information with specific figures in favour of a general description of the financial position and performance of the issuer, without any figures being required. This solution is even more “prudent” than the EESC’s opinion. The Commission officially supports this position.</p> |
| <p>3.1.2 According to the EESC, the extent of regulatory authorities’ input varies from one Member State to another, so there may be a considerable degree of unequal treatment of issuers and investors between Member States.</p> | <p>The Commission has taken account of the opinion by listing the minimum powers which the regulatory authorities must have (Article 20(4)).</p> |
| <p>3.1.3 According to the EESC, the definition of the home Member State in the proposed Transparency Directive (Article 2) is not wholly consistent with the definition adopted in Article 2 of the Prospectus Directive: the threshold for allowing debt securities issuers to select their home Member State is set at a denomination of 5 000 euros in the current proposal, but at 1 000 euros in the Prospectus Directive.</p> | <p>The “general approach” adopted at the ECOFIN Council of 25 November 2003 on the proposed directive adopted the limit of 1 000 euros. This solution is in line with the Committee’s opinion.</p> |

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| <p>3.1.4 According to the EESC, the inclusion of derivatives, whatever their nature, in the notification obligation for major shareholdings (Article 2) is not compatible with the system and should be deleted.</p> | <p>The “general approach” adopted at the ECOFIN Council of 25 November 2003 on the proposal for a directive clarifies the Commission’s proposal and is along the lines of the opinion, except that it does not support the principle of a total exemption for derivatives. The Commission officially supports this position. In fact, a total exemption would not be justified since voting shares would already have been issued.</p> |
| <p>3.1.5 Deadline for the publication of the annual financial report (Article 4): the EESC calls for a deadline of four months instead of three (as proposed by the Commission). According to the EESC, the three-month deadline may prove problematic given the requirements to publish the full audit report alongside the annual report. This means publishing the accounts as they have to be presented to the general shareholder meeting. Many companies are unable to do that within three months.</p> | <p>Suggestion taken into account, for the following reasons:</p> <p>The “general approach” adopted by the ECOFIN Council of 25 November 2003 on the proposal for a directive also opted for a four-month deadline. This solution is in line with the EESC opinion. The Commission officially supports this position.</p> |
| <p>3.1.6 Deadline for the publication of the half-yearly report and the mandatory nature, or otherwise, of the audit of that report (Article 5): under Article 5, a half-yearly report must be drawn up in line with international standards (IAS 34) within two months of the end of the relevant six-month period. For the EESC, this deadline is incompatible with an audit of the half-yearly accounts for issuers who publish audited accounts.</p> <p>Moreover, Article 5(5) specifies that an audit of the report might be made mandatory under the committee procedure. Home Member States may also require an audit. For the EESC, such an obligation should not be subject to the committee procedure.</p> | <p>The “general approach” adopted at the ECOFIN Council of 25 November 2003 on the proposal for a directive dispensed with the possibility of using the committee procedure. This solution is in line with the EESC opinion. The Commission officially supports this position.</p> <p>However, the publication deadline specified in the “general approach” remains two months. The Commission officially supports this position, having opted for a two-month period following in-depth consultations.</p> |

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| <p>3.1.6 As regards the content of the half-yearly report (Article 5), the EESC considers that a more precise definition would be required of the term “management report”, which does not mean the same thing in all Member States. In practice, it would be advisable to require an update of the financial data contained in the last management report in order to avoid making the obligations for companies excessively cumbersome.</p> | <p>Suggestion taken into account, for the following reasons:</p> <p>The “general approach” adopted at the ECOFIN Council of 25 November 2003 on the proposal for a directive clarified what is required concerning the contents of the “management report”. This solution is in line with the EESC opinion.</p> |
| <p>3.1.7 Notification of the acquisition or disposal of major holdings (Article 9): for the EESC, notification of this kind may prove problematic for certain types of players, most notably institutional investors.</p> | <p>Opinion taken on board in the “general approach” adopted at the ECOFIN Council of 25 November 2003 on the proposal for a directive, which provides for a special system of notification for management companies and investment firms.</p> |
| <p>3.1.9 Timely access to regulated information (Article 17): under Article 17(2), the host Member State may require issuers “to alert any interested party, without delay and free of charge, to any new disclosure or any change to regulated information which has already been published”. For the EESC, such a requirement is too loose and, hence, goes too far.</p> | <p>Opinion taken into account in the “general approach” adopted at the ECOFIN Council of 25 November 2003 on the proposal for a directive, which simply refers to “alerting the public” rather than “any interested person”.</p> |

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| <p>46. Modernising company law and enhancing corporate governance in the European Union – plan to move forward COM(2003) 284 final - EESC 1592/2003 - December 2003 DG MARKET - Mr BOLKESTEIN</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>3.1, 3.2, 3.3 and 3.6. The EESC welcomes the outlines of the Communication, endorses the objectives set, supports the Commission when it proposes to make a proper distinction between categories of companies, and generally approves the Commission's timetable of priorities.</p> | <p>Favourable opinion taken into account.</p> |
| <p>3.4 and 3.5. The EESC notes that the Communication contains a number of very general principles and points out that some of the concepts used are vague and should be clarified.</p> | <p>The Commission agrees with the EESC's analysis. However, as a plan of action, the Communication cannot go beyond presenting the main outlines of the actions thought to be necessary in the field of company law and corporate governance.</p> <p>The Commission is aware that implementing the action plan will require a number of principles and concepts to be explained in more detail.</p> <p>In this connection, the Communication states that expert consultation (of both government and non-government experts) will be an integral part of the preparation of initiatives, and that a public consultation will be organised on the major initiatives. In fact, such a consultation was organised on the action plan itself, which has already allowed a large number of interested parties to provide much useful information.</p> |

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| <p>4.1, 4.1.1, 4.1.2 and 4.1.3: corporate governance</p> <p>The EESC is pleased that the EU has no plans to establish a European code of corporate governance, but considers that it is in the interests of companies and investors to have the certainty that foreign companies are complying with a minimum number of essential and internationally recognised principles. The Committee endorses the principles adopted by the Commission and feels that the EU should lay down essential internationally recognised principles rather than becoming involved in too much detail.</p> | <p>The Commission is pleased that the EESC approves the proposed approach on corporate governance. As regards the implementation of this approach, the Commission confirms its intention of restricting itself to formulating essential principles in a directive or recommendation.</p> |
| <p>4.9.: corporate restructuring and mobility</p> <p>The EESC considers it essential that obstacles to companies' mobility be eliminated and therefore supports the proposals made (cross-border mergers and transfer of a company's head office). However, the EESC considers that these provisions should preserve the rights of workers (information, consultation, participation).</p> | <p>The Commission welcomes the EESC's support for proposals which the Commission itself considers to be major priorities.</p> <p>As for workers' rights, the Commission confirms its commitment to finding appropriate solutions that protect these rights.</p> <p>The proposal on cross-border mergers presented on 18 November 2003 in no way questions the rights of workers to information and consultation laid down in existing directives; as for the participation rights granted by some Member States to workers, the proposal contains a balanced approach designed both to comply with the principle of subsidiarity and to suitably protect rights acquired before the merger, this approach being partly based on the arrangements laid down in provisions on the European Company.</p> <p>The future proposal on the transfer of head offices should deal with these points in a similar way.</p> |

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| <p>4.10.: The EESC supports the development of an optional statute for the European private company. It hopes that a feasibility study can be launched in the short term and would like to see the early introduction of the statute.</p> <p>4.11.: The EESC supports the initiatives concerning the European Cooperative Society and other legal forms of European enterprise.</p> | <p>Favourable opinion taken into account.</p> |
| <p>5.1 and 5.2. The Committee endorses the Commission's initiative. It notes, however, that the action plan is mainly concerned with relations between shareholders, investors and companies with a view to optimising their management. It points out that the Commission's action must be part of a more general policy for companies which takes account of the protection of workers.</p> | <p>The Commission stresses that the main purpose of the action plan is to present the policy on company law and corporate enterprise that it intends to pursue. It wishes to point out that the objectives pursued are not limited to defending the interests of shareholders; as stated in the action plan, the purpose is a) to strengthen the protection of shareholders and third parties, and b) to make businesses more efficient and competitive.</p> <p>In addition, the Commission would like to emphasise that the action plan, however important it is, forms only one strand of its enterprise policy. In this connection, particular mention should be made of the work going on in the European Forum on Corporate Social Responsibility.</p> |

**47 Communication from the Commission to the Council and the EP
Reinforcing the statutory audit in the EU
COM(2003) 286 final – EESC 1593/2003 - December 2003
DG MARKT - Mr BOLKESTEIN**

| Main points of the EESC Opinion | Position of the Commission |
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| <p>The EESC raises the following issues:</p> <p>3.1 The EESC welcomes the publication of this communication.</p> | <p>The EESC opinion puts no final specific requests to the Commission but makes some specific observations. Nevertheless, we would like to make the following comments:</p> <p>The Commission welcomes the EESC's general support for the Commission's Communication.</p> |
| <p>4. Specific comments</p> | <p>The Commission will consider the EESC's specific comments in its proposal for a new Directive on statutory audit that will be issued in spring 2004.</p> |
| <p>4.7 It therefore welcomes the Commission's recognition that it should examine the economic impact of present liability regimes.</p> | <p>The Commission will conduct a study on the economic impact of auditors' liability in 2004.</p> |
| <p>5.3 The Committee agrees that the present situation is unacceptable and urges the Commission to continue its dialogue with other major regulators including US SEC and PCAOB...</p> | <p>The Commission has a continuous regulatory dialogue with the US PCAOB (Public Company Accounting Oversight Board) to explore co-operative arrangements for oversight of audit firms, on the basis of true partnership.</p> |

48. Proposal for a Council Directive amending Directive 77/388/EEC concerning the common system of value added tax, as regards conferment of implementing powers and the procedure for adopting derogations
COM(2003) 335 final – EESC 1409/2003 – October 2003
DG TAXUD - Mr BOLKESTEIN

Given the full agreement between the two institutions, the Commission does not consider it necessary to follow up the Committee's opinion.

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| <p>49. Proposal for a Council Directive amending Directive 77/388/EEC as regards reduced rates of value added tax COM(2003) 397 final - EESC 1407/2003 - October 2003 DG TAXUD -Mr BOLKESTEIN</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>The Committee would like two sectors included in the former Annex K – hairdressing and small repairs services – to be added.</p> | <p>The Commission did not propose this addition because, in its report reviewing the experience of reduced taxes on labour intensive services, it did not appear that the measure had a beneficial effect either on employment or on combating the black economy. The Commission will keep the EESC opinion in mind when negotiating on this proposal at the Council.</p> |
| <p>The Committee calls for the addition of historic and religious buildings and buildings of private and professional/industrial, cultural and architectural heritage.</p> | <p>The Commission did not propose this addition because, at present, almost all the Member States apply the normal tax rate to these operations. The Commission will keep the EESC opinion in mind when negotiating on this proposal at the Council.</p> |
| <p>With regard to the zero rate, the Committee proposes a provision stating that the derogation may relate only to supplies of goods or services in one of the categories listed in Annex H <u>or Article 13</u>.</p> | <p>The zero rate is a derogation from the Community rules on rates which is to be gradually phased out. That is why the Commission, in its proposal, restricted its application to the categories in Annex H. Extending the scope of this derogation cannot therefore be envisaged.</p> |
| <p>In Article 1(2)(c) (regional derogations), it is proposed that the words “which give rise to consumption in those territories” be deleted.</p> | <p>The Commission will keep the EESC opinion in mind during the negotiations on this proposal at the Council.</p> |

50. Proposal for a Council Directive amending Directive 90/435/EEC on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States
COM(2003) 462 final - EESC 1408/2003 – October 2003
DG TAXUD - Mr BOLKESTEIN

The Commission takes note of this favourable opinion. Given the full agreement between the two institutions, the Commission does not consider it necessary to follow up the Committee's opinion.

51. Proposal for a Directive of the European Parliament and of the Council amending Directive 77/799/EEC concerning mutual assistance by competent authorities of the Member States in the field of direct and indirect taxation
COM(2003) 446 final - EESC 1403/2003 – October 2003
DG TAXUD – Mr BOLKESTEIN

Given the full agreement between the two institutions, the Commission does not considers it necessary to follow up the Committee's opinion.

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| <p>52. Proposal for a Council Directive amending Directive 77/388/EEC as regards value added tax on services provided in the postal sector COM(2003) 234 final – EESC 1620/2003 - December 2003 DG TAXUD – Mr BOLKESTEIN</p> | |
| <p>Main points of the of EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>3.2 The EESC considers that consumers should not face price increases as a result of the elimination of the postal exemption.</p> | <p>The introduction of an optional reduced rate should allow Member States to achieve that objective.</p> |
| <p>4.5 Ideally, the removal of the exemption should coincide with the complete liberalisation of the sector.</p> | <p>The Commission considers the two issues (liberalisation and VAT exemption) should not be linked. The issue of a date of entry into force of the Directive is still open to negotiations with the Council and the EP.</p> |
| <p>5.6 The Committee recommends that the Commission provide guidance on this special scheme by which postal operators develop an alternative method to calculate the amount of VAT due from their postal operations.</p> | <p>The EESC's concern is shared by several Council members. It is apparent that the current wording of the proposal for a special scheme will have to be amended in the course of discussions in Council.</p> |

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| <p>53. Taxation in the European Union: common principles, convergences of tax law and the possibility of qualified majority voting Own initiative opinion – EESC 1621/2003 - December 2003 DG TAXUD – Mr BOLKESTEIN</p> | |
| <p>Main points of the EESC opinion</p> | <p>Position of the Commission</p> |
| <p>The positions of the EESC on the issue of qualified majority voting as expressed in the conclusions of the opinion are as follows.</p> | <p>The European Commission has expressed in detail its positions on taxation in the context of the Convention and the IGC in various documents, in particular COM(2003) 548.</p> |
| <p>The European Union must have competence and be genuinely able to decide by qualified majority voting in cases where a country's ability to set its own taxes is largely dependent on the behaviour of the other Member States. If the mobile tax base becomes impossible to tax, then the tax burden will increase on the fixed tax base, which means, basically, the working population.</p> | <p>The analysis made by the EESC corresponds broadly to the one made by the Commission. In particular, it is important to ensure the mutual compatibility of Member States' tax systems and their compatibility with Treaty rules. Furthermore, the problems related to a shift of taxation towards less mobile tax bases has been repeatedly emphasized both by the Commission and by the Council. This was reflected notably in the reasons for launching a "tax package" in 1997.</p> |
| <p>Qualified majority voting must be restricted to certain types of tax, such as corporation tax, taxation of income from capital and of environmentally dangerous activities. It should also apply to taxes that impact on the operation of the single market or distort competition. It must not apply to any national differences that have no impact on the market or on competition. In addition to applying to certain types of tax only, qualified majority voting must only be used to set minimum levels.</p> | <p>However, when it comes to detailed proposals referring to qualified majority in the area of taxation, some differences or nuances may be observed between the EESC opinion and the opinion expressed by the European Commission. The latter suggested in particular the use of QMV for taxation in connection with the operation of the internal market: i.e. modernising and simplifying existing legislation, administrative cooperation, combating fraud or tax evasion; for measures relating to tax bases for companies, but not including tax rates; the aspects of free circulation of capital linked to the fight against fraud; taxation in respect of the environment.</p> |

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| | <p>In short, EESC proposals regarding corporate taxation or taxation of capital appear more ambitious than Commission proposals, but the Commission proposals are seemingly potentially broader in scope than proposals made by the EESC for the environment.</p> <p>The exact implications of EESC proposals for QMV in the area of indirect taxation deserve further interpretation. On first examination, they seem in general broadly in line with Commission proposals.</p> |
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| <p>54. Proposal for a Decision of the European Parliament and of the Council establishing a Community action programme to promote bodies active at European level and to support specific activities in the field of education and training COM(2003) 273 final – EESC 1393/2003 - October 2003 DG EAC – Mrs REDING</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>Irrespective of the intended financial neutrality of the proposal, the Committee considers that the funding is inadequate, also in view of the imminent enlargement of the European Union, and feels that it should be increased accordingly.</p> | <p>In view of the need to have legislation adopted quickly to permit the funding of institutions and activities to continue without interruption, the approach of the Commission to all seven legal bases in this package has been to seek to transpose current practice into legislation with as few modifications as possible. While a substantial increase in the budget would undoubtedly be welcome, the associated negotiations would be lengthy and the outcome uncertain. During that time no funds could be spent at all, which would put at risk the existence of a number of the institutions covered by this Decision, the very opposite effect of the one intended by this proposed modification.</p> |
| <p>The Committee feels that the Commission should consider giving a different name to the proposal for a decision, more in line with the actual content of the programme and the objectives it pursues.</p> | <p>The Commission considers that the name of the proposed Decision accurately reflects its content and would not wish to amend it.</p> |
| <p>The Committee feels that [the list of designated institutions in Action 1] should not be restricted, so that other significant institutions and bodies might be added which also pursue an aim of general European interest, whether extensively or more specifically within one concrete area.</p> | <p>While the Commission can understand the spirit of this amendment, the principle of financial neutrality outlined in response to point 1 above would require any additional expenditure on new institutions to be resourced from cuts elsewhere in the budgetary envelope. This is not considered desirable, particularly given the short duration of the new programme (reduced to three years at first reading).</p> |
| <p>The Committee ... feels that Action 3C [training of national judges] should be removed from this proposal and included in another piece of legislation, unless it is</p> | <p>This action responds to a very particular training need in the application of competition law following the adoption of Regulation</p> |

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| <p>broadened, in the sphere of lifelong learning, to cover other professions and sectors of the same European level of interest as those in this Action.</p> | <p>(EC) No 1/2003. The Commission does not therefore consider it appropriate to extend it. In view of its focus on vocational training, it is appropriate to include the action in the current proposal. Moreover, there is no other suitable legislation into which it could be incorporated.</p> |
| <p>The Committee would question the need for the [executive] agency's budget to include sums earmarked for studies, meetings of experts in charge of implementing the programme and information, publication and promotion initiatives, etc. Given that this is not an 'ex novo' programme, the Committee believes that these amounts would be better used to fund those activities receiving the least support under the proposal as presented, i.e. those in the field of training.</p> | <p>Point 5 of the Annex to the Decision is a permissive provision, enabling an executive agency to fund activities necessary for the efficient implementation of the programme. It does not dictate what form these activities should take nor the level of resources to be devoted to them. This is a necessary provision to ensure the effective running of the programme. The Commission does not therefore intend to modify its proposal.</p> |

**55. Proposal for a Regulation of the European Parliament and of the Council
laying down requirements for feed hygiene
COM(2003) 180 final – EESC 1404/2003 – October 2003
DG SANCO – Mr BYRNE**

Since the EESC opinion takes a positive view of the Commission's proposal, no follow up is necessary.

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| 56. Proposal for a Regulation of the European Parliament and the Council establishing a European Centre for Disease Prevention and Control COM(2003) 441final – EESC 1394/2003 - October 2003 DG SANCO - Mr BYRNE | |
| Main points of the EESC Opinion | Position of the Commission |
| <p>The EESC did not ask for specific modifications to the Commission proposal and agrees wholeheartedly with the Commission's proposal regarding the definition and concept of the remit of the Centre.</p> | <p>The Commission agrees on the points raised and has taken into account all these issues in its discussions with the Council and the European Parliament.</p> |
| <p>4.5 Scientific surveillance should be constant to permit an extremely rapid early warning and response.</p> | |
| <p>4.6. Technical assistance cannot be limited only to EU Member States.</p> | |
| <p>4.8. Doubts as to whether the Centre will be able to begin operating with such a small number of staff.</p> | |
| <p>4.9. Emphasises that the members of the Advisory Forum should not be drawn only from similar national bodies.</p> | |

**57. Proposal for a Regulation of the European Parliament and of the Council establishing a programme for financial and technical assistance to third countries in the area of migration and asylum
COM(2003) 355 final – EESC 1392/2003 - October 2003
DG RELEX and DG JAI - Mr PATTEN and Mr VITORINO**

Preliminary remarks

The European Parliament delivered its opinion at first reading. The Commission and the Council then indicated they were able to accept and incorporate as such all the European Parliament's amendments, thus confirming the informal agreement reached between the three institutions on a compromise text. The text of the regulation is now being revised by lawyer-linguists and should be formally adopted by the Council at the beginning of February 2004. Where possible, the departments of the three institutions (Commission, European Parliament, Council) have tried to incorporate into the final draft of the regulation the comments made by the Economic and Social Committee in its opinion of October 2003. The final draft as it now exists can no longer be amended since that would call into question the existing interinstitutional agreement.

| Main points of the EESC Opinion | Position of the Commission |
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| 2: the EESC points out that it has always stressed the need to operate on two complementary fronts: first, defining a coherent set of legal provisions to encourage the legal entry of migrants, and second, working in close cooperation with migrants' countries of origin. | The Commission welcomed the EESC's general comments and defended their main thrust during the interinstitutional negotiations which resulted in the final draft of the Regulation. |
| 3.1: the EESC stresses that the reference to third countries that have initialled, signed or concluded a readmission agreement must not be interpreted as an indication of exclusive priority. | The final draft of the Regulation takes full account of the EESC's comments on this article and can now confirm that there will be no exclusive priority as regards the geographical scope of the programme. |
| 3.2: the EESC calls for an explicit indication that regional and sub-regional dialogue should involve not just the administrations in the countries concerned but also the social partners. | In substance, the EESC's comment has been incorporated into the final draft of the Regulation. |
| 3.3: Article 4 is crucial and should be positioned accordingly. The Committee suggests either putting it in the place of, or combining it with, Article 2. | The final draft of the Regulation takes full account of the EESC opinion on this point: in accordance with the Committee's request, Article 4 has been moved and now forms one paragraph in Article 1. |

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| <p>3.4: the EESC calls for a specific reference to the social partners.</p> | <p>The Committee's request was not taken into account in the final draft of the Regulation since all three institutions considered that a specific reference to the social partners was not necessary given the wording of the article, which had to remain general in its scope.</p> |
| <p>3.5: other measures financed by other Community programmes could help to achieve the objectives of the proposal in question, as stated in Article 4.</p> | <p>The final draft of the Regulation contains references designed to convey the idea contained in this paragraph. These references fully satisfy the concerns expressed by the EESC.</p> |
| <p>3.6: the EESC asks to be consulted on the report provided for in Article 11.</p> | <p>The Commission wishes to point out that, in the same way as it was not legally obliged to consult the EESC on its proposal, it is not obliged to consult it on the reports which it presents on the Regulation's implementation. However, the Commission undertakes to respond appropriately to any specific consultation requests that the EESC may make in due course.</p> |

58. Initiative of the Kingdom of the Netherlands with a view to the adoption of a Regulation amending Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

OJ C 311 of 14.12.2002 – EESC 1401/2003 - October 2003

DG JAI – Mr VITORINO

In the light of the rejection of the Dutch initiative as proposed by the EESC (the Commission fully agrees), no follow-up would appear to be necessary. Note has to be taken of the fact, however, that the Parliament, in its resolution, called upon the Commission to give proper consideration to the underlying issue, report back to the Parliament and present amending legislation if necessary. In view of this request, the Commission is currently reflecting what measures, if any, should be taken.

59. New European neighbours

COM(2003) 104 final - EESC 1622/2003 – December 2003

DG RELEX – Mr PATTEN

No comments to make on this point.

60. The role of civil society in the new European strategy for the Western Balkans

Exploratory Opinion - EESC 1624/2003 – December 2003

DG RELEX – Mr PATTEN

No comments to make on this point.

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| <p>61. Proposal for a Council Regulation amending Regulation (EC) No 2501/2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004 and extending it to 31 December 2005 COM(2003) 634 final – EESC 1623/2003 - December 2003 DG TRADE - Mr LAMY</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>The EESC accepts the rationale of the Commission's decision to postpone the introduction of a new definitive GSP system and to extend the existing regime until 31 December 2005 at least.</p> | <p>The Commission welcomes the EESC's support for the extension of the GSP, which represents the most important element of the Commission proposal.</p> |
| <p>The exclusion from the graduation process of countries whose exports to the EU account for less than 1% of total Community imports of products covered by the GSP is also approved by the EESC.</p> | <p>The Commission also welcomes the Committee's support for this element of the proposal which will avoid any adverse impact on countries with a low volume of GSP related trade.</p> |
| <p>The EESC welcomes the Commission's intention to strengthen the special incentive arrangements for the protection of labour rights and gives its approval to this change.</p> | <p>The Commission shares the EESC's view on the importance of the International Labour Organisation's conventions and the ILO's assessment of the situation in the process for granting this special incentive to a beneficiary country.</p> |
| <p>The EESC hopes that the GSP's incentive arrangements for the protection of the environment, consumers, the climate and animals will be applied more effectively and further developed in future.</p> | <p>The current proposal extends the existing GSP scheme for an extra year. The possibility of incentives to encourage behaviour not covered in the current schemes, such as consumer protection or animal welfare, are matters to be considered in the consultation process for the new 10-year regime that will commence on 1 January 2006.</p> |
| <p>The EESC is currently engaged in drawing up an exploratory opinion on the subject of the GSP, at the request of Mr Pascal Lamy, Member of the Commission, and will address the issues arising from the introduction of a new definitive system in that opinion.</p> | <p>The Commission looks forward to receiving the Committee's comments on the design of the system for the period 2006 to 2015. The consultation process is intended to allow all interested stakeholders to set out their views and the EESC's opinion will provide an important input.</p> |

**62. Role of civil society in European development policy
Own-initiative opinion – EESC 933/2003 – July 2003
DG DEV - Mr NIELSON**

| Main points of the EESC opinion | Position of the Commission |
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| <p>4.6.: It thus emerges from the Commission's communication that a relatively large amount of attention is paid to civil society in granting funds to carry out projects, but that it is not yet involved in policy-formation. Third country NSAs are basically seen as partners or indirect recipients of funds, but not as bearing any active responsibility for shaping development policy.</p> | <p>The Communication on NSA participation in EC development policy shows that important amounts of Community aid are being devoted to or managed by NSAs. In addition, it highlights the progress made in the process of supporting the NSAs' involvement in the different stages of the development process, in particular the formulation of national development strategies and the preparation of the Country Strategy Papers.</p> <p>The Commission encourages the organisation of dialogues and consultations with NSAs. Partner country governments' are increasingly aware of the need to get their civil society involved, particularly in ACP countries. It is an evolving process, which is still at an early stage. There is room for improvement.</p> <p>The Commission considers that analyses of the consultations done by the Economic and Social Committee and by NGOs are helping to correct weaknesses found.</p> <p>Moreover, since the adoption of this policy document, the Commission has produced practical guidelines for its Delegations in all developing countries and regions with examples of good practices to facilitate an increasingly participatory approach to development, in the context of both the different steps of the programming process and the regular in-country dialogues. For the ACP countries in particular, the Commission has also produced specific guidelines on the procedures to access the 9th EDF funds set aside for NSAs in the National Indicative Programs.</p> |

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| <p>5.2. The strategy for the effective introduction of a participatory approach runs up against a number of obstacles:</p> <ol style="list-style-type: none"> 1. there is still a noticeably high level of resistance on the part of most third country governments to dialogue with NSAs: even where such provision is made, there is virtually no real possibility for NSAs to take part in defining development programmes and strategies; 2. the highly centralised administration of such countries constitutes a further obstacle which, because it does not encourage participation by actors who are not already at the centre, tends to marginalise local elements, especially in the least accessible – and often poorest – rural areas; 3. there is a clear lack of specific rules and standards governing real participation by NSAs; | <p>The Commission agrees that a number of obstacles of different kinds remain and that further progress towards the participation of Civil Society needs to be made. However, the Commission also considers that the substantial efforts made by all the parties must be acknowledged as well.</p> <ol style="list-style-type: none"> 1. It is true that in some cases, due sometimes to a lack of culture or tradition of participation, partner governments are not open to involve their own civil society in the development policy debate; Commission Heads of Delegation, in coordination with Member States and other donors, bring the participatory approaches to the permanent dialogue with partners, identify the major obstacles for NSA participation and propose solutions adapted to the context; other EU institutions' interventions and initiatives in this context are highly appreciated. The EESC regional seminars have proved to be a useful way to give voice to NSAs as well as to better know their constraints. 2. Centralisation is generally an obstacle to participation, in particular for grass-roots organisations; support for decentralisation processes is one possible response that can be complemented by partnerships between in-country NSA themselves, that can promote exchanges between those at central level and those at the grass-roots and be useful in giving voice to and empowering community-based organisations. 3. The specificity of national contexts and the variety of NSA determine the type and the level of participation for NSAs and make it impossible to set rigid rules to govern the process. It does not seem appropriate to establish eligibility criteria for participating in dialogues. |
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| | <p>and consultations: a maximum degree of flexibility should always be guaranteed in order for consultation to be inclusive and ensure pluralism, depending on each country's specific situation as well as on the level of structuring and capacity for networking of the NSA in the country concerned. However, care must always be taken to ensure participation of NGOs who are in areas which are difficult to access</p> |
| <p>4. civil society organisation in third countries is often of only the most rudimentary kind, and the main problem is frequently how to boost the capacity of the actors who are to participate in the process;</p> <p>5. a further problem is that of access to funding, closely tied in with that of dissemination of, and access to, information. Third country NSAs complain that there is often a total lack of any system for disseminating information;</p> <p>6. the established procedures for granting funding are in general excessively costly and complex, as the NSAs themselves frequently point out.</p> | <p>(4) Capacity building is essential to enable NSAs to play a constructive role in the development process. It should not be seen as a final objective, but as a means of attaining development goals. Different processes can have an impact on NSAs' capacities, but only those owned and initiated by the NSAs will be fruitful in the long term. Building capacities is a long term process that needs commitment and confidence between actors. Capacity building for NSAs in partner countries is a strategic priority for the EC, which supports specific programmes to improve NSAs' capacities in different areas. Mainstream capacity building for NSAs in focal and non-focal sectors of co-operation is also a priority for the EC..</p> <p>5. Access to funding and access to information are clearly linked. The Commission is making considerable efforts to improve the access to and the dissemination of the information for NSAs on the opportunities offered by the different financial instruments. It is conscious of the need to transmit the information in terms which civil society understands and can assimilate</p> <p>6. The Commission agrees that EDF procedures are not easy to apply but in order to facilitate NSAs' work, internal operational guidelines has been drawn up. These guidelines focus on the implementation of the Cotonou Agreement provisions relating to NSAs through EDF funded projects and programmes. They are intended to</p> |

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| | <p>develop common practical approaches to enhance civil society participation and to monitor the quality of participation of NSAs in all the stages of the development process. These guidelines were sent to all EC Delegations in ACP countries in September 2003.</p> <p>Moreover, to ensure continuous support for NSAs, most of the Commission Delegations already have a civil society contact point focused on dealing with relations with the wide range of NSAs.</p> <p>In addition, a User's Guide on Non State Actors and the Cotonou Agreement has been drawn up by ECDPM for the ACP Secretariat with the support of the Commission. This guide is specifically targeting NSAs in ACP countries and aims at informing and assisting them in understanding Cotonou and the opportunities offered by this Partnership Agreement. The guide will be widely distributed in early 2004.</p> <p>As regards the complexity and cost aspects, also see the reaction given to point 7.9.</p> |
| <p><u>Paragraph 7.2</u></p> <p>While welcoming the approach adopted by the Commission, the Committee hopes that a common agreement will be reached in the short to medium term defining the practical arrangements and instruments for the participation of NSAs, culminating in a regulatory system conferring full legitimacy on dialogue. The starting-point for this dialogue must be the definition of precise objectives, models and common values to be promoted.</p> | <p>Establishing a “regulatory system conferring full legitimacy on dialogue” with NSAs does not seem to be appropriate in the Commission’s view. A more pragmatic approach is to be favoured and the Communication on NSAs’ participation clarifies the objectives and the expectations of the participatory approach and identifies some of the practical instruments and arrangements to facilitate the participation of NSA and meet these expectations.</p> <p>For the participatory approach to be successful, it is important to ensure fair registration of NSAs.</p> |
| <p><u>Paragraph 7.3</u></p> <p>A "roadmap" must be prepared on the basis of broader and clearer selection systems in order to facilitate dialogue with NSAs and their participation, taking account not only of long-standing structures at local level, but also of more recent structures provided they appear to offer added value in terms</p> | <p>The Commission is not in favour of establishing rigid rules of consultation or selection of NSAs to participate in dialogues, because both the national circumstances and the civil society dynamics differ from one country to another.</p> |

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| <p>of greater independence from governments. This need was highlighted by delegates to the Yaoundé regional seminar, with a call for clear eligibility criteria to be drawn up at national and local level in order to bring in all civil society stakeholders without exception.</p> | <p>Depending on the country's context it might however be appropriate to establish, in association with all the relevant NSAs and the authorities, an indicative Plan of Actions with a view to facilitating civil society involvement in all the steps of the development process. A proposed mapping exercise in each country should help to identify relevant stakeholders for different dialogue processes</p> |
| <p><u>Paragraph 7.4.</u> The process of decentralisation to the delegations, which the Commission has commenced and which should be complete in 2003, must include mechanisms for a real exchange with third country NSAs. The delegations should therefore become a key factor in, and themselves a forum for, dialogue between civil society, national governments and the EU institutions. By virtue of their greater awareness of local circumstances, they should help define ways of optimising the financial resources used, and should assist NSAs in the transparent application of European funds. The Conclusions of the Yaoundé regional seminar specifically ask that each Commission delegation appoints an official to deal with relations with NSAs, as is already the case in some delegations.</p> | <p>As a result of the deconcentration process, Commission Delegations will be better staffed. A large number of Delegations already have contact points to assist NSAs by providing information, particularly on access to the different types of funding. In ACP countries in particular, they also provide assistance to the National Authorising Officers in policy dialogues with NSAs, as well as in capacity-building activities for NSAs.</p> <p>The role of the EC Delegations is to promote and facilitate contacts at the most appropriate level between different types of actors in the development process. It means that the strategic objective is to promote dialogue between the relevant authorities and the NSAs concerned. The Commission must not be in the driver's seat in this process</p> |
| <p><u>Paragraph 7.6</u> The Committee welcomes the Commission's approach to boosting the capacity of third country NSAs, as it points to general information targeting various sectors of civil society, and the establishment or reinforcement of networks, including the use of the new technologies, as essential means. The Committee however urges that the importance of specific training initiatives also be considered.</p> | <p>Training material in the form of practical guidelines on good practices aimed at involving NSAs in consultations and dialogue is being distributed to Delegations. Training sessions for the staff on NSA-related issues are taking place in the context of the preparation for the MTR. This material and these activities will be given increased importance. The possibility of involving partner countries' officials in the training could be envisaged.</p> <p>Initiatives for training of NSAs can be proposed and submitted by all eligible actors.</p> |

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| <p><u>Paragraph 7.8</u> The EESC therefore considers it important to establish a constant and comprehensive flow of information at grassroots level. If development programmes are to achieve practical results, much broader participation by representative civil society organisations is essential.</p> | <p>The Commission fully agrees that information is a prerequisite for a constructive involvement of NSAs in the development process. It is a principle highlighted in the practical guidelines for EC Delegations that, in the context of a dialogue on development, clear, understandable and comprehensive information is to be provided to the relevant NSAs in good time so as to allow them to prepare their reactions and proposals. Partner countries' authorities, EC Delegations and EU institutions have a role to play in disseminating the information, reaching out to the grassroots-level organisations, on the different possibilities for NSA involvement as well as on the preparation and follow-up of consultations.</p> |
| <p><u>Paragraph 7.9.</u> For this reason, the Committee hopes that the procedures for gaining access to European funds will be made easier, while complying with the rules of democracy and transparency. In particular, it hopes that the costs of submitting the relevant applications will be reduced. The language employed in the official documents is often excessively technical, and the documentation required very costly.</p> | <p>The established procedures are difficult even for seasoned practitioners and/or northern NGDOs, but there is nothing that the EC can do about that given the new financial regulations; that is the price to pay for transparency and equal treatment of all NSAs. Perhaps new procedures could be designed for this specific purpose, but it will take time. Currently, the cost of presenting a proposal is far from negligible and cannot be taken into account in the proposals (ineligible cost) as it occurs by definition before the contract date. The success rate is low. Therefore in normal circumstances, when there are numerous applicants, the frustration is bound to be great. The Commission is looking into ways of making the 'technical language' more intelligible and understandable</p> |
| <p><u>Paragraph 7.11</u> To ensure that the participatory approach is implemented in practice, it is also proposed that arrangements be introduced to monitor the real involvement, in qualitative and quantitative terms, of NSAs in procedures for defining and assessing development policies in those countries receiving</p> | <p>Assessing the participatory approaches at country level is a criterion that will be taken into account in the context of the Mid-Term Review for CSPs in the ACP countries. In addition, the Commission has proposed to Delegations in all</p> |

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| <p>European funds. It is important, in this connection, that the strategies adopted by the Committee regarding impact assessment be examined and reinforced. The NSAs meeting in Yaoundé specifically called for such scoreboard monitoring to be taken into account by the ACP-EU institutions, including the Council of Ministers, the Joint Parliamentary Assembly and the European Commission in their own assessments. NSA involvement in development processes does not, of course, end with access to finance; indeed, it only begins to be meaningful where NSAs can secure an active political role.</p> | <p>developing countries a set of indicative criteria for assessing the quality of the participatory approaches in the practical guidelines on good practices aimed at involving NSAs in consultations and dialogue. These indicative criteria can also be useful when preparing consultations and regularly reporting on NSA-related issues.</p> <p>The assessment will focus first of all on the political will and ability of the authorities (and donors, where relevant) to give a voice to NSAs in society, to involve them in all stages of the development process, to facilitate their access to information, to improve the legislative and institutional framework for NSAs, etc.</p> <p>Against this background, which shows the conditions in place for implementing participatory approaches, it is also suggested that trends in NSAs' attitudes be assessed. It is indeed also important to assess NSAs' capacity and added value for policy formulation, their willingness to ensure inclusive and transparent processes involving other organisations, etc.</p> <p>The main objective of such an assessment is to identify the bottlenecks for civil society involvement in dialogue and to improve participatory approaches at country level.</p> |
| <p><u>Paragraph 7.16</u></p> <p>The Committee regrets that only a very small portion of the funds (some 20%) are channelled directly to NSAs in the development countries, which clearly runs counter to the recent participation-based approach which has been chosen as the method for strengthening development policies.</p> | <p>The Commission considers that the share of EC development funds which is being channelled through NSAs is already very significant, amounting to at least €1.4 billion annually on average in all geographical regions. Furthermore, the Commission recalls that EC development policy is based on the principle of ownership by the beneficiary country and that EC programmes are, where appropriate, increasingly focusing on supporting national development strategies and policies.</p> |

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| <p>63. Proposal for a Regulation of the European Parliament and of the Council on the statistics relating to the trading of goods between Member States COM(2003) 364 final – EESC 1402/2003 - October 2003 DG ESTAT – Mr SOLBES MIRA</p> | |
| <p>Main points of the EESC Opinion</p> | <p>Position of the Commission</p> |
| <p>3.3: in view of the importance of such an instrument, a wide-reaching information campaign – focusing particularly on SMEs – will be needed to explain how, under the new regulation, information will be collected and how it will be used.</p> <p>3.4: a specific grassroots information and training programme may be necessary in this regard, preparing businesses for compliance with the Regulation by removing any obstacles which might hinder their activity.</p> <p>3.5: the Commission should be in a position to introduce flexible means of disseminating such information through a range of channels (business associations, chambers of commerce, etc.) and using different media (Internet, CDs, etc.).</p> | <p>The Commission considers that it is not appropriate to follow up the EESC's opinion, for the following reasons:</p> <ul style="list-style-type: none"> - the draft regulation improves arrangements (the Intrastat system) that have already been in operation since 1993 and with which the businesses involved in trade between Member States are very familiar; - the new regulation gives the Member States more freedom in organising data gathering, in accordance with the subsidiarity principle. Consequently, it is preferable that businesses should be informed at Member State level of the practical arrangements for supplying data. |